**UNITED NATIONS**

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

Case No.: IT-95-5/18-T

Date: 24 March 2016

Original: English

**IN THE TRIAL CHAMBER**

**Before:** **Judge O-Gon Kwon, Presiding Judge**
**Judge Howard Morrison**
**Judge Melville Baird**
**Judge Flavia Lattanzi, Reserve Judge**

**Registrar:** **Mr. John Hocking**

**Judgement of:** **24 March 2016**

**PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

# PUBLIC REDACTED VERSION OF JUDGEMENT ISSUED ON 24 MARCH 2016

## VOLUME IV OF IV

**Office of the Prosecutor**

Mr. Alan Tieger
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**The Accused**

Mr. Radovan Karadžić

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## C. SREBRENICA COMPONENT

4941. Under Count 8, the Prosecution alleges that beginning in March 1995, the Accused, in concert with other members of the Overarching JCE, implemented and/or used others to implement a plan to take over the Srebrenica enclave and forcibly transfer its Bosnian Muslim population as part of that JCE.[16638] According to the Prosecution, prior to the take-over of Srebrenica in July 1995, humanitarian aid to the enclave was restricted, and civilian targets were shelled and sniped in an effort to make life impossible for the inhabitants of the enclave and to remove its population.[16639]

4942. The Prosecution contends that Bosnian Serb Forces and Bosnian Serb Political and Governmental Organs attacked and/or took control of the Srebrenica enclave in July 1995 in pursuit of the objective of permanently removing the Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory.[16640] The Prosecution further alleges that commencing in the days immediately preceding 11 July 1995, the Accused and others formed the shared objective to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children, and some elderly men from Srebrenica.[16641] According to the Prosecution, commencing in the days immediately preceding 11 July 1995 and continuing until 1 November 1995, the Accused participated in a JCE to accomplish this objective through these means,[16642] which was then implemented as of 11 July 1995.[16643]

4943. The Prosecution characterises the killing of Bosnian Muslims from Srebrenica during July and August 1995 as an underlying act of genocide under Count 2; persecution, a crime against humanity, under Count 3; extermination, a crime against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.[16644] The Prosecution contends that the separation of men and boys from their families and the forcible removal of the women, young children, and some elderly men caused serious bodily or

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16638 Indictment, paras. 44, 57, 74. During closing arguments, the Prosecution specified that it does not seek a finding that the Accused is responsible for deportation, under Count 7, in relation to Srebrenica. *See* Prosecution Closing Argument, T. 48034 (7 October 2014). As outlined earlier in this Judgement, under Count 3, the Prosecution alleges that persecution, a crime against humanity, including forcible displacement, was carried out in, *inter alia*, Bratunac and Vlasenica municipalities as part of the objective of permanently removing the Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory, and that Bosnian Muslims who were forcibly displaced from their homes in Eastern BiH both during and after 1992 fled to the enclave of Srebrenica. Indictment, paras. 56, 72, 73. *See also* paras. 683–684, 1097–1098.

16639 Indictment, paras. 57, 74.

16640 Indictment, paras. 45, 51–52.

16641 Indictment, paras. 45, 58, 75. The Prosecution contends that this objective amounted to or included the crimes of genocide, persecution, extermination, murder, and inhumane acts (forcible transfer). Indictment, para. 20.

16642 Indictment, paras. 20, 42, 45.

16643 Indictment, para. 58, 75.

16644 Indictment, paras. 47(a), 60(a)(iii), 60(a)(iv), 66. *See also* Indictment, Schedule E.

mental harm to thousands of Bosnian Muslims of Srebrenica and thus constituted an underlying act of genocide under Count 2.[16645]

4944. With regard to the forcible displacement of Bosnian Muslims from Srebrenica, the Prosecution alleges that it constitutes persecution, a crime against humanity, under Count 3; and inhumane acts (forcible transfer), a crime against humanity, under Count 8.[16646] Finally, also under Count 3, the Prosecution alleges that the terrorising and abuse of the Bosnian Muslims of Srebrenica in Potočari and the beating of men and boys of Srebrenica prior to their execution constitutes cruel or inhumane treatment, an act of persecution.[16647]

### 1. Facts

#### a. Events in eastern BiH between May 1992 and December 1994

4945. As discussed above, as early as mid-May 1992, the Bosnian Serb Political and Governmental Organs had adopted the goal of eliminating the Drina River as a border separating eastern BiH from Serbia by establishing a foothold in the Drina River valley.[16648] By November 1992, the VRS had established territorial continuity between its holdings in eastern BiH and the Krajina, and began to focus on capturing the region bordering the Drina River.[16649]

4946. Although the Serb Forces were successful in taking over and holding town centres in Zvornik, Bratunac, and Vlasenica municipalities during the first half of 1992,[16650] pockets in the surrounding countryside, which had had a Bosnian Muslim majority population, remained under the control of Bosnian Muslim forces.[16651] By the end of October 1992, the Bosnian Muslim forces had captured a number of Bosnian Serb villages, reducing the area of Bratunac municipality

16645 Indictment, para. 47(b).

16646 Indictment, para. 60(f) (emphasis added).

16647 Indictment, para. 60(e).

16648 *See* para. 57.

16649 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21825 (stating that liberating Srebrenica and the upper and middle Podrinje regions was an objective of the Bosnian Serb government and military as early as 1993); P1481 (Ratko Mladić's notebook, 5 October–27 December 1992), e-court pp. 141–152; Richard Butler, T. 27433–27434 (17 April 2012); P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.0; P4919 (Map of BiH marked by Richard Butler).

16650 *See* paras. Section IV.A.1.a: Eastern Bosnia.

16651 Richard Butler, T. 27433–27434 (17 April 2012), T. 27696 (19 April 2012). *See also* D2028 (Map of confrontation lines in Eastern BiH, April-December 1992); Pyers Tucker, T. 23271–23272 (18 January 2012); D2232 (Map of BiH); D3954 (Map of destroyed Serbian villages around Srebrenica); Milenko Živanović, T. 42580–42581 (30 October 2013); D2231 (Report of Tuzla District Defence Staff, 1 October 1992); Adjudicated Fact 1398.

controlled by the VRS to Bratunac town and the predominantly Serb village of Kravica.[16652] In November 1992, Bosnian Muslim forces based in Srebrenica began a two-stage offensive aimed at: (i) linking up with Bosnian Muslim forces based in Cerska,[16653] which would isolate the Serb Forces holding the towns of Bratunac and Skelani, and (ii) capturing the town of Bratunac.[16654] As major combat operations engulfed the broader Kamenica region in Zvornik municipality,[16655] Bosnian Muslims fled towards Srebrenica town, which had a Bosnian Muslim majority,[16656] and was itself under VRS attack.[16657]

*i. Issuance of Directive 4 and the VRS Spring 1993 Offensive*

4947. In response to this Bosnian Muslim offensive, the VRS devised a plan to secure the Podrinje region, which was articulated in Operational Directive 4 ("Directive 4"), issued on 19 November 1992.[16658] Directive 4 provided that the Drina Corps was to

> [...] defend with utmost persistence Višegrad (the dam), Zvornik and the corridor, while the rest of its forces in the wider Podrinje region are to exhaust the enemy, inflict the heaviest possible losses on them and force them to leave the Birač, Žepa, and Goražde areas with the Muslim population. First offer the able-bodied and armed men to surrender, and if they refuse, destroy them.[16659]

4948. On 23 November 1992, the Accused chaired a meeting held in Zvornik which was attended by the Drina Corps command, as well as the commanders of subordinate brigades and members of the VRS Main Staff, where the combat activities in their respective areas of responsibility were

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16652 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'"), 1 November 2002), para. 1.21. *See also* D1596 (Order of ABiH General Staff, 10 July 1992).

16653 The village of Cerska is located approximately 30 kilometres from Zvornik. Momir Nikolić, T. 24745 (15 February 2012).

16654 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.22; P4922 (Combat Report of Zvornik Brigade, 23 November 1992), para. 5.

16655 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'"), 1 November 2002), para. 1.10; Richard Butler, T. 27695–27696 (19 April 2012).

16656 In 1991, the population of the municipality of Srebrenica was 37,000, of which 73% were Muslim and 25% were Serb. Adjudicated Fact 1396. The one kilometre wide and two kilometre long town is nestled in a valley in eastern BiH. *See* Adjudicated Facts 1393, 1394. *See also* P4279 (Video footage of Srebrenica, 2 July 2009); Jean-René Ruez, T. 23714–23715 (26 January 2012).

16657 *See e.g.* Mirsada Malagić, T. 23460–23463, 23511–23512 (24 January 2012); P395 (Witness Statement of Behara Krdžić dated 16 June 2000), e-court pp. 2, 7–8; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), e-court p. 3; P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court pp. 9–10. The Chamber considers that this flight from Zvornik municipality does not fall within the scope of the allegations set out in paragraphs 72 and 73 of the Indictment, which pertains only to the movement of the population from Bratunac and Vlasenica municipalities.

16658 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.22. *See also* D3934 (Letter from Milenko Živanović to Drina Corps, 29 October 1993), p. 1.

16659 P976 (Directive 4, 19 November 1992), para. 5(d). *See also* Adjudicated Fact 1399.

discussed.[16660] The next day, in accordance with Directive 4, the then-Drina Corps Commander, Milenko Živanović, issued an order to the Zvornik Brigade to "launch an attack [...] to inflict on the enemy the highest possible losses, exhaust them, break them up or force them to surrender, and *force the Muslim local population to abandon the area of Cerska, Žepa, Srebrenica, and Goražde*".[16661] That day, the VRS launched Operation Proboj—meaning "breakthrough"—pursuant to Directive 4.[16662] In early December, as the VRS faced stiff resistance from the ABiH in the Podrinje region, the Accused issued two orders to the Main Staff instructing them to disarm "opponents" in the Cerska and Konjević Polje areas.[16663]

4949. Meanwhile, Srebrenica town had been devastated by shelling.[16664] The town was crowded with large numbers of Bosnian Muslim refugees from other parts of eastern BiH, and severe hardship, including a serious food shortage, was visible on the streets.[16665] The town's only medical clinic lacked medicine and anaesthetics.[16666] The sole UNHCR convoy which had obtained clearance from the VRS to proceed to Srebrenica was halted in Bratunac, where it remained for three or four days before finally being allowed to proceed to Srebrenica.[16667]

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16660 P4921 (Order from Milenko Živanović, 21 November 1992), pp. 1–2; P4922 (Combat Report of Zvornik Brigade, 23 November 1992), para. 2. Other attendees included Živanović, Krstić, Pandurević, and Milovanović. P4248 (Timetable for Military-Political Conference in the Drina Corps, 23 November 1992).

16661 P2085 (Order of Drina Corps, 24 November 1992), p. 1 (emphasis added). Milovanović suggested that the emphasised language in Živanović's order differed significantly from the language in Directive 4 and that perhaps it represented the personal view of Živanović. Manojlo Milovanović, T. 25525 (29 February 2012). The Chamber observes that although the language of Directive 4 differs slightly from the language contained in P2085, Živanović himself testified that he understood the task of forcing the Bosnian Muslim population to leave the area to be assigned to him under Directive 4. Milenko Živanović, T. 42596–42598 (30 October 2013); D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 15. *See also* Vidoje Blagojević, T. 45036 (12 December 2013).

16662 D2135 (VRS Analysis of Operation "Proboj", undated). Through this operation, the VRS took parts of Bratunac and Skelani and escalated their combat activities in Kamenica, Cerska, Konjević Polje, Višegrad, and Rogatica. D2135 (VRS Analysis of Operation "Proboj", undated). *See also* D1597 (Decision of Drina Corps Command, 8 December 1992); P5200 (Order of Drina Corps, 11 December 1992); Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21827–21830.

16663 P5083 (Radovan Karadžić's Order to the VRS Main Staff, 5 December 1992); P4249 (VRS Main Staff Order, 7 December 1992), paras. 1–2 and page 2 (ordering the Corps commands to liberate, *inter alia*, Konjević Polje and Cerska and ordering additional units from outside the Drina Corps area of responsibility to be sent to the Podrinje region in order to prevent the Bosnian Muslim forces from capturing key areas and facilities). *See also* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.23.

16664 P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), para. 118.

16665 P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), para. 118.

16666 P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), paras. 118–119. *See also* P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 29.

16667 P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), paras. 116–117. *See also* D3304 (VRS Main Staff dispatch, 30 November 1992). In addition to the local "lieutenant-colonel" preventing the convoy from proceeding, women from Bratunac, who were holding placards written in English, blocked the road and prevented the convoy from passing. P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), para. 116; D210 (1st Krajina Corps report re UN convoys, 2 December 1992), p. 1 (referring to the protest in Bratunac). Because the placards were written in English, Van Lynden deduced that the protest had been pre-organised to take advantage of the British and CNN media coverage. P926 (Witness statement of

4950. Thereafter, Mladić told Morillon that he would not consider approving any aid convoy to Srebrenica until aid had reached some of the many Bosnian Serb refugees in eastern BiH.[16668] As a result, UNHCR suspended all deliveries of humanitarian aid to the region,[16669] but continued to hold talks with Bosnian Serb officials, including the Accused, regarding the issue of access to the areas.[16670] Ultimately, the Accused approved a convoy for Srebrenica on the condition that it would leave part of its cargo in Bratunac.[16671] However, the humanitarian convoy that was scheduled to proceed to Srebrenica on 17 December 1992 was in fact postponed following heavy fighting in the area.[16672]

4951. By December and January, famine prevailed.[16673] Men often walked tens of kilometres in search of food, but returned empty-handed.[16674] During this time, Bosnian Muslim forces infiltrated Bosnian Serb lines, attempting to retrieve food and weapons from Bosnian-Muslim held

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Aernout Van Lynden dated 26 February 2010), para. 116; Aernout Van Lynden, T. 2571–2572, 2575–2576 (20 May 2010). *See generally* D241 (Report re humanitarian activity, 1–7 February 1993), para. 98 (under seal) (referring to the Bosnian Serb perception of a link between the aid received by Bosnian Muslims and attacks on Bratunac fueling Bosnian Serb resistance to the passage of aid convoys).

16668 P4213 (UNPROFOR Monthly Situation Report, 8 November 1992), para. 7; P4214 (UNPROFOR report, 15 November 1992), para. 8. *See also* P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 58, 60; D3953 (Report from Drina Corps to VRS Main Staff, 5 January 1993).

16669 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 60.

16670 Another meeting was held between Morillon and Mladić on 19 November 1992, where they again discussed the suspension of humanitarian aid and Srebrenica was again identified as UNHCR's highest priority; Mladić reiterated that it was not possible to provide aid to Srebrenica without aid being provided to the surrounding Bosnian Serb villages. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 63; P4215 (UNPROFOR report re meeting with Ratko Mladić, 19 November 1992), para. 3(b). *See also* P4216 (UNPROFOR report re meeting with Radovan Karadžić, 20 November 1992), para. 4; D4745 (RS Protocol of meeting between Radovan Karadžić, Colonel Žarković and representatives of humanitarian organisations, 22 November 1992), e-court p. 1.

16671 D4745 (RS Protocol of meeting between Radovan Karadžić, Colonel Žarković and UNHCR representatives, 22 November 1992), e-court p. 2; D4746 (Order from General Morillon, 23 November 1992), para. 1. On 9 December 1992, the Accused personally visited Bratunac and addressed the local population, telling them that the humanitarian aid convoys should be allowed through to the population of Srebrenica, and stating, "we are creating our state and with our behaviour, we have to show the world that we deserve it, and we will be most successful in this if we show our enemies that we are not building it with hatred towards them, because this is not in the spirit of the Serbian people". D3119 (Article from *Naša Riječ* entitled "Karadžić in Bratunac: We Are Building Our State", 22 December 1992); Aleksandar Tesić, T. 32595–32596 (12 March 2013); D3398 (Witness statement of Ljubisav Simić dated 7 April 2013), para. 82. *See also* D1504 (Report of humanitarian organisation, 21 December 1992), para. 7 (under seal). Milovanović testified that subordinate units had noticed that ABiH attacks became fiercer after receiving humanitarian aid; when forwarding convoy approvals to subordinate units, he had invoked the Accused's authority in an effort to avoid their criticism for ensuring the delivery of aid to Bosnian Muslims before Bosnian Serbs. Manojlo Milovanović, T. 25582–25584, 25621 (1 March 2012); D2140 (VRS Main Staff Order, 27 February 1993); D2148 (Report of Drina Corps, 19 February 1993), p. 2.

16672 D1504 (Report of humanitarian organisation, 21 December 1992), paras. 1–2 (under seal).

16673 Mirsada Malagić, T. 23464–23466 (24 January 2012).

16674 Mirsada Malagić, T. 23464–23465 (24 January 2012).

territory.[16675] Bosnian Muslim forces also launched raids from inside the Bosnian Muslim-held territories in eastern BiH in order to secure weapons, ammunition, and food.[16676]

4952. By January 1993, the Muslim Forces in Srebrenica[16677] had gained control of 92 or 93% of the territory in Bratunac municipality and were poised to take the town of Bratunac itself; this successfully separated the Bratunac area from the rest of the Drina Corps' area of responsibility.[16678] On about 8 January 1993, these forces attacked the village of Kravica, which fell the following day.[16679]

4953. In response, the VRS conducted a series of attacks, the first of which was aimed at separating Srebrenica from Cerska, which was then controlled by the Muslim Forces in Srebrenica.[16680] During the first weeks, the Bratunac Brigade lost many men, assets, and territory to the Muslim Forces in Srebrenica,[16681] and units from outside the Drina Corps' area of

16675 Pyers Tucker, T. 23272 (18 January 2012).

16676 Pyers Tucker, T. 23272–23273 (18 January 2012) (further stating that raids also targeted Bosnian Serb communication lines).

16677 The Bosnian Muslim armed forces operating in the Srebrenica area were originally named the Defence Staff of Eastern Bosnia, but were reorganised numerous times and renamed the "8th Operative Group of Srebrenica" by the Supreme Command of the ABiH on 1 January 1994. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 5989; D2064 (Order of ABiH Supreme Command, 1 January 1994). *See also* D2018 (Report of ABiH on unit locations, 28 July 1993) (describing three brigades of the "Armed Forces of Srebrenica" formed by an order of 15 October 1992); D3935 (VRS Main Staff Intelligence Report, 16 December 1994), p. 1 (referring to the recent formation of the 8th Operative Group). The unit was renamed again at the beginning of May 1995 as the 28th Division. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 5989, 6119; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 12; Robert Franken, T. 23095 (16 January 2012); Richard Butler, T. 27691 (19 April 2012). *But see* P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 56 (stating that the 28th Division became the 8th Operative Group); Momir Nikolić, T. 24736 (15 February 2012). The Chamber notes that the name of the ABiH forces operating in and around Srebrenica differed depending on the period in question: before late 1994, the group was referred to as the "Armed Forces of Srebrenica"; between late 1994 and May 1995, the unit was referred to as the 8th Operative Group; and from May 1995 onwards, it was referred to as the 28th Division. The Chamber is satisfied that these terms refer to the same group, but for ease of reference will use the term "Muslim Forces in Srebrenica" to refer to the group throughout.

16678 Momir Nikolić, T. 24735, 24737–24740 (15 February 2012); D2063 (Report of Bratunac Brigade, 9 January 1993); P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.24.

16679 Momir Nikolić, T. 24735, T. 24737, 24739 (15 February 2012); D2139 (VRS Main Staff Order, 10 January 1993), para. 1; Jean-René Ruez, T. 23995 (1 February 2012); P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.24. Numerous civilian casualties resulted from the attack on Kravica, as well as other ABiH attacks on nearby villages. Momir Nikolić, T. 24738, 24745 (15 February 2012); D2139 (VRS Main Staff Order, 10 January 1993), para. 1; Manojlo Milovanović, T. 25579–25580 (1 March 2012); D2137 (VRS Analysis of Operation "Pesnica", undated), p. 1.

16680 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 156; P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.25; Manojlo Milovanović, T. 25565–25667 (29 February 2012); D2137 (VRS Analysis of Operation "Pesnica", undated), p. 1. Before the proclamation of Srebrenica as a safe area, the Muslim Forces in Srebrenica operated in an area encompassing parts of Vlasenica, Šekovići, Zvornik, Bratunac, Milići, Srebrenica, Han Pijesak and Žepa. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 7554; Pyers Tucker, T. 23273 (18 January 2012). *See also* P4251 (Order of Drina Corps, 1 February 1993), para. 2; Adjudicated Fact 1400.

16681 Momir Nikolić, T. 24742 (15 February 2012); P4251 (Order of Drina Corps, 1 February 1993), para. 1.

responsibility were deployed to assist.[16682] At the beginning of February 1993, the VRS initiated another counter-offensive aimed at capturing the "Bosnian Muslim strongholds" of Cerska and Srebrenica.[16683] Within two weeks, the VRS controlled the area of Kamenica and had encircled Cerska, Konjević Polje, and Srebrenica,[16684] but still anticipated that the Muslim Forces in Srebrenica might attack Bratunac.[16685] In late February, units of the Drina Corps remained actively engaged in the area around Cerska.[16686]

4954. As the VRS approached and began to shell Cerska, residents fled toward Konjević Polje, leaving behind a small number of armed individuals.[16687] VRS attacks generally followed a pattern of "lob[bing] a few shells an hour into a small number of villages" for two or three days, which would generally cause most of the population to flee, before approximately 50 infantrymen, a couple of tanks, and a couple of APCs would suddenly attack and capture the "largely deserted" villages.[16688] Through this pattern, the villagers came to recognise the initial shelling as an indication that their village was about to be attacked and fled prior to the ground assault.[16689] Thus, the vast majority of the Bosnian Muslim civilians from the villages withdrew before Bosnian Serb units entered.[16690]

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16682 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.24; D4190 (VRS Main Staff Order, 22 January 1993); D3747 (Witness statement of Mirko Trivić dated 22 June 2013), p. 6.

16683 P4251 (Order of Drina Corps, 1 February 1993), para. 3; P5493 (Report of Drina Corps, 1 February 1993), p. 2; P4781 (Intercept of conversations between (i) Colonel Kutlešić and Lieutenant Colonel Mile Beronja and (ii) General Živanović and unknown interlocutor), 8 February 1993). *See also* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.25.

16684 P6133 (Drina Corps Order, 12 February 1993), para. 1; P4204 (Zvornik Light Infantry Brigade report to the Drina Corps, 15 February 1993), para. 8. *See also* P5164 (Report of Zvornik Brigade, 13 February 1993), para. 2; P5082 (VRS Analysis of "Operation Udar", undated); P1474 (Ratko Mladić's notebook, 29 January–31 March 1993), pp. 48, 52 (referring to VRS intelligence that up to 3,000 enemy soldiers were present in Kamenica and 800 present in Cerska and Konjević Polje as of 10 February 1993).

16685 *See* D2148 (Report of Drina Corps, 19 February 1993). At the time, the ABiH's main forces were concentrated near Bratunac, the Sase mine, Skelani, Žepa, Goražde, and Međeđa village. P4251 (Order of Drina Corps, 1 February 1993), para. 1. *See also* D4767 (Report of Zvornik Brigade, 11 February 1993).

16686 P5497 (Report of Drina Corps, 24 February 1993), pp. 1–2.

16687 Pyers Tucker, T. 23260, 23263 (18 January 2012); P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 164. *See also* KW570, T. 32198 (18 January 2013) (private session).

16688 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 157. This pattern of using artillery to induce the population to flee also occurred in the areas to the south, southeast, and southwest of Srebrenica. Pyers Tucker, T. 23263 (18 January 2012).

16689 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 158. Once the women, children, and elderly had left, the VRS assumed that those who remained "[we]re able-bodied, and at the same time h[e]ld extremist views". P5187 (Report of Zvornik Brigade to Drina Corps, 2 February 1993), para. 8.

16690 Momir Nikolić, T. 24745 (15 February 2012); Milenko Živanović, T. 42672–42673, 42676 (31 October 2013). *See also* P6460 (Excerpt from report of Commission on Human Rights, 5 May 1993), para. 13. *See* para. 13.

4955. The VRS also burned Bosnian Muslim villages as they moved through the area.[16691] The Chamber notes that multiple witnesses who were members of the commands at various levels of the VRS at the time—including Živanović—suggested that certain villages were burned because they were fortified and used as strongholds by the ABiH.[16692] In considering these witnesses' testimony, the Chamber noted that as members of the commands at various levels of the VRS, each were—to some extent—connected to this campaign and would therefore have had an incentive to portray as legitimate the means employed therein.[16693] The Chamber thus treated their testimony with caution. Moreover, the Chamber received evidence demonstrating that torching houses was a default tactic of the Bosnian Serb units, and that Živanović himself urged the burning of "as many [houses] as possible" at the time.[16694] Furthermore, a contemporaneous report indicates that in at least one instance, the ABiH had already fled the village, leaving behind abandoned weapons.[16695] The Chamber therefore does not accept the assertion that Bosnian Muslim villages were burned solely because they were fortified and being used by the ABiH as strongholds.

4956. Most of the hamlets near Cerska fell to the VRS in early March, followed by Konjević Polje on or around 10 March 1993.[16696] Those who had fled towards Konjević Polje fled again, as

16691 P3162 (Report of 1st Birač Infantry Brigade, 2 March 1993), para. 2 ("Our forces which are moving in the wider area of Kamenica, Gajići and Grobići worked *according to plan* without major problems. The village of Gobelji *has been burnt* and tomorrow the plan is to do Paljevine.") (emphases added).

16692 Milenko Živanović, T. 42601–42603 (30 October 2013), T. 42672 (31 October 2013); D3886 (Witness statement of Svetozar Andrić dated 16 July 2013), para. 8; Svetozar Andrić, T. 41697–41698, 41700–41701 (22 July 2013); Manojlo Milovanović, T. 25777–25780 (5 March 2012).

16693 *See e.g.* Svetozar Andrić, T. 41701–41702, 41704–41705 (22 July 2013) (denying that the Birač Brigade's strategy was to burn and destroy houses in order to force people out). At the same time of the events in question, Andrić was the Commander of the Birač Brigade. D3886 (Witness statement of Svetozar Andrić dated 16 July 2013), para. 1.

16694 *See* P4253 (Amendment to Zvornik Brigade Report, 10 March 1993) (Pandurević proposing that "houses should *not* be torched when taking control of Konjević Polje but that they be inhabited by people from Tuzla and other areas"); Manojlo Milovanović, T. 25783 (5 March 2012); P5261 (Intercept of conversation between Col. Milenko Živanović and Lt. Gaborović, 8 February 1993). When presented with this intercept, Živanović reiterated that civilians had already departed from the villages in question and the villages had been turned into ABiH strongholds. Milenko Živanović, T. 42604–42606 (30 October 2013). Živanović further asserted that Pandurević's suggestion not to burn Konjević Polje so that Serbs could move in was plausible only because the village was not being defended by any ABiH forces, and he maintained that houses were never burned unless the ABiH was using them for a military purpose. Milenko Živanović, T. 42607 (30 October 2013). The Chamber is of the view that had Živanović intended only to neutralise a military threat, he would not have urged that "as many [houses] as possible" be burned. The Chamber thus considers that Živanović's testimony is directly contradicted by the intercept in question and, accordingly, will not rely on the former in this regard. *See also* P6460 (Excerpt from report of Commission on Human Rights, 5 May 1993), para. 15.

16695 P3161 (Report of 1st Birač Infantry Brigade, 2 March 1993), p. 1.

16696 D3747 (Witness statement of Mirko Trivić dated 22 June 2013), p. 5; P4205 (Order of Drina Corps, 14 March 1993), para. 1; Pyers Tucker, T. 23203–23204 (17 January 2012). *See also* P6460 (Excerpt from report of Commission on Human Rights, 5 May 1993), paras. 13, 15; KW570, T. 32197–32204 (18 January 2013) (private session). The Birač and Bratunac Brigades, as well as the Krajina Corps' "Vojvoda Mišić" 2nd Battalion and Mauzer's Panthers also participated in the attacks on Konjević Polje and Kravica. P5500 (Instructions of Drina Corps Command, 8 March 1993), p. 1; D2967 (Witness statement of Momir Deurić dated 16 February 2013), para. 26; Momir Deurić, T. 33937–33938 (18 February 2013).

thousands made their way southeast to Srebrenica or west towards Tuzla.[16697] In some instances, the VRS targeted mixed columns of civilians and soldiers,[16698] forcing them to flee.[16699]

4957. During the spring of 1993, the humanitarian situation in eastern BiH grew disastrous. As mentioned above, until February, the Bosnian Serbs had allowed only one convoy to Srebrenica.[16700] They had not allowed any relief convoys to reach Cerska, and had let "a handful" through to Goražde and Žepa following lengthy negotiation and delays.[16701] Bosnian Serb leaders continued to offer a number of justifications for the convoys not reaching the enclaves, such as roads and bridges being damaged or mined, snow blocking the roads, or the existence of local fighting.[16702] Alternatively, they asserted that the Bosnian Serb population along the proposed convoy route was agitated and would not let convoys pass, or the leaders would invoke a Bosnian Muslim or UN action as justification for not letting convoys through.[16703] As mentioned above, Bosnian Serb leaders also often placed conditions on the passage of convoys, such as food having to be delivered to Bosnian Serb refugees first, convoys having to be unloaded and inspected for

16697 Pyers Tucker, T. 23260 (18 January 2012); P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 164; KDZ064, T. 1321, 1383–1384 (21 April 2010), T. 1416–1418 (22 April 2010); KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1380. *See also* Pyers Tucker, T. 23201 (17 January 2012), T. 23260–23261; D3886 (Witness statement of Svetozar Andrić dated 16 July 2013), para. 13; Vidoje Blagojević, T. 45031–45032 (12 December 2013); P6568 (Map of Drina Corps, 12 February 1993). Already at the beginning of February, around 200 women and children had fled Cerska and Kamenica; the VRS allowed them to leave the area through a corridor in the direction of Kalesija. P5499 (Report of Drina Corps, 31 January 1993), pp. 1–2; P4251 (Order of Drina Corps, 1 February 1993), para. 1. *See also* P5186 (Report of Zvornik Brigade to Drina Corps, 31 January 1993), para. 1; P5496 (Report of Zvornik Brigade, 31 January 1993), para. 1; P5493 (Report of Drina Corps, 1 February 1993), para. 2; P4251 (Order of Drina Corps, 1 February 1993), para. 1.

16698 P4250 (Zvornik Brigade report, 31 January 1993); P4252 (Zvornik Brigade report, 2 March 1993), para. 1; P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 270, 273–274.

16699 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21843–21844; P4251 (Order of Drina Corps, 1 February 1993), para. 1; P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 271–272. *See also* P5163 (Report of Drina Corps, 17 March 1993), p. 2.

16700 *See* para. 4449.

16701 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 132, 140. For example, when Morillon attempted to accompany a relief convoy to Goražde in mid-February, Radomir Furtula and Rajko Kušić stopped the convoy at Rogatica, telling the group that they had received orders from Mladić to block the convoy and to check it for contraband, which they did, but found nothing. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 131, 136–138. Eventually, the convoy was allowed to proceed, only to be stopped and held at subsequent roadblocks while each local commander sought direction from his superior. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 138. Ultimately, the convoy encountered a huge crater in the road and had to return to Sarajevo as no alternate routes were available; on the return journey, the convoy was "virtually waved through" all check-points and reached Sarajevo in a fraction of the time. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 139.

16702 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 148, 175.

16703 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 143. For example, upon Mladić's orders, Morillon was barred from visiting Konjević Polje in mid-March because Morillon had not implemented an agreement regarding the exchange of captured Bosnian Serbs and Bosnian Muslims. P4790 (Intercept of conversation between Colonel Simić and unidentified person, 11 March 1993); P4791 (Record of intercept of conversation referring to an order given by Ratko Mladić, 11 March 1993).

weapons smuggling, or large sums of money having to be paid to the RS for road maintenance.[16704] If, however, the Bosnian Serb high command wanted to allow a particular convoy through, it passed with minimal obstruction.[16705]

4958. After receiving clearance to lead an aid convoy to Srebrenica, following several days of delays and detours, Morillon finally arrived in Srebrenica in the middle of the night on 12 March.[16706] The town bore signs of having been subjected to continuous shelling.[16707] It was saturated with refugees; people camped in the stairwells and corridors of apartment buildings, in cars, and in public buildings such as the school and sports centre, while others had no shelter and "simply huddled around what fires they could make" when the temperatures dropped to -25°C at night.[16708]

4959. Most who had fled to Srebrenica had not had any real food since leaving their villages, and the only water source, the river, was heavily polluted with offal, excrement, and oil.[16709] There

16704 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 144. *See also* para. 4950. For example, after learning about 75 Bosnian Muslim military and civilian wounded who had been found in houses in and around Konjević Polje, Morillon obtained agreement from Gvero and "Dr. Lukić" for a military convoy to evacuate the wounded from Konjević Polje during a cease-fire, and for a humanitarian aid convoy to go to Srebrenica on 11 March 1993. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 163, 165. However, permission for the convoy to pass was conditioned on the ABiH stopping offensive actions in other areas. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 165–166.

16705 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 147. On multiple occasions, the Accused intervened directly with local authorities in order to allow convoys to pass. *See e.g.* P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 148; D3194 (Witness statement of Rodoljub Đukanović dated 24 March 2013), para. 51.

16706 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 175, 201; P4235 (UNPROFOR Special Situation Report re Srebrenica, 15 March 1993). The convoys set out around 10 March, reaching Zvornik by the following day, where Morillon and a small party met with Branko Grujić, the mayor of Zvornik, and Pandurević, who, after speaking with the Accused twice by phone, finally agreed to the medical evacuation from Konjević Polje as well as to Morillon and a small group going to Srebrenica. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 168, 170.

16707 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 201; P4235 (UNPROFOR Special Situation Report re Srebrenica, 15 March 1993). *See also* Adjudicated Fact 1403. Morillon's group also found evidence of cluster bombs and 128 mm rockets having fallen within the enclave. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 201–202. Additionally, after being halted in Zvornik, the other convoy evacuating the wounded came under direct fire from VRS tanks in Konjević Polje, causing it to withdraw. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 188–189.

16708 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 176–177. People relied on makeshift generators for electricity, and 15 to 20 people lived squeezed into single rooms. Adjudicated Fact 1402; Pyers Tucker, T. 23289–23290 (18 January 2012).

16709 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 178; Pyers Tucker, T. 23286–23288 (18 January 2012). The advancing VRS forces had destroyed the town's water supplies and there was almost no running water. *See* Adjudicated Fact 1402.

were not enough beds in the clinic for the approximately 200 badly injured persons in the town.[16710] Between 15 and 20 people died each night, and hygiene was deplorable throughout the town.[16711]

4960. The following morning, when Morillon's meeting ended and the convoy tried to leave, the crowd, which had grown and had become increasingly hostile overnight, swarmed around the vehicles and prevented them from moving.[16712] In the afternoon, Morillon declared that Srebrenica was under the protection of the UN and specified conditions that would need to be satisfied before he would leave Srebrenica.[16713] Morillon ordered his headquarters in Kiseljak to negotiate a helicopter air corridor to evacuate the seriously wounded and requested reinforcement from UNMOs, as well as free passage into Srebrenica for aid convoys and out of Srebrenica for all refugees who wanted to leave.[16714]

4961. Over the following two weeks, Morillon engaged in negotiations with various members of the VRS, including Milovanović, who insisted that Morillon would have to leave the enclave before aid convoys would be allowed in—a condition which Morillon refused.[16715] On 19 March, Morillon left the town to meet the convoy and to help it through Bosnian Serbs roadblocks; while he was gone, the town was hit by a multiple rocket launcher, causing two civilian deaths and wounding three children.[16716] That day, the first UN aid convoy to reach Srebrenica since the beginning of the year finally arrived.[16717] Morillon reiterated that he would only leave the enclave permanently once UNMOs were deployed and convoys were allowed unimpeded access to the enclave.[16718]

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16710 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 179. *See also* P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 141; P2945 (ABC News video clip re Srebrenica, with transcript) (under seal).

16711 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 180–181; P4231 (Dr. Simon Yardel's letter to the French Embassy in Belgrade re conditions in Srebrenica, 23 February 1993).

16712 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 182, 184. No ABiH soldiers were present within the crowd, but they took up positions near the edges and positioned heavy machine guns and anti-tank rockets along the convoy's exit route. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 182–183. Morillon made three more attempts to leave, but was blocked each time by an angry crowd. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 186–187; P4232 (Pyers Tucker's report re situation in Srebrenica, 12 March 1993).

16713 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 191. *See also* Adjudicated Fact 1403.

16714 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 192. *See also* D2036 (Pyers Tucker's report re cease-fire in Central and Eastern BiH, 16 March 1993) (including an appeal from Morillon to open an air corridor for humanitarian aid and the evacuation of the wounded).

16715 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 197–199, 205–207; P4234 (UNPROFOR report re Srebrenica, 15 March 1993); P4238 (UNPROFOR Special Situation Report re Srebrenica, 18 March 1993); P4239 (General Morillon's order re convoy to Srebrenica, 18 March 1993).

16716 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 208–209; P4240 (Pyers Tucker's report re Srebrenica, 19 March 1993).

16717 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 207–208. *See also* KDZ240, T. 16003 (4 July 2011) (closed session).

16718 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 210.

4962. Meanwhile, the VRS attack on the Srebrenica area continued unabated as the VRS took over four to five villages each day.[16719] By approximately 20 March, all refugees from Kamenica, Cerska, and Konjević Polje had found their way to Srebrenica.[16720]

4963. On 20 March, Morillon left Srebrenica with a convoy of 673 persons consisting of women, children, and approximately 100 wounded.[16721] Over the following two days, he held a series of meetings with various Bosnian Serb military and political leaders, including Gvero and Plavšić, with the aim of obtaining their agreement to his previously stated conditions before returning to Srebrenica.[16722] Sometime between 22 and 24 March, the Accused approved an air corridor from Tuzla to Srebrenica that was scheduled to last for five days beginning on 24 March.[16723]

4964. That day, the football field where the helicopters were to land was shelled numerous times; a Bosnian Muslim policeman was killed.[16724] Protests were lodged with the Bosnian Serb authorities throughout the day.[16725] Ultimately, five helicopters were able to evacuate 24 civilians, but a total of three people were killed and six wounded during the process.[16726]

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16719 P4241 (UNPROFOR Special Situation Report re Srebrenica, 20 March 1993), para. 8; P4207 (Drina Corps report, 17 March 1993). According to an UNPROFOR situation report, the VRS received support from across the border in Serbia in the form of artillery fire, aircraft-bombers, and ammunition resupply convoys, and were allowed by the Serbians to stage attacks on the southern and eastern parts of the Srebrenica enclave from within Serbian borders. P4241 (UNPROFOR Special Situation Report re Srebrenica, 20 March 1993), para. 8.

16720 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 211. The total number of refugees in the enclave, which was at that point defined as including Žepa, was estimated to be around 80,000. P4241 (UNPROFOR Special Situation Report re Srebrenica, 20 March 1993), para. 9; P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 212.

16721 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 212; P4208 (Drina Corps report, 20 March 1993), para. 3. *See also* D1508 (Report of humanitarian organisation, 4 April 1993) (under seal).

16722 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 214–218. While Morillon was away, the VRS offensive continued along the southeast edge of the enclave. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 219; P4242 (Major Dudley's report re Srebrenica, 22 March 1993).

16723 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 225; P4243 (Pyers Tucker's report re Srebrenica, 24 March 1993).

16724 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 228–231; P4243 (Pyers Tucker's report re Srebrenica, 24 March 1993); P4244 (UNPROFOR report re Srebrenica, 25 March 1993). *See also* P4245 (UNHCR daily press summary re situation in Srebrenica, 25 March 1993). While en route to Sarajevo four days later, Tucker met a Bosnian Serb Special Forces officer who boasted about having killed five Bosnian Muslims while in the hills above Srebrenica. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 256. Tucker thus concluded that a member of the Bosnian Serb Special Forces must have infiltrated the enclave in order to advise the gunner who shelled the football field on 24 March. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 230. The shells were fired from the direction of Bratunac, but because Tucker had seen only 82 mm mortar positions along the road to Bratunac, Tucker surmised that the shells were fired from Serbia, over the Drina, and over Bratunac, towards the football field. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 232, 254.

16725 P4243 (Pyers Tucker's report re Srebrenica, 24 March 1993), para. 4.

16726 P4245 (UNHCR daily press summary re situation in Srebrenica, 25 March 1993), p. 1.

4965. By 25 March 1993, the population of Srebrenica town had swollen to 30,000.[16727] Shelling continued sporadically throughout the day, the town was completely filled with people who were forced to live on the streets, and food stocks were predicted to last only ten more days.[16728]

4966. Pursuant to an agreement reached in Belgrade on 25 March,[16729] an aid convoy of approximately 18 trucks accompanied by two teams of four UNMOs each made its way toward Srebrenica on 27 March.[16730] As previously agreed, the convoy was to deliver aid and then to evacuate the wounded, women, and children on the return journey.[16731] A total of approximately 5,560 women, children, and elderly, as well as several hundred wounded persons, were evacuated to Tuzla on the trucks' return journeys.[16732]

4967. Morillon left Srebrenica for Sarajevo on the morning of 28 March.[16733] While in Sarajevo, he met with RS Prime Minister Vladimir Lukić, who agreed to consider a plan to deploy UNPROFOR observers throughout BiH, including in Srebrenica.[16734]

4968. By early April, the VRS had re-gained much of the territory it had previously lost, and was within two kilometres of Srebrenica town.[16735] As the VRS tightened its grip around the town,[16736]

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16727 P2946 (Report of humanitarian organisation, 25 March 1993), para. 1 (under seal); P2947 (Letter of humanitarian organisation, 2 April 1993), e-court p. 1 (under seal); KDZ240, T. 16011–16014 (4 July 2011) (closed session). *See also* Adjudicated Fact 1401; P2284 (UNSG report entitled "The Fall of Srebenica", 15 November 1999), paras. 33–37.

16728 P2946 (Report of humanitarian organisation, 25 March 1993), para. 3 (under seal); P2947 (Letter of humanitarian organisation, 2 April 1993), e-court p. 1 (under seal); KDZ240, T. 16011–16014 (4 July 2011) (closed session).

16729 *See* P4246 (UNPROFOR report re meetings with Slobodan Milošević, 25 March 1993); P4247 ("Serbia Could Face New Measures If RS Drives Continues", United Press International, 25 March 1993). *See also* P1474 (Ratko Mladić's notebook, 29 January–31 March 1993), pp. 164, 170–171.

16730 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 243–253. Morillon and Tucker also made their way from Belgrade towards Zvornik, reaching Srebrenica late in the afternoon of 27 March. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 253.

16731 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 245, 253. The convoys were prevented from bringing in shelter material, however. P2947 (Letter of humanitarian organisation, 2 April 1993), e-court p. 2 (under seal). Additionally, as the convoy prepared to depart for its return journey, panic ensued during the boarding process and several refugees were crushed to death. Pyers Tucker, T. 23210–23211 (17 January 2012). *See also* D2035 (Pyers Tucker's report re two incidents, 12 March 1993), para. 2.

16732 P2947 (Letter of humanitarian organisation, 2 April 1993), e-court p. 2 (under seal). *See also* KDZ240, T. 16003–16004 (4 July 2011) (closed session). *See also* Adjudicated Fact 1404; Manojlo Milovanović, T. 25599–25600 (1 March 2012) (recalling that Izetbegović prevented the civilian population, who wanted to leave, from doing so); D1508 (Report of humanitarian organisation, 4 April 1993) (under seal).

16733 P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 255.

16734 D3573 (TANJUG news report, 29 March 1993). Morillon also agreed to use his influence with Bosnian Muslim authorities to press for the implementation of an agreement with Izetbegović on 8 March 1993 to allow Bosnian Serbs to leave Sarajevo, Tuzla, and other towns under Bosnian Muslim control. D3573 (TANJUG news report, 29 March 1993).

16735 Momir Nikolić, T. 24743–24744 (15 February 2012); P4790 (Intercept of conversation between Colonel Simić and unidentified person, 11 March 1993); D2141 (VRS Main Staff Order, 9 April 1993); P5167 (Report of Zvornik Brigade, 10 April 1993), para. 2. *See also* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.25.

many fled from villages within the municipality into the town itself.[16737] Calls were made to increase the international presence in Srebrenica, including that of UNPROFOR, in order to turn the enclave into a UN protected area and to provide more humanitarian assistance.[16738]

*ii. Proclamation of Srebrenica as a "safe area"*

4969. At the end of March and over the first two weeks of April, Morillon and Wahlgren met repeatedly with members of the VRS, including Mladić, Milovanović, and Gvero, with a view to halting the Bosnian Serb attack on Srebrenica and obtaining access to the enclave for UN observers, UNPROFOR, and humanitarian aid convoys.[16739] In the meantime, however, the attack on Srebrenica continued.[16740] On the morning of 16 April 1993, Mladić issued an order to the Drina Corps to initiate attacks aimed at seizing the town that day or the next.[16741]

4970. However, that day, the Security Council passed Resolution 819, which proclaimed Srebrenica a "safe area which should be free from any armed attack or any other hostile act" and demanded the immediate cessation of armed attacks against Srebrenica.[16742] Resolution 819 further asked the Secretary General to "take immediate steps" to increase UNPROFOR's presence in Srebrenica and the surrounding areas and demanded that both warring parties co-operate fully towards that end.[16743]

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16736 Pyers Tucker described this process as 'squeezing' the enclaves of Srebrenica and Žepa. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 155; Pyers Tucker, T. 23199, 23202–23203 (17 January 2012). *See also* P4205 (Order of Drina Corps, 14 March 1993), para. 1; D3747 (Witness statement of Mirko Trivić dated 22 June 2013), p. 5.

16737 KDZ425, P380 (Transcript from *Prosecutor v. Popović et al.*), T. 3500 (under seal); P391 (Witness statement of Hafiza Salihović dated 17 June 2000), e-court p. 2; P391 (Statement of Hafiza Salihović to Tuzla Cantonal Court, 17 June 2000), e-court p. 8; P392 (Witness statement of Semija Suljić dated 17 June 2000), e-court p. 2; P392 (Statement of Semija Suljić to Tuzla Cantonal Court, 17 June 2000), e-court p. 8; P404 (Witness statement of Samila Salčinović dated 18 June 2000), e-court p. 2; P404 (Statement of Samila Salčinović to Tuzla Cantonal Court, 18 June 2000), e-court p. 13.

16738 P2947 (Letter of humanitarian organisation, 2 April 1993), e-court p. 2 (under seal).

16739 *See* paras. 367–370.

16740 On the afternoon of 12 April, the town was shelled and 14 people, including two children, were killed. P6077 (UNPROFOR letter to Radovan Karadžić, 12 April 1993), p. 2.

16741 P4795 (Intercepts of conversations between (i) General Živanović and Colonel Prstojević; (ii) Ratko Mladić and Colonel Prstojević; and (iii) unidentified person and General Milovanović, 16 April 1993). Mladić further ordered that everyone in the town who had weapons was to be killed, while the civilians and the wounded were to be taken out of town. P4795 (Intercepts of conversations between (i) General Živanović and Colonel Prstojević; (ii) Ratko Mladić and Colonel Prstojević; and (iii) unidentified person and General Milovanović, 16 April 1993).

16742 P4209 (UNSC Resolution 819, 16 April 1993), p. 2. *See also* Adjudicated Facts 1405, 1407.

16743 P4209 (UNSC Resolution 819, 16 April 1993), p. 2. *See also* Adjudicated Fact 1410. The resolution further requested that "Bosnian Serb paramilitary units" withdraw from the area around the enclave. P4209 (UNSC Resolution 819, 16 April 1993), p. 2. *See also* para. 369.

4971. That evening, the VRS forces at Pribićevac received an oral order from the Accused and Mladić to stay at their positions and not to enter Srebrenica.[16744] The following day, Mladić and Halilović agreed to a cease-fire in the Srebrenica area which would enter into force at 4:59 a.m. on 18 April 1993.[16745] According to this agreement, all weapons, ammunition, mines, explosives, and combat supplies were to be handed over to UNPROFOR within 72 hours of the arrival of an UNPROFOR convoy scheduled to depart from Tuzla at 11 a.m. that day.[16746] Neither party was permitted to "hinder the freedom of civilians",[16747] and disarmed Bosnian Muslim combatants were to be treated as civilians.[16748] Additionally, a working group was established to discuss how to implement the demilitarisation process, as the VRS and ABiH disagreed on the geographical boundaries of the area to be demilitarised.[16749]

*iii. Deployment of UNPROFOR and demilitarisation efforts*

4972. Following the deployment of CanBat to the enclave on 18 April,[16750] as well as several days of further negotiations regarding the boundaries of the safe area, the Bosnian Serbs and Bosnian Muslims agreed that despite their different positions on the delineation of the safe area, "the city" itself would be a part of such an area and would be demilitarised.[16751] Thereafter, the demilitarised

16744 Momir Nikolić, T. 24749–24750 (15 February 2012). At 6 p.m. that day, the Accused issued a written order to the VRS Main Staff ordering the cessation of operations against Srebrenica and the surrounding area, as well as the facilitation of the passage of humanitarian convoys into and out of Srebrenica. D43 (Radovan Karadžić's Order to VRS Main Staff, 16 April 1993), paras. 1, 3. The Accused's order further stated that the VRS was to "ensure pacification of the town in such a way that Muslim forces surrender weapons to UNPROFOR", who would store them, and that after surrendering the weapons, Muslim soldiers would be "treated like all other civilians", who would be protected and given the liberty to choose between leaving and staying. D43 (Radovan Karadžić's Order to VRS Main Staff, 16 April 1993), paras. 4–5. Finally, the Accused ordered the Main Staff to carry out his order immediately and fully and to inform him thereof. D43 (Radovan Karadžić's Order to VRS Main Staff, 16 April 1993), para. 7.

16745 D2143 (Agreement on Demilitarisation of Srebrenica, 18 April 1993), para. 1. *See also* D2144 (VRS Main Staff Order, 18 April 1993), para. 1 (ordering the Drina Corps to ensure a full and total cease-fire in Srebrenica and its surroundings); Manojlo Milovanović, T. 25593–25595 (1 March 2012); para. 370.

16746 D2143 (Agreement on Demilitarisation of Srebrenica, 18 April 1993), para. 4. *See also* D2144 (VRS Main Staff Order, 18 April 1993), para. 6. According to the agreement, "after the completion of the demilitarisation process, not a single armed person or unit, apart from UNPROFOR forces, [would] remain in the [Srebrenica] town." D2143 (Agreement on Demilitarisation of Srebrenica, 18 April 1993), para. 4; D2144 (VRS Main Staff Order, 18 April 1993), para. 6.

16747 D2143 (Agreement on Demilitarisation of Srebrenica, 18 April 1993), para. 7; D2144 (VRS Main Staff Order, 18 April 1993), para. 7.

16748 D2144 (VRS Main Staff Order, 18 April 1993), para. 7.

16749 D2745 (Witness statement of Vere Hayes dated 14 January 2013), paras. 17–20. *See also* para. 370.

16750 D2745 (Witness statement of Vere Hayes dated 14 January 2013), para. 18. *See also* para. 370; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28816; Momir Nikolić, T. 24752 (15 February 2012); Adjudicated Fact 1413. Despite the impending deployment of the UN personnel and troops, several artillery rounds fell on Srebrenica that morning and sporadic shelling continued to the north and northeast of the town until approximately noon. D2749 (UNPROFOR report re Srebrenica, 18 April 1993), e-court p. 2.

16751 D2745 (Witness statement of Vere Hayes dated 14 January 2013), para. 20; D2242 (Agreement on Implementation of the Demilitarisation of Srebrenica, 18 April 1993). The Bosnian Serbs were dissatisfied with this agreement, however, because they asserted that 16,000 small arms should have been handed in. D2745 (Witness statement of Vere Hayes dated 14 January 2013), para. 25.

area was defined as the urban area of Srebrenica as well as the hills immediately overlooking the area from which a direct line of sight into the town existed.[16752] Upon its arrival, CanBat established a small command centre (the "Bravo Company Compound") in Srebrenica itself, and a larger main compound about five kilometres north of the town in Potočari ("UN Compound").[16753] From these bases, the battalion oversaw the demilitarisation of the town.[16754] The UNPROFOR troops were lightly armed and at any one time numbered no more than 600 men.[16755]

4973. On 8 May 1993, following the passage of Security Council Resolution 824 two days earlier,[16756] Mladić and Halilović signed a further agreement, which also included provisions on the demilitarisation of Žepa.[16757] Pursuant to this agreement, no one inside either enclave was allowed to have arms, and heavy weapons were taken to a collection point at the Bravo Company compound.[16758] However, Halilović ordered members of the Muslim Forces in Srebrenica not to hand over serviceable weapons or ammunition to UNPROFOR and to pull all armed personnel and military equipment out of the newly-established demilitarised zone.[16759] Subsequently, the Muslim

16752 D2745 (Witness statement of Vere Hayes dated 14 January 2013), para. 21. *See also* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.27. These boundaries never expanded outward, and the end result was a zone held by the ABiH which lay between the boundary of the safe area and the confrontation line with the VRS. D2745 (Witness statement of Vere Hayes dated 14 January 2013), paras. 25, 28; Vere Hayes, T. 31979–31981 (16 January 2013); D2756 (Diagram drawn by Vere Hayes); D2757 (UNPROFOR report re demilitarisation of Srebrenica, 21 April 1993), p. 9. *See also* Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21754; P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), paras. 1.27–1.29.

16753 KDZ064, P769 (Transcript from *Prosecutor v. Popović*), T. 638–639; Adjudicated Fact 1416. *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 16; Jean-René Ruez, T. 23716 (26 January 2012). UNMOs also deployed into Srebrenica on that day. P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 62; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 9; Joseph Kingori, T. 22825 (12 January 2012).

16754 P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 62.

16755 *See* Adjudicated Fact 1415.

16756 *See* para. 371.

16757 D135 (Agreement on demilitarisation of Srebrenica and Žepa, 8 May 1993); Manojlo Milovanović, T. 25593 (1 March 2012); D2745 (Witness statement of Vere Hayes dated 14 January 2013), para. 29. *See also* D2145 (VRS Main Staff Order, 8 May 1993), para. 3; D3886 (Witness statement of Svetozar Andrić dated 16 July 2013), para. 14.

16758 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 15; Joseph Kingori, T. 22843 (12 January 2012); Paul Groenewegen, T. 22979–22980 (13 January 2012). *See also* P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 17; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 47, 49; Joseph Kingori, T. 22830–22831 (12 January 2012). The heavy weapons belonging to the Muslim Forces in Srebrenica—including mortars, at least two tanks, and heavy machine guns—remained in the compound of the Bravo Company in Srebrenica in January 1995. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 10; Albert Rave, T. 22193 (30 November 2011); Robert Franken, T. 23095–23096 (16 January 2012).

16759 *See* Adjudicated Fact 1426; D2745 (Witness statement of Vere Hayes dated 14 January 2013), para. 26; P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 61. At the point of demilitarisation, the ABiH had infantry weapons and artillery weapons of a calibre of up to 120 mm. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 7554. *See also* Pyers Tucker, T. 23273–23274 (18 January 2012).

Forces in Srebrenica only turned old and dysfunctional weapons over to UNPROFOR.[16760] Members of the Muslim Forces in Srebrenica were forbidden to carry their weapons openly.[16761] UNPROFOR did not conduct house searches, only confiscating weapons if they encountered armed people while on patrol; this resulted in the demilitarisation process not being wholly successful.[16762]

4974. Thus, even after the "main demilitarisation" was completed immediately after the 1993 cease-fire,[16763] the Muslim Forces in Srebrenica still had access to light arms, heavy machine guns, anti-tank weapons, and mortars.[16764] The group was progressively organised into brigades under the command of Naser Orić, with Ramiz Bečirović as Chief of Staff.[16765] However, the Muslim

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16760 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 11; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 10; P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 61; Adjudicated Fact 1426. *See also* Milenko Živanović, T. 42669 (31 October 2013).

16761 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 49–50, 55; P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 15, 17; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 11. *See also* KDZ064, T. 1320–1321 (21 April 2010); KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28819–28820.

16762 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 11; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 17; Robert Franken, T. 23088–23089 (16 January 2012; Momir Nikolić, T. 24574 (13 February 2012); T. 24752 (15 February 2012); Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2794–2795, 2903; Johannes Rutten, T. 22006–22007 (28 November 2011); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1909–1910; Pieter Boering, T. 22097, 22105–22106 (29 November 2011); Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21754; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 49; Joseph Kingori, T. 22827–22828, 22830, 22832 (12 January 2012).

16763 KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28822. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 48; Joseph Kingori, T. 22827–22828, 22830, 22843 (12 January 2012).

16764 P3951 (Excerpt from Dutch debriefing report, 4 October 1995), para. 2.34; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6119; Joseph Kingori, T. 22836–22837 (12 January 2012). *See also* P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 10; Paul Groenewegen, T. 22982 (13 January 2012). The Chamber received evidence indicating that the Muslim Forces in Srebrenica did not have any heavy weapons inside the enclave, while other evidence suggested that the Muslim Forces in Srebrenica nevertheless had some type of access to heavy weaponry. *See* Pieter Boering, T. 22106–22107 (29 November 2011); Joseph Kingori, T. 22833, 22840 (12 January 2012); D1967 (Report of ABiH 8th Operations Group, 17 February 1995); D151 (ABiH General Staff Order, 4 March 1995); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6119 (suggesting that the Muslim Forces in Srebrenica had access to a howitzer which was concealed around Srebrenica). In this regard, the Chamber recalls Halilović's order to pull military equipment out of the demilitarised zone and considers that such weaponry may have been present in the zone outside the urban area of the enclave or within the Bandera Triangle, both of which were controlled by the Muslim Forces in Srebrenica. *See* paras. 4973, 4978, fn. 16758.

16765 Robert Franken, T. 23095 (16 January 2012), T. 23144 (17 January 2012); D2018 (Report of ABiH on unit locations, 28 July 1993); Momir Nikolić, T. 24736, 24754–24755 (15 February 2012); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 8; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 15. *See also* Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2859; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 12. Upon Orić's departure from the enclave in March 1995, Bečirović became acting commander. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 8; Robert Franken, T. 23113 (16 January 2012); Richard Butler, T. 27722 (20 April 2012). *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 19; Joseph Kingori, T. 22831 (12 January 2012); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1880–1881; D144 (ABiH Report re fall of Srebrenica and Žepa, 23 February 1996), e-court p. 4. In total, between 3,000 and 4,500 men were present in the enclave, but only a few hundred men comprised a permanent armed group. *See* P3951 (Excerpt from Dutch debriefing report, 4 October 1995), para. 2.34 ; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 9; Albert Rave, T. 22192–22193, 22198–22199

Forces in Srebrenica lacked training, discipline, and ammunition.[16766] Its members often wore civilian clothes rather than military uniforms and lived at home rather than in barracks.[16767]

4975. The establishment of the two safe areas limited the area of responsibility of the Muslim Forces in Srebrenica to the Srebrenica and Žepa enclaves.[16768] They established headquarters in two locations: in a classroom in Potočari and in some rooms in the PTT building in Srebrenica town.[16769]

4976. Following Srebrenica being proclaimed a safe area, the Muslim Forces in Srebrenica received weapons and ammunition from outside the enclave, particularly from Žepa, which maintained a "pony express" link with Tuzla that also ferried items such as cigarettes, food items, essential commodities, and everyday goods.[16770] Supplies also arrived via helicopter.[16771] The

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(30 November 2011). *See also* Joseph Kingori, T. 22835–22836 (12 January 2012); Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2880–2881; D4480 (Report of Srebrenica Municipal Defence Secretariat, 9 March 1994).

16766 P4175 (Witness statement of Robert Franken dated 15 January 2012); para. 15; P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 8, 10; Albert Rave, T. 22185–22186 (30 November 2011); P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 56; Joseph Kingori, T. 22836–22837 (12 January 2012); P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 10; Johannes Rutten, T. 22050–22051 (28 November 2011). *See also* Adjudicated Fact 1422; D144 (ABiH Report re fall of Srebrenica and Žepa, 23 February 1996), e-court p. 4. *But see* P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 10; Paul Groenewegen, T. 22982 (13 January 2012).

16767 Robert Franken, T. 23130, 23145 (17 January 2012). The fact that the majority of members of the Muslim Forces in Srebrenica were municipal residents made it impossible to preclude humanitarian aid from reaching them, as they obtained such aid through their family members. Momir Nikolić, T. 24768–24769 (15 February 2012); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 5993–5994. Indeed, the Muslim Forces in Srebrenica obtained supplies from among humanitarian aid deliveries. *See e.g.* D1997 (Report of Srebrenica Ministry of Defence to RBiH Tuzla Defence Secretariat, 5 June 1995); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6044–6045; D3307 (Report of ABiH 8th Operations Group, 25 May 1994); Slavko Kralj, T. 36552–36554, 36583–36584 (4 April 2013); D3308 (Report of Srebrenica Ministry of Defence to RBiH Tuzla Defence Secretariat, 31 March 1995); D3286 (Report of Srebrenica Ministry of Defence to RBiH Tuzla Defence Secretariat, 5 June 1995). Evidence indicates that international agencies may have consented to the distribution of aid to the Muslim Forces in Srebrenica. Robert Franken, T. 23104 (16 January 2012) (testifying that he had heard that UNHCR representatives had consented to the Muslim Forces in Srebrenica taking part of the food supplies arriving with UNHCR convoys); D3313 (Report of RBiH Tuzla SDB, 17 November 1995), p. 6; Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29309–29311; Slavko Kralj, T. 36551–36552, 36566–36567, 36569, 36588–36589 (4 April 2013). The Chamber notes that the fact that food found its way to the ABiH does not mean that any international organisations were necessarily providing it to the ABiH in an organised manner.

16768 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 7554.

16769 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 12; Robert Franken, T. 23128 (17 January 2012). *See also* Robert Franken, T. 23128–28130 (17 January 2012); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2029; D1994 (Report from Srebrenica's Ministry of Defence to Tuzla's Secretary of Defence, 22 February 1995).

16770 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 11; Johannes Rutten, T. 22005 (28 November 2011); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1910, 2038; D1966 (Report of ABiH General Staff, 13 July 1995), p. 1; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 5984, 6119, 7554–7556; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 16; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 51; Momir Nikolić, T. 24761 (15 February 2012). *See also* D1967 (Report of ABiH 8th Operations Group, 17 February 1995); D2078 (Report of ABiH 1st Žepa Light Brigade, 3 January 1995); D2940 (Order of ABiH 8th Operations Group, 23 January 1995), e-court pp. 4–6, 8; D147 (1st Žepa Light Brigade communication with Naser Orić, 16 February 1995); Richard Butler, T. 27800 (20 April 2012); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T.

VRS requested that UNPROFOR prevent such smuggling, but the latter had insufficient personnel and materiel to patrol adequately, so could only convey the VRS complaints to the ABiH.[16772]

b. Lead-up to the attack on Srebrenica: January–June 1995

4977. After the arrival of the initial group of UNPROFOR forces in April 1993, fresh troops rotated into the enclave approximately every six months.[16773] In January 1995, DutchBat arrived.[16774] Initially, DutchBat had eight OPs around the perimeter of the enclave; four additional OPs, including OP Papa, were added between February and July 1995.[16775]

4978. Part of DutchBat's regular activities involved carrying out patrols within the enclave.[16776] This gave DutchBat personnel the opportunity to observe the comparative positions of the VRS and the ABiH, although DutchBat's movement was restricted outside the enclave's borders.[16777] Within the enclave, DutchBat enjoyed free movement except within the Bandera Triangle, an area on the west side of the enclave opposite the positions of the Milići Brigade.[16778] When ordered to restore

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6029; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 48, 51; Joseph Kingori, T. 22833–22834, 22840 (12 January 2012).

16771 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1910–1911, 2038; Robert Franken, T. 23132 (17 January 2012). *See also* D1965 (Analysis of ABiH air force, 17 February 1995), p. 3; D145 (ABiH General Staff Order, 18 January 1995); D3721 (VRS Main Staff Intelligence and Security sector report, 8 February 1995), pp. 2–3; D146 (ABiH General Staff Order, 13 February 1995); P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 11; Joseph Kingori, T. 22921 (13 January 2012); Momir Nikolić, T. 24760 (15 February 2012). Helicopter activities increased between the middle of April and June 1995, during which time the members of the Muslim Forces in Srebrenica appeared in new combat suits and were seen possessing new Kalashnikovs. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2038; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 15. *See also* P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 11.

16772 Joseph Kingori, T. 22832 (12 January 2012); Pieter Boering, T. 22097, 22105–22106 (29 November 2011); Albert Rave, T. 22210 (30 November 2011).

16773 Adjudicated Fact 1414.

16774 *See* P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 7. Two companies of DutchBat were assigned to the Srebrenica enclave: the Charlie Company, which was based in Potočari, and the Bravo Company. P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 6.

16775 Adjudicated Fact 1418. Some of these OPs were OP Bravo, OP Echo, OP Mike, OP November, OP Papa, OP Quebec, and OP Romeo. *See e.g.* P4941 (Srebrenica court binder containing maps), e-court pp. 7–8 (showing locations of OPs); Roger Patelski, T. 23018–23020 (13 January 2012); P4174 (Aerial photograph of Srebrenica-Bratunac area marked by Roger Patelski) (marking the place of OP Papa). OP Papa was located approximately one kilometre north of the main entrance to the Potočari compound. P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 4. DutchBat maintained a telephonic link with the VRS military post at the Žuti Most ("Yellow Bridge"), which was located about 500 metres further down the road from OP Papa. P4173 (Witness statement of Roger Patelski dated 30 November 2011), paras. 4, 6. *See also* Roger Patelski, T. 23027 (16 January 2012).

16776 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 19. However, DutchBat lacked sufficient personnel to patrol comprehensively as a result of the VRS's refusal to allow DutchBat personnel to return to the enclave following leave periods. Johannes Rutten, T. 22018–22019 (28 November 2011).

16777 P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 19, 34. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 44.

16778 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 34; Robert Franken, T. 23138 (17 January 2012); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1885; Pieter Boering, T. 22120 (29 November 2011); Johannes Rutten, T. 22022 (28 November 2011); P3995 (Witness

freedom of movement within the Bandera Triangle in January 1995,[16779] a group of DutchBat soldiers led by the DutchBat deputy commander was arrested and detained by approximately 40 armed men led by the local brigade commander, Zulfo Tursunović.[16780] The DutchBat commander was able to negotiate their release only after several days.[16781]

*i. Issuance of Directives 7 and 7/1*

4979. On 8 March 1995, the Accused issued the strictly confidential "Directive for Further Operations No. 7" ("Directive 7") analysing the military and political situation following the COHA.[16782] According to the Accused, the COHA had "created conditions for the military strengthening and arming of Muslims and Croats [and] the survival of the Muslim enclaves", including Srebrenica.[16783] The directive allocated tasks to the various corps of the VRS after describing the anticipated objectives of the Bosnian Muslim and Bosnian Croat forces.[16784]

4980. Specifically, the Drina Corps was tasked with "complet[ing] physical separation of Srebrenica from Žepa [...] as soon as possible, preventing even communication between individuals in the two enclaves".[16785] Directive 7 further ordered the Drina Corps to "[b]y planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa".[16786] To accomplish these goals, among others, the "relevant State and military organs responsible for work with UNPROFOR and humanitarian organisations" were ordered to,

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statement of Albert Rave dated 10 November 2011), para. 9; Albert Rave, T. 22187, 22189–22190 (30 November 2011); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 46; Joseph Kingori, T. 22851 (12 January 2012). Kingori testified that no reasons were given for this prohibition. P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 46. However, the Chamber received evidence indicating that one reason for the Muslim Forces in Srebrenica restricting DutchBat movement in the area pertained to DutchBat's refusal to establish an OP at Ravni Buljim. D1956 (Report of ABiH 8th Operations Group, 28 January 1995); P3987 (ABiH 8th Operational Group report, 11 January 1995).

16779 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 34.

16780 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 34; Robert Franken, T. 23138–23139 (17 January 2012); D1956 (Report of ABiH 8th Operations Group, 28 January 1995); Albert Rave, T. 22186 (30 November 2011). *See also* Pieter Boering, T. 22119 (29 November 2011); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1884; Momir Nikolić, T. 24819 (16 February 2012).

16781 Albert Rave, T. 22187–22188 (30 November 2011); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 34.

16782 P838 (Directive 7, 8 March 1995), pp. 2–3; Petar Salapura, T. 40241–40244 (24 June 2013); Manojlo Milovanović, T. 25495, 25503–25504 (29 February 2012) (stating that Directive 7 had been drafted by Miletić according to the "complete method"); Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11993, 12008, 12040 (stating that according to the "complete method" through which Directive 7 was drafted the Accused would have had input into the drafting process). *See also* Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21824–21825; para. 410.

16783 P838 (Directive 7, 8 March 1995), p. 2.

16784 P838 (Directive 7, 8 March 1995), pp. 3–7.

16785 P838 (Directive 7, 8 March 1995), p. 10.

16786 P838 (Directive 7, 8 March 1995), p. 10.

> 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.[16787]

Additionally, Directive 7 stated that should the UNPROFOR forces leave Srebrenica and Žepa, the Drina Corps command should plan an operation "Jadar" to "brea[k] up and destro[y] the Muslims forces in these enclaves and definitively liberat[e] the Drina valley region".[16788]

4981. Directive 7 was disseminated to the various VRS corps on or around 18 March 1995.[16789] Two days later, Živanović issued the strictly confidential "Order for Defence and Active Combat Operations, Operative No. 7".[16790] Živanović's order effectively relayed the contents of Directive 7 to the brigade commanders of the Drina Corps by repeating the tasks outlined in Directive 7, namely that the Drina Corps was tasked with carrying out the "complete physical separation of Srebrenica from Žepa [...] as soon as possible, preventing even communication 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 and Žepa".[16791]

4982. The Chamber notes that both Živanović and Krstić asserted that this language was never "implemented in practice".[16792] Similarly, Trivić minimised the operational significance of the directive, suggesting that it merely "provide[d] guidelines" to subordinate units.[16793] Having considered these witnesses' evidence regarding the implementation of Directive 7 by the Drina Corps, the Chamber observes that it was marked by contradictions and a lack of candour.[16794] The

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16787 P838 (Directive 7, 8 March 1995), p. 14.

16788 P838 (Directive 7, 8 March 1995), p. 11.

16789 P838 (Directive 7, 8 March 1995), p. 1; Manojlo Milovanović, T. 25497–25498 (29 February 2012); P6450 (VRS Main Staff dispatch to Drina Corps, 17 March 1995; Drina Corps dispatch to VRS Main Staff, 18 March 1995).

16790 P3040 (Order of Drina Corps, 20 March 1995), p. 1.

16791 P3040 (Order of Drina Corps, 20 March 1995), pp. 5–6; Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21811, 21818–21819, 21822. *See also* Momir Nikolić, T. 24759–24760 (15 February 2012); Manojlo Milovanović, T. 25607 (1 March 2012).

16792 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 26; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6399–6400.

16793 Mirko Trivić, T. 40537–40538 (26 June 2013), T. 40546 (27 June 2013).

16794 As will be described in further detail below, Krstić's testimony was given during the course of his defence in his own trial, where he was evasive and displayed a lack of candour regarding his role as the Deputy Commander—and later Commander—of the Drina Corps during the Srebrenica campaign and the events leading up to it. *See* fn. 16891. The Chamber also recalls contradictions between Živanović's witness statement and his in-court testimony on these points, and observes that Živanović became combative under cross-examination. *See e.g.* Milenko Živanović, T. 42641–42642, 42647–42648 (31 October 2013). Similarly, Trivić initially suggested that Directive 7 was merely a written document, and that "none of [his] superiors had ever informed [him] verbally to act in that way", but when presented with P3040 (Order of Drina Corps, 20 March 1995), admitted that his unit had received that order, although he maintained that he did not remember seeing those words in the order.

Chamber has also considered their positions at the time and observes that they would have reasons to minimise any implementation of an order targeting civilians.[16795] Accordingly, the Chamber does not consider their testimony reliable on this point. Finally, the Chamber notes that such testimony is contradicted by other evidence showing that Directive 7 was implemented on the ground, as discussed below.[16796]

4983. On 31 March 1995, one day after the Main Staff had met to discuss the "operation pursuant to Directive 7",[16797] Mladić issued the "Directive for Further Operations, Operative No. 7/1" ("Directive 7/1"), which was transmitted to the commands of the Krajina Corps, the Eastern Bosnia Corps, and the Drina Corps, as well as the air force and anti-aircraft defence.[16798]

4984. Directive 7/1 "further elaborated" upon Directive 7.[16799] Noting that during the second half of March, the ABiH had "started wantonly violating" the COHA, Directive 7/1 stated that "on the basis of Directive No. 7", the addressees were to immediately begin planning and making preparations for the realisation of the strategic operation Sadjestvo 95, the basic objective of which was to "inflict the heaviest possible losses on the enemy, restoring the reputation of the VRS among the people and in the world, and forcing the enemy to negotiate and end the war at the achieved lines through successful actions by VRS forces along chosen axes".[16800] Directive 7/1 further stated that VRS forces, "in accordance with Directive No. 7", would carry out active combat operations around the Srebrenica, Žepa, and Goražde pockets.[16801] Directive 7/1 did not contain the reference in Directive 7 to "creat[ing] an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants" of the two enclaves.[16802]

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Mirko Trivić, T. 40539 (26 June 2013), T. 40542–40544 (27 June 2013). *See also* Mirko Trivić, T. 40546–40547 (27 June 2013) (discussing whether a later attack plan was based upon Directives 7 and 7/1).

16795 *See e.g.* Radovan Radinović, T. 41527–41528 (18 July 2013) (conceding that the language constituted an illegal order). The Chamber also recalls that Trivić was the commander of the 2nd Romanija Brigade at the time Directive 7 was issued. D3747 (Witness statement of Mirko Trivić dated 22 June 2013), p. 3; Mirko Trivić, T. 40530 (26 June 2013).

16796 *See* paras. 5004–5035.

16797 P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), e-court p. 71.

16798 P2246 (Directive 7/1, 31 March 1995), p. 1. Directive 7/1 was marked "National Defence State Secret". P2246 (Directive 7/1, 31 March 1995), p. 1.

16799 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 26.

16800 P2246 (Directive 7/1, 31 March 1995), p. 2. Specifically, the VRS was tasked with stopping ABiH breakthroughs north of Zvornik. P2246 (Directive 7/1, 31 March 1995), p. 2.

16801 P2246 (Directive 7/1, 31 March 1995), p. 4.

16802 P2246 (Directive 7/1, 31 March 1995). Radovan Radinović testified that the words "in accordance with" meant that the language of Directive 7 did not need to be repeated in order to have effect. Radovan Radinović, T. 41535 (19 July 2013).

*ii. Restrictions on humanitarian convoys and the humanitarian situation in Srebrenica*

4985. The Bosnian Serbs subjected all convoys, particularly UNPROFOR re-supply convoys that carried equipment and weaponry, to strict regulation entailing prior notification of convoy movements to the VRS.[16803] They justified such regulation by citing several instances in which weapons were found in aid convoys, and by asserting that UNPROFOR and UNHCR were involved in organising the delivery of weapons to Bosnian Muslims.[16804] Clearance for the movement of goods and people into and out of the enclaves had to be obtained from the highest levels of the Bosnian Serb military or government and permission was to be relayed to the subordinate units who actually allowed the convoys to pass.[16805] In accordance with an order of the

16803 Momir Nikolić, T. 24593 (13 February 2012); P4186 (Principles for Freedom of Movement for UNPROFOR, 31 January 1995), p. 1; Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29258, 29304, 29312. UNPROFOR escorted the convoys from the border of the enclave to the warehouse in Srebrenica town, where UNHCR and the municipal employees handled the distribution of the goods. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 28; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 5, 7; P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 5. The convoys that re-supplied UNHCR and MSF were subject to the same regulations and restrictions as DutchBat. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 27; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 117. *See also* Momir Nikolić, T. 24602–24603 (13 February 2012). Pursuant to an agreement with UNPROFOR, UNPROFOR was to provide a request to the Main Staff 24 hours in advance stating what was to be delivered, to whom, how many vehicles were involved, and the name of the person in charge of the convoy; the Main Staff—usually Mladić, Milovanović, or, exceptionally, Tolimir—then approved the route of the convoy and ensured its freedom of movement through RS territory by notifying the approval to the corps through whose territory the convoy was scheduled to pass. Manojlo Milovanović, T. 25793 (5 March 2012); Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 12022; Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29229, 29260–29262, 29270, 29274; Momir Nikolić, T. 24595–24597 (13 February 2012). *See e.g.* P4190 (GS VRS Report, 2 April 1995), p. 1. The relevant corps would then report back to the Main Staff once the convoy passed through and if any problems were encountered. Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29285–29286, 29307, 29365–29366. *See e.g.* D3270 (Drina Corps combat report, 4 May 1995), para. 3 (listing convoys that passed through the Drina Corps territory as of 4 May 1995); D3285 (Drina Corps record of humanitarian aids delivered to Muslim areas, 2 May 1994).

16804 Manojlo Milovanović, T. 25695–25696 (1 March 2012); D2168 (Drina Corps Intelligence Report, 13 December 1993); Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29270, 29284. *See also* D143 (VRS Report on movement of UN convoys, undated) (reporting that UNPROFOR and humanitarian organisations abused their mandate). The Chamber notes that in response to the Accused's suggestion that individual DutchBat members had smuggled fuel and ammunition into the enclave in convoys, Franken acknowledged that he had heard of such occurrences, but asserted that that had not happened in the case of his battalion, as demonstrated by the fuel shortages that DutchBat endured during his tenure. D157 (Order of 1st Birač Infantry Brigade, 12 May 1995); Robert Franken, T. 23089–23093 (16 January 2012). *See also* paras. 4986, 4989. While the Chamber received evidence that isolated instances of misappropriation or smuggling occurred, the Chamber notes that the UNPROFOR witnesses who testified denied any practice of supplying the ABiH, and the Chamber considers that there is insufficient evidence to establish any such practice. *See e.g.* Rupert Smith, T. 11347 (8 February 2011); Robert Franken, T. 23089–23093 (16 January 2012); D2745 (Witness statement of Vere Hayes dated 14 January 2013), paras. 5–8; Vere Hayes, T. 31987–31988 (16 January 2013) (stating that the incidents of apparent smuggling "fed [the VRS's] paranoia" that UNPROFOR was smuggling weapons to the ABiH); D190 (UNHCR report re discovery of ammunition in UNHCR Convoy to Butmir, 4 April 1993) (under seal); D2747 (VRS Main Staff protest letter, 1993) (protest received from Milovanović shortly after 8 April 1993). Moreover, regulations on convoy movement were applied arbitrarily and ultimately the re-supply of the enclaves was completely blocked. David Harland, T. 2203 (10 May 2010), T. 2358–2359 (11 May 2010).

16805 Milenko Živanović, T. 42609–42611 (private session), 42613 (30 October 2013); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6404–6405; Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29287–29289, 29292–29293. *See e.g.* D3274 (UNPROFOR request to VRS Main Staff,

Main Staff, each convoy and individual representative of an international organisation entering or leaving Srebrenica were checked at Yellow Bridge, which was the last VRS check-point outside the Srebrenica enclave.[16806]

4986. DutchBat depended on re-supply convoys for fuel, ammunition, spare vehicle parts, and communications radios.[16807] During the fall of 1994, the VRS imposed a fuel blockade, diminishing reserves in Srebrenica.[16808] Fuel stocks had dwindled even further by the time DutchBat received its last fuel convoy in February 1995.[16809] Thereafter, DutchBat was forced to patrol on foot.[16810] The lack of fuel also led DutchBat to discontinue providing support via their mobile medical stations and compromised their ability to operate the OPs.[16811] Restrictions in resupply convoys further resulted in DutchBat's ammunition falling below adequate levels.[16812]

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7 February 1995); D3275 (VRS Main Staff notification to UNPROFOR, 7 February 1995); Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29290; D3276 (VRS Main Staff notification to UNPROFOR, 13 February 1995).

16806 Momir Nikolić, T. 24767–24768, 24804 (15 February 2012). *See also* D2140 (VRS Main Staff Order, 27 February 1993); P4387 (Order of Drina Corps, 24 July 1994), p. 2.

16807 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 22. The VRS categorically denied requests for ammunition, spare vehicle parts, and communications radios. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 24. *See e.g.* P4189 (VRS Main Staff convoy rejection list sent to UNPROFOR, 31 March 1995).

16808 P868 (UNPROFOR report on Serb fuel blockade, 19 October 1994). *See also* D4557 (Intercept of conversation between Manoljo Milovanović, Svetlana and Francis Brinquemont, 24 October 1994); P2454 (UNPROFOR report, 19 November 1994), e-court p. 2. However, at the beginning of January 1995, the VRS authorised 35 tonnes of fuel to be taken to Srebrenica. D3269 (Intercept of conversation between Ratko Mladić and "Svetlana", 3 January 1995).

16809 Robert Franken, T. 23066–23067 (16 January 2012); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 26. *See also* P4188 (VRS Main Staff Report, 10 March 1995).

16810 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 29; P4195 (Letter from UNPROFOR Gen. Nicolai to General Delić, 26 June 1995); P4196 (Letter from UNPROFOR Gen. Nicolai to Ratko Mladić, 26 June 1995); Robert Franken, T. 23075–23076 (16 January 2012) (recalling that P4195 and P4196 accurately described the situation at the time); P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 5; Adjudicated Fact 1432. *See also* Momir Nikolić, T. 24598–24600 (13 February 2012). The low fuel supplies further compromised DutchBat's ability to cook for itself, operate its medical station, and purify drinking water. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 29; Robert Franken, T. 23067–23068 (16 January 2012); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1893; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 6.

16811 P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 27, 29; Robert Franken, T. 23067 (16 January 2012); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1893; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 6. *See also* D4842 (VRS Main Staff notification, 28 March 1995); P2244 (Letter from Yasushi Akashi to Radovan Karadžić, 4 March 1995) (stating that since November 1994, medical convoys were barred from entering the enclaves); P2245 (Letter from Radovan Karadžić to Yasushi Akashi, 5 March 1995).

16812 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 30; Robert Franken, T. 23110–23111 (16 January 2012); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 30; Albert Rave, T. 22199–22200, 22202–22203 (30 November 2011). Further, DutchBat did not receive any supplies to test the functionality of their anti-tank systems, rendering the latter unusable. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 30. *See also* Robert Franken, T. 23110–23111 (16 January 2012).

4987. After initially receiving a "relatively sufficient" amount of food from the early convoys,[16813] by early 1994, amounts had decreased and every piece of tillable ground in Srebrenica had been sown with seeds as the residents attempted to grow vegetables to supplement the reduced aid convoys.[16814] At the time, the average delivery rate for humanitarian convoys across the RS had fallen below 50%, as the VRS had denied access to a number of areas.[16815] In early 1995, the restrictions on humanitarian convoys intensified, and drivers frequently encountered obstructions en route to Srebrenica.[16816] Food supplies diminished and convoys arrived infrequently, bringing less food each time.[16817] At the time, approximately 40,000 people were living in the enclave.[16818]

4988. By March 1995, DutchBat no longer had any fresh food and subsisted on combat rations still in stock at the UN Compound.[16819] Food in the enclave was still in short supply, resulting in the emergence of a black market for smuggled goods.[16820] The population within the enclave survived on what they could harvest, supplemented by what they could obtain from UNHCR, which supplied most of the food in the enclave.[16821] Some residents of the enclave followed the

16813 Mirsada Malagić, T. 23468–23469 (24 January 2012). *See e.g.* D2109 (VRS Main Staff Notification, 25 September 1993), pp. 1–2; D2110 (VRS Main Staff Notification, 2 October 1993), pp. 1–2; D2111 (VRS Main Staff Notification, 8 October 1993); D2112 (VRS Main Staff Notification, 15 October 1993).

16814 Mirsada Malagić, T. 23469 (24 January 2012).

16815 P1687 (Report on Meeting between UNHCR and Radovan Karadžić in Geneva, 19 January 1994), para. 2 (under seal).

16816 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 26; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 6. *See also* D1123 (UNPROFOR report on the implementation of the COHA during March 1995), e-court p. 4. Items also disappeared en route when drivers were required to step out of the vehicles at VRS check-points. P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 24–25. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 17. On a few occasions, VRS soldiers were seen wearing DutchBat gear. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1906. *See also* Slavko Kralj, T. 36547–36548 (4 April 2013), pp. 1–2; D3306 (Order of 1st Birač Infantry Brigade, 19 March 1995).

16817 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 5; Adjudicated Fact 1429. Moreover, when the trucks arrived and the tarps covering the supplies were pulled back, one could see boot marks on the sacks of flour and salt, indicating that someone had walked on it; the residents deduced that some of the aid had been unloaded elsewhere first, as they assumed that the trucks would not have set out from their destination half empty. Mirsada Malagić, T. 23469–23470 (24 January 2012).

16818 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 33; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1891; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 15; Momir Nikolić, T. 24763–24764 (15 February 2012); Mirsada Malagić, T. 23470 (24 January 2012). *But see* D2065 (Letter from Srebrenica Municipality to Statistics Institute of Bosnia and Herzegovina, 11 January 1994); Momir Nikolić, T. 24764–24765, 24768 (15 February 2012); Jean-René Ruez, T. 23986–23989 (1 February 2012).

16819 Robert Franken, T. 23066 (16 January 2012); P2478 (UNPROFOR Weekly Situation Report (Sarajevo), 4 March 1995), para. 15.

16820 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1891; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 18; Robert Franken, T. 23099 (16 January 2012); P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 5; P4142 (UNMO Report, 8 July 1995); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 34–36. *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 16.

16821 Momir Nikolić, T. 24601 (13 March 2012); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 35. That winter, men made trips towards Žepa in search of food. Mirsada Malagić, T. 23470 (24 January 2012). *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 35–36.

garbage truck carrying DutchBat's trash to the garbage dump and tried to salvage food and clothes.[16822] It was estimated that without new supplies almost half of the population of Srebrenica would be without food by mid-June.[16823] Due to the dwindling resources available to the civilian population, as well as UNPROFOR's extremely low supplies, plans were drawn up to re-supply the enclaves by force.[16824]

4989. Following the issuance of Directive 7 and 7/1 in March 1995, the humanitarian situation grew even worse.[16825] The supply of fuel was limited, and electricity for the population was virtually non-existent.[16826] The water supply was generally bad for both the population living in the enclave and for members of DutchBat.[16827] The sanitation situation was dire as waste processing was difficult and medical care was insufficient.[16828]

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16822 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 18; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 8; P3950 (Photograph of people around garbage truck).

16823 Adjudicated Fact 1431.

16824 P820 (Witness statement of David Harland dated 4 September 2009), para. 146; Adjudicated Fact 1430. *See also* P2257 (UNPROFOR Weekly Situation Report, 18 March 1995), e-court p. 4; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 21; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 6.

16825 *See* Section IV.C.1.b.i: Issuance of Directives 7 and 7/1. Around this time, Momir Nikolić received orders from the Main Staff to strengthen control measures imposed at the Yellow Bridge, and during April, May, and June 1995, the Bratunac Brigade conducted intensive checks of convoys entering the enclave at the Yellow Bridge. Momir Nikolić, T. 24598 (13 February 2012), T. 24804 (15 February 2012). From 2 April 1995, no humanitarian convoy could enter the Srebrenica enclave without Nikolić's permission. P4190 (GS VRS Report, 2 April 1995, p. 1; Momir Nikolić, T. 24595–24596 (13 February 2012). Nikolić described the situation in the enclave as "quite grave" and "hopeless", with families having "a terrible life". Momir Nikolić, T. 24601–24602 (13 March 2012). *But see* P831 (SRSG Weekly Situation Report, 26 April 1995), p. 8; David Harland, T. 2205 (10 May 2010) (stating that he had not seen P831 before, noting that its author, Akashi, was not in BiH at the time while Harland had been, and suggesting that the statement might have been correct but only for that particular week); Slavko Kralj, T. 36566 (4 April 2013). Kralj suggested that problems with convoy clearance were attributable to UNPROFOR not providing sufficient notice, leading to backlogs and confusion at check-points. Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29285. *See also* D143 (VRS Report on movement of UN convoys, undated) (reporting on UNPROFOR and humanitarian organisations abusing their mandate).

16826 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1892–1893; D4476 (Letter from Pasi Karonen to Mr. Stoltenberg, 20 July 1993), para. 3. The only electricity available was generated by diverting water from the main river. P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 41. *See also* Joseph Kingori, T. 22880 (12 January 2012); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 42.

16827 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1891; P4142 (UNMO Report, 8 July 1995), p. 2; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 40; P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), e-court pp. 205–206, 209; D4476 (Letter from Pasi Karonen to Mr. Stoltenberg, 20 July 1993), para. 3.

16828 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1892–1893; Momir Nikolić, T. 24601–24602 (13 March 2012). *But see* D2125 (VRS Main Staff Notification, 2 March 1995), p. 1; D2126 (VRS Main Staff Notification, 27 March 1995), p. 1; D2127 (VRS Main Staff Report, 18 April 1995), p. 2; D4845 (VRS Main Staff notification, 18 April 1995); Ljubomir Obradović T. 25277, 25279 (24 February 2012). The VRS did permit occasional medical evacuations. Slavko Kralj, D3245 (Transcript from Prosecutor v. Popović et al.), T. 29287–29288; D3272 (VRS Main Staff notification, 21 March 1995); D3273 (VRS Main Staff notifications to UNPROFOR, 26 and 27 March 1995), pp. 1–7.

4990. In mid-April 1995, DutchBat personnel rotations came to a halt as the VRS refused to allow soldiers to re-enter the enclave after taking leave, ultimately reducing DutchBat's personnel to 50%.[16829] Accordingly, DutchBat's combat readiness and ability to implement tasks was reduced to a minimum.[16830]

4991. Conditions deteriorated considerably between May and the beginning of July 1995.[16831] In early June, the only food present in the enclaves was what the residents were able to raise for themselves,[16832] as humanitarian aid deliveries to the enclaves fell to 29.7% of targeted levels in Srebrenica.[16833] The Chamber notes the Accused's contention that there was no appreciable difference between the amounts of humanitarian aid delivered before and after the issuance of Directive 7.[16834] The Chamber recalls that Ljubomir Obradović, a member of the VRS Main Staff,[16835] agreed with this argument when presented with a series of Main Staff convoy notifications dated before and after the issuance of Directive 7.[16836] However, Momir Nikolić

16829 Robert Franken, T. 23071, 23077 (16 January 2012); P4191 (Letters to Generals Mladić and Delić from General Janvier, 19 May 1995); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 31; Adjudicated Fact 1434. In June 1995, DutchBat personnel were not cleared to go on leave. P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 21–22; P4198 (28th Infantry Division Combat Report, 6 July 1995), para. 3; P4197 (GS VRS report, 1 July 1995), paras. 5–6; Robert Franken, T. 23077–23078 (16 January 2012).

16830 Momir Nikolić, T. 24600 (13 March 2012); Adjudicated Fact 1433. *But see* Slavko Kralj, T. 36569, 36571–36572, 36579–36580 (4 April 2013).

16831 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1894; P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 5. Boering raised the issue of the restriction of aid convoys with Nikolić, who was given a letter to be transmitted to the command of the Drina Corps; however, raising this issue did not change the situation. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1898–1899.

16832 Robert Franken, T. 23072, 23094–23095 (16 January 2012) (characterising the food supplies as "absolutely insufficient for the civil population"); P4192 (UN Weekly Situation Report, 29 May-4 June 1995), para. 17. *But see* Milenko Živanović, T. 42676 (31 October 2013) (disputing that convoys were restricted and asserting that there was no arable land inside Srebrenica).

16833 P2443 (UNPROFOR report re humanitarian situation in Croatia and BiH, 6 July 1995), p. 6. *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 16; P5211 (UNPROFOR daily report, 20 June 1995), para. 3. In Žepa, humanitarian aid deliveries fell to 7.3% of targeted levels while no humanitarian aid was delivered to Goražde. P2443 (UNPROFOR report re humanitarian situation in Croatia and BiH, 6 July 1995), p. 6.

16834 Defence Final Brief, paras. 1326–1327.

16835 Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11929. Within the Main Staff, Obradović served as Chief of Operations and the deputy of Radivoje Miletić in the Administration for Operations and Training. Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11929, 11951–11952.

16836 *See* Ljubomir Obradović, T. 25257–25261, 25278 (24 February 2012); D2113 (VRS Main Staff Notification, 19 January 1995), p. 1; D2114 (VRS Main Staff Notification, 16 February 1995), p. 1; D2115 (VRS Main Staff Notification, 18 March 1995), p. 1; D2116 (VRS Main Staff Notification, 13 April 1995), p. 1; D2068 (VRS Main Staff notification, 30 April 1995), p. 1; D2077 (VRS Main Staff notification, 28 May 1995); P4452 (VRS Main Staff Report, 2 June 1995), p. 1; D2117 (VRS Main Staff Report, 12 June 1995), p. 1; D2118 (VRS Main Staff Notification, 19 June 1995), p. 1; D2119 (VRS Main Staff Notification, 30 June 1995), p. 1; D2120 (VRS Main Staff Notification, 7 July 1995), p. 1. *See also* D2067 (VRS Main Staff notification regarding clearance of convoy, 29 April 1995); D2068 (VRS Main Staff notification, 30 April 1995); D2069 (VRS Main Staff notification, 12 May 1995); D2070 (VRS Main Staff notification, 29 April 1995); D2071 (VRS Main Staff notification, 16 May 1995); D2072 (VRS Main Staff notification, 17 May 1995); D2073 (VRS Main Staff notification, 19 May 1995); D2075 (VRS Main Staff notification, 26 May 1995); D2076 (VRS Main Staff

testified that he received frequent requests that the amount of goods in UNHCR convoys "be halved".[16837] Having examined the documents cited above and analysed the testimonies of Obradović and Momir Nikolić on this point, and having compared them with the testimonies of numerous witnesses who testified to the deprivation visible in the enclave at the time, the Chamber observes that even if such convoys were ostensibly authorised on paper, this would not mean that such convoys ultimately arrived.[16838] The Chamber recalls that the language of Directive 7 specifically called on the Bosnian Serb Political and Governmental Organs and Bosnian Serb Forces to "*unobtrusively* [...] reduce and limit the supply of material resources to the Muslim population";[16839] the Chamber finds that this directive was indeed implemented.

4992. Later that month, the combat ration stocks were also diminished and members of DutchBat subsisted on rice and peanut butter until a re-supply convoy arrived with food approximately ten days later.[16840] By month's end, some residents had died of starvation.[16841] At the time, the situation in Srebrenica was relatively calm from a military standpoint, though it was reported that the town "had the feel of an open air prison".[16842]

*iii. Military actions, Spring 1995*

4993. Meanwhile, despite the relative stabilisation of the confrontation lines between the VRS and ABiH resulting from the conclusion of the COHA,[16843] small scale fighting flared up "continually"

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notification, 26 May 1995); Momir Nikolić, T. 24777–24782, 24785 (15 February 2012); D3287 (Drina Corps record of humanitarian aids delivered to Muslim enclaves, 3 May 1995) (recording the amounts of various items delivered in March and April 1995). The Chamber also notes that Živanović, whose units controlled access to the area at the time, asserted that neither he nor the Drina Corps units had obstructed humanitarian aid convoys bound for Srebrenica. D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 26; Milenko Živanović, T. 42613–42614, 42616 (30 October 2013), T. 42687–42688 (31 October 2013); P6481 (Report of Drina Corps, 1 February 1993). *See also* D3947 (Summary of Humanitarian Aid Delivered to Srebrenica, 1994); D3957 (Report of Drina Corps, 3 May 1995). The Chamber observes that for the reasons mentioned above, including a lack of candour as well as an incentive to minimise any questionable conduct on the part of his subordinate units, Živanović's testimony regarding humanitarian aid convoys is not reliable. *See* para. 4982.

16837 Momir Nikolić, T. 24598, 24600–24601 (13 February 2012).

16838 *See e.g.* P4142 (UNMO Report, 8 July 1995), para. 3 (stating that although three UNHCR convoys were authorised to travel to the enclaves, only one arrived and that even the planned convoys would only serve approximately 65% of the population's needs); P5174 (Report of RS Commission for Refugees and Humanitarian Aid to Radovan Karadžić, 29 June 1995).

16839 P838 (Directive 7, 8 March 1995), p. 14 (emphasis added).

16840 Robert Franken, T. 23074, 23094–23095 (16 January 2012); P4194 (VRS Main Staff Order, 18 June 1995), para. 3.

16841 P4198 (28th Infantry Division Combat Report, 6 July 1995), para. 4.

16842 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 14. Every room in Srebrenica held a family, with remaining people occupying every available house, garage, shed, and improvised accommodation to full capacity. Mirsada Malagić, T. 23470 (24 January 2012).

16843 *See* paras. 410–416.

along the borders of the enclave from mid-1993 until its fall in 1995.[16844] The Muslim Forces in Srebrenica carried out continuous reconnaissance and sabotage activities against VRS positions around the enclaves of Srebrenica and Žepa.[16845] In October 1994, the Muslim Forces in Srebrenica carried out sabotage attacks in VRS territory along the Srebrenica–Konjević Polje, Cerska and Modrica axes.[16846] Late in the fall of 1994, they began planning and carrying out actions aimed at linking up with the ABiH in Tuzla.[16847] Despite the demilitarisation agreement, the Muslim Forces in Srebrenica continued to obtain arms and open fire on VRS lines.[16848] Further, ABiH helicopters flew in violation of the no-fly zone.[16849]

4994. During the first few months of 1995, the VRS and ABiH regularly exchanged fire.[16850] In March and April 1995, there was a build-up of Bosnian Serb forces near OP Romeo and OP Quebec, where soldiers were seen arriving with new rifles and complete uniforms.[16851] During this time, several skirmishes broke out between members of the VRS and the Muslim Forces in Srebrenica.[16852]

4995. In April and May 1995, close firing on DutchBat patrols and OPs—the majority of which originated from VRS positions—increased.[16853] As a result, Franken and Bečirović reached a "co-ordinated defence" agreement, according to which, in the event of a VRS attack on the enclave,

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16844 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.27.

16845 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 5990; D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 43. *See e.g.* D2937 (Order of ABiH Supreme Command Staff, 4 October 1994); D140 (Letter from ABiH Supreme Command Staff to ABiH 8th Operations Group, 9 November 1994); D141 (Telegram from 1st Žepa Light Brigade to ABiH Supreme Command Staff, 13 December 1994); Pieter Boering, T. 22098–22099 (29 November 2011); D2016 (Directive of ABiH General Staff, 5 January 1995), e-court p. 4. *See also* Adjudicated Fact 1423.

16846 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 5995, 6000–6001. During the previous summer, many members of the Muslim Forces in Srebrenica had left the enclave for Tuzla, travelling on foot and carrying their arms; combat ensued where they encountered the VRS, and both sides sustained large numbers of casualties. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 5987–5989, 5991–5993. Defectors continued trying to reach Tuzla and Kladanj even up to the summer of 1995. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6051–6052.

16847 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6002–6003, 6005–6007, 6011, 6013–6014, 6017–6020, 7557–7558.

16848 Adjudicated Fact 1427. *See also* P5086 (Report of RS Main Staff, 19 March 1995), p. 2; D156 (Podrinje 1st Light Infantry Brigade combat report, 16 February 1995); D2178 (VRS Main Staff Report, 2 March 1995).

16849 Adjudicated Fact 1427. *See also* D142 (Telegram from 1st Žepa Light Brigade to ABiH Supreme Command Staff, 31 December 1994); D156 (Podrinje 1st Light Infantry Brigade combat report, 16 February 1995); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6031, 6033, 6071–6074. These helicopters flew mostly at night when visibility limited the VRS's ability to use anti-aircraft weapons. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6037.

16850 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 9. *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6077–6078, 6081–6082, 6116. *But see* D4446 (Report of Drina Corps to VRS Main Staff, 27 February 1995).

16851 Adjudicated Facts 1435, 1436.

16852 Adjudicated Fact 1438.

16853 P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 32–33.

DutchBat would defend its OPs while the Muslim Forces in Srebrenica would defend the areas between the OPs.[16854]

4996. In May 1995, the VRS obtained information that the Muslim Forces in Srebrenica were in the final stages of preparing for an attack against the Drina Corps.[16855] In late May 1995, tensions between the Muslim Forces in Srebrenica and the VRS increased in and around the enclave.[16856]

4997. From May to July 1995, the threat to the enclave increased, with more shootings occurring from the VRS side, limiting DutchBat's movements.[16857] In late May and early June 1995, DutchBat faced direct fire when leaving the compound in Potočari.[16858]

4998. On the afternoon of 25 May 1995—in response to NATO air-strikes on Bosnian Serb military targets in Pale[16859]—Živanović ordered all Drina Corps units' anti-aircraft defence forces to full combat readiness.[16860] Živanović further ordered that if the conflict escalated, the units should turn the basic firing positions into decoys by moving artillery to reserve firing positions.[16861]

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16854 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 36. According to the agreement, the weapons from the Bravo Company's collection point would also be made available to the Muslim Forces in Srebrenica in the event of an attack on the enclave, although the group declined to exercise this option when the attack eventually came in July 1995. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 36. Franken viewed this co-ordination as necessary because of the vulnerable positions of the OPs, which were painted white and illuminated at night; if the ABiH left without telling Franken, the OPs would be surrounded and indefensible in the middle of Bosnian Serb territory. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 37.

16855 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6029, 6049. *See also* D1993 (Order of 28th Division Command, 2 June 1995); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6042; D2014 (Report of ABiH 28th Division, 30 June 1995); D2015 (VRS Main Staff Report, 26 June 1995). Earlier that spring, the ABiH had been ordered to secretly bring its units to full combat readiness and to be on standby for a co-ordinated action with the 1st Žepa Light Brigade. D1955 (Order of ABiH General Staff, 17 February 1995), p. 2; D150 (Order of 2nd Corps of ABiH, 17 February 1995); D149 (Report from Naser Orić to ABiH General Staff, 25 February 1995); D152 (ABiH General Staff Order, 15 April 1995); D153 (ABiH General Staff Order, 27 April 1995); D2939 (Decision of RBiH Ministry of Defence, 17 April 1995); D3721 (VRS Main Staff Intelligence and Security sector report, 8 February 1995), e-court p. 2–3. The Muslim Forces in Srebrenica made efforts to conceal their preparation and supply routes, as evidenced through their objection to DutchBat building a new OP near Ložina as it would negatively affect "unhindered passage" through the Žepa–Srebrenica corridor. D1963 (Order of ABiH 2nd Corps, 29 April 1995); P3990 (2nd Corps instructions, 29 April 1995). *See also* D1955 (Order of ABiH General Staff, 17 February 1995), p. 2 (referring to the existence of a helicopter which was to be camouflaged until it could be "evacuated", and if found by UNPROFOR, ABiH members were to say that its purpose was to transport political representatives of Srebrenica and Žepa on state business). Accordingly, UNPROFOR did not know of these preparations. Johannes Rutten, T. 22025–22026 (28 November 2011); Albert Rave, T. 22197 (30 November 2011).

16856 Robert Franken, T. 23134–23138 (17 January 2012); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6040.

16857 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1895, 1897; Milenko Živanović, T. 42700 (31 October 2013). *See also* Adjudicated Facts 1439, 1440.

16858 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1897.

16859 *See* para. 5856.

16860 P6571 (Order of Drina Corps, 25 May 1995), p. 1; Vidoje Blagojević, T. 45048–45049 (12 December 2013). Several VRS units were stationed around Srebrenica during this time, including two with permanent positions. Vidoje Blagojević, T. 45051 (12 December 2013).

16861 P6571 (Order of Drina Corps, 25 May 1995), pp. 1–2. *See also* P4076 (Report of the Bratunac Brigade to Drina Corps, 25 May 1995).

At approximately 7 p.m. that evening, pursuant to an oral order conveyed by Milenko Lazić, the Chief of Operations and Training for the Drina Corps,[16862] the Bratunac Brigade fired four 105mm howitzer shells towards Srebrenica.[16863] Civilians were killed and wounded as a result.[16864] DutchBat personnel based at Potočari continued to observe houses being shelled from VRS positions in Bratunac during June and July.[16865]

4999. During the following week, the VRS repeatedly requested that DutchBat surrender OP Echo, which had strategic significance due to its position near the road running toward Zeleni Jadar.[16866] The VRS threatened that the OP would otherwise be taken by force.[16867] DutchBat refused and warned that close air support would be requested if the VRS attacked.[16868] On 3 June 1995, pursuant to a Drina Corps order issued the previous day, the VRS attacked OP Echo.[16869] After the OP's tower sustained a direct hit, DutchBat withdrew from the post.[16870] Thereafter, OP

16862 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21722–21724.

16863 P4076 (Report of the Bratunac Brigade to Drina Corps, 25 May 1995), para. 1; Vidoje Blagojević, T. 45049–45050 (12 December 2013); Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21857–21858. Artillery observers at Pribećevac reported that two shells fell near the Domavija hotel in the centre of Srebrenica, while the locations of the other two shelling impacts were not observed. P4076 (Report of the Bratunac Brigade to Drina Corps, 25 May 1995), para. 1; Vidoje Blagojević, T. 45077–45078 (12 December 2013). *See also* Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21743, 21857.

16864 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 57–58. *See also* P402 (Witness statement of Alma Gabeljić dated 24 May 2004), e-court p. 2. P6572 (Report of 28th ABiH Division, 26 May 1995); P6575 (Report of VRS Main Staff, 25 May 1995), e-court p. 4; Vidoje Blagojević, T. 45052–45053 (12 December 2013).

16865 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1895–1897.

16866 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 43. Approximately 100 metres of the road, which ran directly in front of OP Echo, lay within the enclave's boundaries. Robert Franken, T. 23098 (16 January 2012).

16867 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 23–24; Albert Rave, T. 22212 (30 November 2011). The VRS was in fact already making preparations to take the area by force. *See* P5219 (Order of Drina Corps, 29 May 1995); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 25. *See also* D1035 (ABiH 2nd Corps report, 30 May 1995), p. 2 (describing a meeting with DutchBat in which DutchBat reported seeing Bosnian Serb troop movements near the Zeleni Jadar OP).

16868 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 23; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 60.

16869 P4199 (Order of Drina Corps, 2 June 1995); Robert Franken, T. 23080 (16 January 2012); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 38; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 26.

16870 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 38; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 26. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 59; Joseph Kingori, T. 22799 (11 January 2012). The take-over of OP Echo formed a part of the "Jadar 95" operation, which was carried out by the Drina Corps between 31 May and 5 June 1995 and resulted in the VRS assuming control over the village of Zeleni Jadar. P5111 (Report of Bratunac Brigade to Drina Corps, 4 July 1995), p. 2; P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 1.38; P5110 (Order of Bratunac Brigade, 4 June 1995). The take-over constituted a test of the UNPROFOR reaction to an attack on the enclave. Robert Franken, T. 23078–23079 (16 January 2012); P4202 (Written compilation booklet: Srebrenica Trial video), p. 256; Milenko Živanović, T. 42656–42657 (31 October 2013). *See also* Momir Nikolić, T. 24828–24829 (16 February 2012) (suggesting that the preparatory part of the attack on Srebrenica began with the take-over of OP Echo); P3996 (Situation Report from DutchBat to UNPROFOR Sector North HQ, 7 January 1995), p. 2. *But see* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6093, 6109–6110.

Sierra was established on the approach to the Swedish Shelter Project and OP Uniform on the approach to the town of Srebrenica itself.[16871]

5000. That month, the ABiH 2nd Corps ordered the Muslim Forces in Srebrenica to conduct raids out of the Srebrenica enclave for the primary purpose of engaging VRS forces in the area, in order to prevent them from being transferred to Sarajevo.[16872] During this period, members of the Muslim Forces in Srebrenica were seen openly carrying weapons and seemed less concerned about their weapons being confiscated by DutchBat.[16873]

5001. Following the take-over of OP Echo, VRS units were ordered to carry out ambushes between the Srebrenica and Žepa enclaves.[16874] In the early morning hours of 24 June, under the direction of Svetozar Kosorić, the Chief of the Drina Corps Intelligence Department,[16875] approximately 30 members from both platoons of the 10th Sabotage Detachment and members of the Bratunac Brigade entered Srebrenica town through an old mining tunnel, and used infantry weapons to fire into the town.[16876] After about 15 minutes, the soldiers returned to VRS-held territory through the same tunnel.[16877] The attack resulted in three casualties, including one death, in the town.[16878]

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16871 P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 40–41; P3970 (Map of Eastern Bosnia) (showing the positions of OP Sierra and OP Uniform at "S" and "U" respectively); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 2. The Swedish Shelter Project provided housing for 4,000 refugees and was located in the southern part of the enclave. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1898.

16872 D2233 (Report of ABiH, 28 June 1995), p. 1; D3919 (ABiH 285th Eastern Bosnia Light Brigade combat report, 28 June 1995), p. 1; D1062 (ABiH 28th Division situation report, 30 June 1995). *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6052–6054, 6062, 6089, 7557–7558; Richard Butler, T. 27719–27720 (20 April 2012); D1962 (Order of ABiH 28th Division, 5 June 1995); Ljubomir Obradović, T. 25211 (24 February 2012); Joseph Kingori, T. 22855–22857 (12 January 2012).

16873 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2170. Boering testified that from mid–June, DutchBat "turned a blind eye" and allowed Muslim Forces in Srebrenica members to walk around with Kalashnikovs. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2116.

16874 *See e.g.* D4447 (Order of Drina Corps, 4 June 1995), para. 3. On 14 June, the ABiH attacked the VRS near the village of Memići. D3959 (Report of Drina Corps, 15 June 1995), p. 1. *See also* Milenko Živanović, T. 42701–42702 (31 October 2013).

16875 P6408 (VRS Main Staff Intelligence and Security sector order, 21 June 1995). para. 3.

16876 Petar Salapura, T. 40248 (24 June 2013); D3720 (Witness statement of Petar Salapura dated 17 June 2013), para. 18; P6408 (VRS Main Staff Intelligence and Security sector order, 21 June 1995); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10936–10937 (further testifying that his unit had been told that they were firing towards the command of Naser Orić). *See also* D2211 (MSF report, 26–30 June 1995), p. 1. According to Frank Kos, a member of the 10th Sabotage Detachment, the aim of the operation was to create chaos and start infighting amongst the ABiH soldiers in the town. Frank Kos, T. 42393–42395 (1 August 2013). Salapura testified that the action was intended as a warning to the ABiH to discontinue their ambush and sabotage actions originating in Srebrenica. Petar Salapura, T. 40249–40251 (24 June 2013) (denying that the action was aimed at intimidating the civilian population).

16877 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10937.

16878 D2211 (MSF report, 26–30 June 1995), p. 1.

5002. Meanwhile, units of the Muslim Forces in Srebrenica were carrying out co-ordinated sabotage actions deep within the Drina Corps territory.[16879] On 26 June 1995, the Muslim Forces in Srebrenica attacked the Main Staff Headquarters at Crna Rijeka, carried out a further operation seven kilometres away against the 65th Protection Regiment's tank company, and attacked the Serb village of Višnjica, located five kilometres west of the Srebrenica enclave.[16880] The Drina Corps—along with reinforcements from other corps—halted the offensive on the same day.[16881]

5003. During this period, DutchBat was aware of frequent shooting from both sides that occurred at the borders of the enclave, though the situation inside the enclave remained relatively calm.[16882] Although DutchBat's local negotiation team received information from Momir Nikolić that the Muslim Forces in Srebrenica were conducting raids outside of the enclave, they were unable to independently verify this information as DutchBat lacked freedom of movement outside the enclave, especially during the latter part of June when tensions mounted and their freedom of movement became even more restricted.[16883] However, throughout the month of June and into July,[16884] the Muslim Forces in Srebrenica continued launching actions against VRS defensive lines from Srebrenica.[16885]

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16879 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6040, 6043–6045, 6052–6053, 6066–6069, 6095, 6097–6103. *See also* D3920 (VRS Main Staff information, 24 June 1995); Vidoje Blagojević, T. 45076–45077 (12 December 2013).

16880 D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 44; D2014 (Report of ABiH 28th Division, 30 June 1995), p. 1; P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 225 (referring to a Bosnian Muslim attack on the Bosnian Serb village of Višnjica on 26 June). The nine sabotage groups came from Žepa and Srebrenica and were sent to the vicinity of the Main Staff, endangering the Main Staff and causing the Communications Regiment and 65th Protection Regiment to sustain heavy losses. Ljubomir Obradović, T. 25211–25212 (24 February 2012). *See also* D3919 (ABiH 285th Eastern Bosnia Light Brigade combat report, 28 June 1995); D136 (ABiH 2nd Corps combat report, 27 June 1995).

16881 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6103.

16882 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 9. *See also* Robert Franken, T. 23136 (17 January 2012).

16883 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 9; Johannes Rutten, T. 22017 (28 November 2011); Pieter Boering, T. 22089–22091 (29 November 2011). Serb villages that were reportedly attacked were not visible from DutchBat's OPs, and DutchBat's movement was already restricted as early as January 1995. P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 9; Johannes Rutten, T. 22017–22018, 22022, 22029 (28 November 2011).

16884 In July 1995, attacks were launched from the Srebrenica enclave toward the area under VRS control: houses in the north of the enclave near OP Mike were burned, villages in the north of the enclave were attacked, and sniping incidents and ambushes occurred outside the enclave. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 35; Robert Franken, T. 23131, 23152 (17 January 2012); D1961 (Report of ABiH 2nd Corps, 8 July 1995); P5268 (Intercept of conversation between Ratko Mladić and General Bernard Janvier, 10 July 1995), p. 1; Momir Nikolić, T. 24797 (15 February 2012). According to Nikolić, between 56 and 58 Bratunac Brigade soldiers were killed between the declaration of Srebrenica as a demilitarised enclave and the fall of the enclave in July 1995. Momir Nikolić, T. 24816–24817 (16 February 2012).

16885 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6106–6116. *See also* D1959 (UNMO Asssement, 7 July 1995), e-court p. 3; P4086 (Report of Drina Corps to VRS General Staff, 26 June 1995) p. 1; P5150 (RS MUP summary of information from and about the front, 26 June 1995) p. 2; D1062 (ABiH 28th Division situation report, 30 June 1995).

c. Attack on Srebrenica

*i. Issuance of the Krivaja 95 orders*

5004. In late June 1995, the Accused and Krajišnik came to the Drina Corps Command in Vlasenica and met with Krstić; Živanović was absent.[16886] During this meeting, Krstić received a combat assignment.[16887] That evening, Krstić summoned the command of the Drina Corps to the operations room and explained that the Drina Corps had been assigned to prepare for a military operation.[16888] Following that meeting, the brigade commanders were ordered to report to the Drina Corps Command at 8 a.m. on the following day.[16889] When the brigade commanders arrived, they received an oral briefing on the task.[16890] Krstić and the Drina Corps command then began to draft a combat plan which would become known as Krivaja 95.[16891]

16886 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 7. *See also* Petar Salapura, T. 40243 (24 June 2013). Popović testified that before leaving, the Accused and Krajišnik also met with the officers of the Drina Corps Command; according to Popović, the Accused and Krajišnik did not mention Srebrenica at all, but merely informed the officers about political negotiations. D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 8.

16887 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21728, 21746. In reaching the conclusion that Krstić received a combat assignment during the meeting with the Accused and Krajišnik, the Chamber noted that Lazić testified that in late June 1995, Krstić relayed to the Drina Corps Command a combat assignment which had been given to the corps outside the normal chain of command. Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21727, 21728, 21746. Taking Lazić's evidence together with the evidence establishing that the Accused and Krajišnik came to Vlasenica and met with Krstić in late June 1995, the Chamber considers that the only reasonable inference from such testimony is that a combat assignment was given during the meeting of Krstić, Krajišnik, and the Accused.

16888 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21728; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 9.

16889 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21728.

16890 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21728. All brigade commanders, as well as the commanders of independent units subordinated to the Drina Corps, attended the meeting. Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21748.

16891 Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21731. The Chamber notes that in his testimony, which was given while testifying in his own trial and admitted pursuant to Rule 92 *quater* in this case, Krstić denied that he had taken part in planning the Srebrenica operation, asserting that he had only learned about the Krivaja 95 operation when Živanović returned from the Main Staff and conveyed the assignment to his assistants on 2 July. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6125. Further, Krstić initially testified that Živanović did not really need to consult with his assistants or Krstić when planning the operation because of his familiarity with the Muslim Forces in Srebrenica, but later acknowledged that he had taken part in the assessment of which forces should take part in the Krivaja 95 task. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6128–6129. Krstić also later acknowledged that he took part in the elaboration and recording of the plans outlining the Krivaja 95 operation, but asserted that he "took very little part" and did not provide any specific advice to Živanović in formulating the proposal for the engagement of forces. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6370–6371, 6374, 6376–6377. The Chamber notes that because the extent to which Krstić was involved in the planning of the Krivaja 95 operation bore directly upon his responsibility for the crimes with which he was charged, Krstić had an incentive to minimise his role, and considers that his testimony regarding the extent of his own involvement is thus of dubious reliability. Accordingly, the Chamber will not attribute any weight to this part of Krstić's evidence.

5005. On 2 July 1995, two orders, both of which drew reference from Directives 7 and 7/1, were issued in the name of Drina Corps Commander Živanović.[16892] First, a preparatory order sent to all subordinate units referred to the VRS's anticipation of an ABiH attack aimed at dividing the Drina Corps' area of responsibility and connecting the Srebrenica and Žepa enclaves with Bosnian Muslim-held territory.[16893] The subordinate units were ordered to prepare for active combat operations by "switching from defence to attack with all the forces in their areas of responsibility".[16894]

5006. The second order, which was an order for active combat operations implementing the basic concept outlined in the preparatory order, was issued later that day and addressed to the commands of the Zvornik, Birač, Romanija, Bratunac, and Milići Brigades, as well as the 5th Mixed Artillery Regiment.[16895] It was also delivered to the Main Staff and to the Drina Corps IKM at Pribićevac.[16896]

5007. The active combat order referred to the Drina Corps' task of "carrying out offensive activities [...] as soon as possible, in order to split apart the enclaves of Žepa and Srebrenica, and to reduce them to their urban areas".[16897] It then assigned specific tasks to be undertaken by the subordinate units, whose objective was "by surprise attack, to separate and reduce in size the Srebrenica and Žepa enclaves, to improve the tactical position of the forces in the depth of the area, and to create conditions for the elimination of the enclaves".[16898] The tasks allocated did not

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16892 P4571 (Order of Drina Corps, 2 July 1995), para. 2; P4481 (Order of Drina Corps, 2 July 1995), para. 2; Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21731; Mirko Trivić, T. 40535 (26 June 2013); D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 32.

16893 P4571 (Order of Drina Corps, 2 July 1995), para. 1; Mirko Trivić, T. 40534–40535 (26 June 2013); D3747 (Witness statement of Mirko Trivić dated 22 June 2013), p. 7.

16894 P4571 (Order of Drina Corps, 2 July 1995), paras. 2–3; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6126–6127. Acting pursuant to the preparatory order on 2 July, Zvornik Brigade Commander Pandurević issued an order establishing a tactical group from amongst the units of the Zvornik Brigade, and designating himself as commander and Milan Jolović as deputy commander. P177 (Order of Zvornik Brigade, 2 July 1995), para. 2.1.

16895 P4481 (Order of Drina Corps, 2 July 1995), e-court pp. 1, 17; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6131. According to Lazić, about 2,000 troops participated in the operation. Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21734. Two to three MUP companies and the 1st Company of the Vlasenica Brigade were also assigned as reserve forces but did not receive the order for active combat activities. P4481 (Order of Drina Corps, 2 July 1995), para.5; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6137–6139.

16896 P4481 (Order of Drina Corps, 2 July 1995), e-court p. 17; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6142.

16897 P4481 (Order of Drina Corps, 2 July 1995), para. 2. Krstić explained that "the urban area" of Srebrenica included the villages on the outskirts of town, such as Bojna, Bajramovići, Pusulići, and Potočari, but did not include the outlying villages in the enclave. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6390–6391.

16898 P4481 (Order of Drina Corps, 2 July 1995), paras. 4–5; Momir Nikolić, T. 24828 (16 February 2012); Ljubomir Obradović, T. 25220 (24 February 2012). *See also* Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21732–21733.

include taking over Srebrenica town.[16899] The active combat order further instructed the units to, "in dealing with prisoners of war and the civilian population behave in every way in accordance with the Geneva Conventions", and designated the security organs and MP to indicate areas for gathering prisoners of war.[16900] Combat readiness was ordered for 4 a.m. on 6 July 1995.[16901] Late in the evening of 2 July, the Main Staff reported to the Accused that "the [Drina] Corps units [we]re in full combat readiness and [...] unengaged forces [we]re being prepared for forthcoming active combat operations".[16902]

5008. Final preparations were made over the following few days. Upon receiving the active combat order on 2 July, the brigade commanders conveyed the order for active combat operations to their subordinate units.[16903] Krstić was placed in charge of reconnaissance activities, and prepared a surveillance plan.[16904] On 5 July, Živanović again assessed the overall situation in the Drina Corps' area of responsibility and decided that the units were ready to implement the task.[16905] Krstić departed that afternoon for the Pribićevac IKM, where he met with Blagojević, whose IKM was located nearby.[16906]

5009. Around the same time, Bosnian Serb Forces appeared to establish a headquarters in a large house located between the Yellow Bridge and OP Papa.[16907] DutchBat member Roger Patelski observed two tanks moving close to the house, members of Bosnian Serb Forces digging trenches and setting up rocket launchers in the hills above Potočari, as well as artillery and mortars firing in the direction of the enclave.[16908] Snipers posted on the surrounding hills targeted Bosnian Muslim civilians, including women and children, who were living in the houses in the vicinity of OP

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16899 P4481 (Order of Drina Corps, 2 July 1995). *See also* D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 2; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6136–6137, 6152–6154, 6394–6395, 7349, 7351–7352; D3747 (Witness statement of Mirko Trivić dated 22 June 2013), p. 7; Mirko Trivić, T. 40534 (26 June 2013).

16900 P4481 (Order of Drina Corps, 2 July 1995), para. 10(b). Lazić testified that, as in any operation, it was anticipated that some prisoners would be taken, but a large number of prisoners was not expected due to the operation's initial limited scope. Milenko Lazić, P4072 (Transcript from *Prosecutor v. Popović et al.*), T. 21733–21735.

16901 P4481 (Order of Drina Corps, 2 July 1995), para. 4.

16902 P5126 (VRS Main Staff Report to RS President, 2 July 1995), p. 3.

16903 P5133 (Order of Bratunac Brigade, 5 July 1995); D4189 (Witness statement of Vidoje Blagojević dated 9 December 2013), pp. 3–4.

16904 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6156.

16905 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6158–6159, 6171–6172. *See also* D3950 (Order of Drina Corps, 5 July 1995) (stating that Drina Corps units had carried out all preparations for executing combat actions towards Srebrenica and ordering the 1st and 5th Podrinje Light Infantry Brigades to prepare for the commencement of combat operations towards Žepa on the morning of 6 July).

16906 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6159, 6172–6173, 6423.

16907 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 8.

16908 P4173 (Witness statement of Roger Patelski dated 30 November 2011), paras. 9–10; P4174 (Aerial photograph of Srebrenica-Bratunac area marked by Roger Patelski); Roger Patelski, T. 23018–23019 (13 January 2012).

Papa.[16909] Bosnian Serb Forces also fired on a number of OPs, including OP Mike, with small and large calibre weapons.[16910]

*ii. Commencement of VRS combat operations and shelling of Srebrenica and Potočari*

5010. By 6 July, the Drina Corps units had been prepared and grouped for active combat operations towards Srebrenica and Žepa.[16911] Combat activities towards Srebrenica began early that morning.[16912] At approximately 3 a.m., Srebrenica town came under heavy and continuous fire.[16913] Shells fell in a scattered manner throughout the town and the enclave.[16914] Within half an hour, several rockets landed near the DutchBat compound in Potočari.[16915] At about 1 p.m., a tank round hit the defence wall of OP Foxtrot,[16916] which thereafter came under direct fire from tanks, mortars, and small-calibre machine guns.[16917] The shelling of the area continued throughout the day,[16918] initially concentrating at the southeastern part of the enclave.[16919] Bosnian Serb Forces encountered heavy resistance from the ABiH along the southern approach to the town.[16920] Krstić

16909 P4173 (Witness statement of Roger Patelski dated 30 November 2011), paras. 10–11; Roger Patelski, T. 23023–23025 (16 January 2012); Momir Nikolić, T. 24574 (13 February 2012) (acknowledging that civilians inside the enclave were wounded or killed by sniper fire originating from the Bratunac Brigade and suggesting that such civilians "should not have been targeted"). These killings are not charged in the Indictment.

16910 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), paras. 14–15.

16911 D2097 (VRS Main Staff Report, 6 July 1995); Ljubomir Obradović, T. 25211 (24 February 2012).

16912 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 63; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6173. *See also* Ljubomir Obradović, T. 25297–25298 (27 February 2012); Adjudicated Fact 1472.

16913 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 63–64. *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 26; D2212 (Collection of MSF telex messages, 5–17 July 1995), e-court p. 3.

16914 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 71, 73; P4143 (UNMO Report, 6 July 1995), p. 1. *See also* P5113 (Report of Bratunac Brigade to Drina Corps, 6 July 1995) (reporting Bratunac Brigade fire against targets including the school in Potočari, the 11 Mart Factory, and the wider village area).

16915 P4144 (UNPROFOR Report, 6 July 1995), e-court pp. 5–6; P4143 (UNMO Report, 6 July 1995), pp. 1–2; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1920, 1922. *See also* Adjudicated Fact 1473.

16916 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 30; P4144 (UNPROFOR Report, 6 July 1995), e-court p. 5; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 45.

16917 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 45.

16918 P4143 (UNMO Report, 6 July 1995), p. 1. An artillery impact killed a civilian and injured a boy in Srebrenica town. P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 70, 75; P4144 (UNPROFOR Report, 6 July 1995), para. 1; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 46. *See also* P398 (Witness Statement of Saliha Osmanović dated 18 June 2000), e-court p. 2; P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 10 (referring to the killing of her son, Edin, by a shell on 6 July 1995). These killings are not charged in the Indictment.

16919 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 45; P4144 (UNPROFOR Report, 6 July 1995), para. 1.

16920 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6174. Many fire fights as well as a rocket attack occurred in the Bandera Triangle. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 30.

ordered those who had not reached the lines they had been ordered to reach on 6 July to press ahead on the following day.[16921]

5011. Bosnian Serb Forces fired artillery and mortars as well as multiple rocket launchers all over the enclave throughout the day on 7 July.[16922] Multiple impacts occurred in the vicinity of the DutchBat compound in Potočari,[16923] as well as in Srebrenica town, wounding several civilians.[16924] More than 200 shells fell on Srebrenica town during the course of the day.[16925] However, the Bosnian Serb Forces did not progress further towards the enclave.[16926]

5012. Shelling resumed at 8 a.m. on 8 July, and was most concentrated in Potočari and Srebrenica town.[16927] By 1 p.m., the UNMOs located in the PTT building had counted 34 explosions in Srebrenica town.[16928] Having withstood increasingly more accurate fire since 6 July, OP Foxtrot finally fell on 8 July.[16929] Later that day, OP Sierra and OP Uniform also came under fire from the Bosnian Serb Forces.[16930] UNPROFOR protested to the Main Staff that the OPs were being

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16921 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6175–6176.

16922 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 30–31; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para.77; P5207 (UNPROFOR daily report, 7 July 1995), para. 1.

16923 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 46; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para.78; P4145 (UNMO Report, 7 July 1995), e-court p. 1; P5207 (UNPROFOR daily report, 7 July 1995), para. 1. For example, a small village called Budak, where only civilians lived, was attacked. P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 31, 36.

16924 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 31; P4145 (UNMO Report, 7 July 1995), p. 1; P4146 (UNPROFOR Report, 7 June 1995); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 82, 87; P5207 (UNPROFOR daily report, 7 July 1995), para. 1.

16925 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 86.

16926 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6176; D2098 (VRS Main Staff Report, 7 July 1995), para. 6(a). *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 12–13; Jean-René Ruez, T. 23712–23713 (26 January 2012).

16927 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 89; P4147 (UNMO Report, 8 July 1995), para. 1.

16928 P4147 (UNMO Report, 8 July 1995); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 90–92. Kingori testified that it was possible to conclude that buildings were being targeted because of the corrections that were made to the firing of an artillery weapon when a target was missed. Joseph Kingori, T. 22893–22894 (12 January 2012).

16929 P4144 (UNPROFOR Report, 6 July 1995), e-court pp. 5–6; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 47. At 2 a.m., three tank rounds hit OP Foxtrot, and the defence wall was blown away; the Bravo Company commander then ordered the DutchBat personnel to withdraw. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 32; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 47; P5129 (Memorandum from Thomas Karremans to UNPROFOR, 9 July 1995), para. 3. As DutchBat withdrew, one of the DutchBat soldiers was killed by a member of the ABiH. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 32; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 47; Momir Nikolić, T. 24819 (16 February 2012); P5129 (Memorandum from Thomas Karremans to UNPROFOR, 9 July 1995), para. 3.

16930 P3980 (UNMO report, 9 July 1995), e-court p. 2; P5129 (Memorandum from Thomas Karremans to UNPROFOR, 9 July 1995), para. 4; P4787 (Intercept of conversation between General Nicolai and unidentified person from VRS Main Staff, 8 July 1995). DutchBat personnel were prevented from leaving these areas by the ABiH. P3980 (UNMO report, 9 July 1995), e-court p. 2. The ABiH held positions near many of the DutchBat OPs and would fire at the VRS, trying to provoke the VRS into returning fire in the hope that DutchBat would

attacked.[16931] However, OP Mike, located in the northern part of the enclave, came under direct fire on the following day.[16932] Thereafter, the VRS began taking over the OPs one by one.[16933]

5013. Meanwhile, the southern perimeter of the enclave began to collapse as the Bosnian Serb Forces moved into the enclave.[16934] Late in the evening of 8 July, as Bosnian Serb Forces approached the Swedish Shelter Project near OP Sierra and OP Kilo, 4,000 refugees streamed towards Srebrenica town.[16935] By then, the town was already packed,[16936] and large numbers of people had begun to congregate at the Bravo Company compound in the centre of Srebrenica town.[16937]

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then fire at the VRS. Pieter Boering, T. 22099 (29 November 2011); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 35.

16931 D4448 (Intercept of conversation between General Nicolai and an unidentified person, 8 July 1995); P4787 (Intercept of conversation between General Nicolai and unidentified person from VRS Main Staff, 8 July 1995). Živanović sent an urgent message to Krstić referring to such a protest and relaying an order from the Main Staff "not to attack UNPROFOR, but to prevent any surprises and stop the Muslims in their intention to join up Srebrenica and Žepa". D1964 (Urgent message from Živanović to Krstić re UNPROFOR protest, 8 July 1995); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6178. *See also* D3995 (Request of Vujadin Popović to Drina Corps IKM, 8 July 1995); Vujadin Popović, T. 43021 (5 November 2013).

16932 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 48.

16933 P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 48–49; P5129 (Memorandum from Thomas Karremans to UNPROFOR, 9 July 1995), para. 2 (stating that as of 9 July most DutchBat OPs were hit by mortar fire). *See also* Adjudicated Fact 1476. The last OPs to fall were taken over by the Bosnian Serb Forces on 11 July 1995. *See* para. 5031. In order to avoid an incident like the one that occurred at OP Foxtrot, instead of withdrawing toward Bosnian Muslim lines, the DutchBat soldiers began to wait for the VRS to take the OP and would then surrender. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 49; P5129 (Memorandum from Thomas Karremans to UNPROFOR, 9 July 1995), paras. 4–5. *See also* Adjudicated Facts 1478. After surrendering to the VRS on 9 and 10 July, the DutchBat soldiers at OP Uniform, OP Sierra, and OP Kilo were taken to Bratunac. P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 34, 38; Albert Rave, T. 22219–22220 (30 November 2011); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 51; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1920, 1924; P5127 (Notes on telephone conversation between General Nicolai and Tolimir at 12:30 p.m., 9 July 1995). *See also* Adjudicated Fact 1479.

16934 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6177; D2099 (VRS Main Staff Report, 8 July 1995), paras. 6(a)–(b); P4482 (Drina Corps report, 8 July 1995), para. 2; P4930 (Combat Report of Drina Corps, 8 July 1995), para. 1. *See also* P4929 (Map of Eastern BiH marked by Richard Butler) (showing the location of three features seised by the VRS on 8 July); Richard Butler, T. 27478–27479 (17 April 2012).

16935 P4148 (UNMO Report, 9 July 1995), p. 1; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 95; Pieter Boering, T. 22119 (29 November 2011); P4148 (UNMO Report, 9 July 1995), p. 1. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 39–40; Mirsada Malagić, T. 23471 (24 January 2012); Adjudicated Fact 1482; D2235 (Report of Presidency of Srebrenica Municipality, 9 July 1995); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 51. *See also* Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2713–2714, 2943; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1923.

16936 Mirsada Malagić, T. 23471–23472 (24 January 2012).

16937 P3980 (UNMO report, 9 July 1995), e-court pp. 2–3.

*iii. Expansion of the Krivaja 95 Orders and continued shelling of Srebrenica*

5014. After several days of resistance from the ABiH,[16938] the Bosnian Serb Forces pressed forward on 9 July.[16939] Heavy shelling of Srebrenica town continued at 8 a.m. and lasted throughout the day.[16940] Small arms fire was audible from the centre of town, signalling the proximity of Bosnian Serb infantry.[16941] When the UNMOs stationed in town spotted a tank capable of delivering a direct hit later that day, they decided to leave the PTT building for Potočari.[16942] This contributed to a growing feeling of insecurity and panic amongst the population,[16943] whose numbers were constantly increasing due to the arrival of refugees from the outskirts of town.[16944]

5015. On multiple occasions throughout the day, the Bosnian Muslim municipal authorities attempted to contact the government in Sarajevo to obtain assistance for the population.[16945] In the meantime, the shelling continued.[16946] By 5:50 p.m., the Bosnian Serb Forces had advanced four kilometres into the enclave and stood only one kilometre away from Srebrenica town.[16947]

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16938 Momir Nikolić, T. 24837 (16 February 2012). On 9 July, according to a VRS Main Staff report, the ABiH fired at the VRS using all types of weapons, including heavy weapons. D2100 (VRS Main Staff Report, 9 July 1995), para. 6(a).

16939 *See* P5104 (Message from Drina Corps, 9 July 1995).

16940 P4148 (UNMO Report, 9 July 1995), p. 1; Joseph Kingori, T. 22952 (13 January 2012); D2236 (Report of Presidency of Srebrenica Municipality, 9 July 1995). *See also* Adjudicated Fact 1474. Between approximately 2 and 3 p.m., the UNMOs recorded 78 explosions, 70% of which were centred in Srebrenica town. P4149 (UNMO Report, 9 July 1995); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 98.

16941 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 99–101; P4149 (UNMO Report, 9 July 1995).

16942 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 102–104; Joseph Kingori, T. 22802 (11 January 2012); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 41.

16943 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 107, 109. *See also* KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 641. *See also* KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3504. The deputy mayor tried to persuade the UNMOs not to leave the town because the population did not want to be left behind. P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 104–106.

16944 KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3503; D2236 (Report of Presidency of Srebrenica Municipality, 9 July 1995) (referring to 32,000 displaced people and increasing numbers of new refugees, which totalled 4,000 at the time of the report).

16945 D2235 (Report of Presidency of Srebrenica Municipality, 9 July 1995); D2236 (Report of Presidency of Srebrenica Municipality, 9 July 1995); P4150 (Srebrenica Presidency's message to President of BiH and Commander of ABiH, 9 July 1995). *See also* P5119 (Report of 28th Infantry Division to 2nd Corps Command, 9 July 1995), p. 2 (reporting that the humanitarian situation was 'catastrophic' as the civilian population had no food, and medical supplies were becoming scarcer). At the time, the civilian population had no food reserves and the ABiH had enough food for seven days. D2236 (Report of Presidency of Srebrenica Municipality, 9 July 1995).

16946 Joseph Kingori, T. 22802(11 January 2012).

16947 P5229 (Notes re telephone conversation between General Nicolai and Tolimir at 5:50 p.m., 9 July 1995); P4788 (Intercept of conversation between General Tolimir and General Nicolai at 5:55 p.m., 9 July 1995). *See also* Adjudicated Fact 1483. Momir Nikolić recalled that the attack was halted to allow the VRS to regroup prior to advancing into the town. Momir Nikolić, T. 24838 (16 February 2012).

5016. Cornelis Nicolai, Rupert Smith's Chief of Staff,[16948] spoke to Tolimir several times throughout the day.[16949] Nicolai first expressed concern about the Bosnian Serb incursion into the enclave and stated that UNPROFOR considered it an attack on the safe area, which would force UNPROFOR to defend the area with all available means.[16950] Nicolai also requested the immediate withdrawal of the Bosnian Serb Forces.[16951] Tolimir first replied that he would check the information with his subordinates on the ground,[16952] but later stated that he had been informed that the Bosnian Serb Forces "had no particular problems with UNPROFOR or the civil population in Srebrenica", adding that the ABiH was using heavy weaponry, thereby necessitating Bosnian Serb action.[16953] Nicolai pointed out that the ABiH's heavy weapons were still at the UNPROFOR collection point.[16954] Nicolai reiterated that the Bosnian Serb Forces were directly attacking the safe area and again requested that the Bosnian Serbs withdraw.[16955]

5017. Meanwhile, earlier in the afternoon, Gvero had arrived at the Pribićevac IKM.[16956] At about 5 p.m. Mladić and Živanović arrived.[16957] Krstić briefed them each in turn, and Mladić and

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16948 Rupert Smith, T. 11683 (11 February 2011).

16949 P5127 (Notes on telephone conversation between General Nicolai and Tolimir at 12:30 p.m., 9 July 1995); P5229 (Notes re telephone conversation between General Nicolai and Tolimir at 5:50 p.m., 9 July 1995); P4788 (Intercept of conversation between General Tolimir and General Nicolai at 5:55 p.m., 9 July 1995); P5128 (Notes on telephone conversation between General Nicolai and Tolimir at 7:30 p.m., 9 July 1995); P4821 (Intercept of conversation between General Tolimir and General Nicolai at 9:25 p.m., 9 July 1995).

16950 P5229 (Notes re telephone conversation between General Nicolai and Tolimir at 5:50 p.m).

16951 P5229 (Notes re telephone conversation between General Nicolai and Tolimir at 5:50 p.m).

16952 P5229 (Notes re telephone conversation between General Nicolai and Tolimir at 5:50 p.m., 9 July 1995).

16953 P5128 (Notes on telephone conversation between General Nicolai and Tolimir at 7:30 p.m., 9 July 1995). Tolimir also asserted that the ABiH was using six UNPROFOR APCs, which Nicolai denied. P5128 (Notes on telephone conversation between General Nicolai and Tolimir at 7:30 p.m., 9 July 1995), e-court p. 2. *See also* P4821 (Intercept of conversation between General Tolimir and General Nicolai at 9:25 p.m., 9 July 1995).

16954 P5128 (Notes on telephone converstaion between General Nicolai and Tolimir at 7:30 p.m., 9 July 1995), e-court p. 2.

16955 P5128 (Notes on telephone converstaion between General Nicolai and Tolimir at 7:30 p.m., 9 July 1995), e-court p. 2.

16956 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6178–6180. Krstić had not been informed in advance of Gvero's arrival and thus deduced that the Main Staff was displeased with the progress of the operation, and that Gvero had been sent to check and control the Pribićevac IKM and to report to Mladić. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6185–6186. Srbislav Davidović also visited the IKM in the early afternoon of 9 July; he and Gvero then departed for Bratunac, where Gvero left Davidović and continued "in a hurry" towards Vlasenica. Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9184– 9186, 9331–9334.

16957 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6185, 6427. *See also* D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 4. Mladić had arrived in Bratunac on the previous afternoon; at the time, the Hotel Fontana was being used as the command post of the Main Staff. Milenko Katanić, T. 24498 (10 February 2012); KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3504, 3626. *See also* Momir Nikolić, T. 24604–24606 (13 February 2012) (stating that in the days preceding the fall of Srebrenica he saw Mladić, Radoslav Janković, Živanović, Krstić, Popović, and Kosorić in Bratunac). Deronjić had been present at the Pribićevac IKM for the previous three days. P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 57; Milenko Katanić, T. 24498 (10 February 2012). Members of the Bratunac municipal organs also visited the Pribićevac IKM on 11 July. Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*),, T. 9188; Srbislav Davidović, T. 24400–24401 (9 February 2012.

Živanović monitored the units' progress.[16958] Around 7:30 p.m., in between Tolimir's conversations with Nicolai, Krstić sent an interim combat report to the Main Staff stating that during the day, units of the Bosnian Serb Forces had "carried out the immediate task and created conditions for the extending the attack towards Srebrenica".[16959] In the same report, Krstić reported that, "taking advantage of the success achieved", he would make a decision for further operations to "regroup the forces and carry out a vigorous and decisive attack towards Srebrenica".[16960]

5018. Tolimir reported the above information he had received from Krstić to the Accused, and the Accused approved the expansion of the Krivaja 95 plan and ordered the Bosnian Serb Forces to take over the town.[16961] The Accused told Tolimir that "if they could take Srebrenica, they should".[16962] Tolimir then drafted an order to that effect and sent it to Gvero and Krstić personally, as well as to the Drina Corps IKM.[16963] In that order, Tolimir wrote: "The President of the Republic is satisfied with the results of combat operations around Srebrenica and has agreed with the continuation of operations for the takeover of Srebrenica, disarming of Muslim terrorist gangs and complete demilitarisation of the Srebrenica enclave".[16964] Relaying the Accused's agreement with the expanded objective, Tolimir also conveyed the Accused's order that "full protection [should] be ensured to UNPROFOR members and the [Bosnian] Muslim civilian population", as well as his instruction to Krstić to issue an order to that effect.[16965] Krstić testified that, thereafter, Mladić called each subordinate commander by encrypted RUP 12 radio and orally ordered them to continue the attack and to enter Srebrenica.[16966]

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16958 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6185, 6430–6432, 6437.

16959 D2080 (Drina Corps report to VRS Main staff, 9 July 1995), para. 2. The Chamber notes that during his testimony in his own defence case, Krstić denied that there were changes in the plan of attack on 9 July because the Drina Corps units were still far from completing the assignments given to them in the Krivaja 95 plan, and that they only did so by noon on 10 July. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6424–6426, 6437, 7360–7361. The Chamber notes that these assertions are directly contradicted by Krstić's own contemporaneous description of the units' task on 9 July, and will not rely on Krstić's testimony in this regard.

16960 D2080 (Drina Corps report to VRS Main staff, 9 July 1995), para. 3. Within the hour, Tolimir replied to Krstić, requesting Krstić to provide him with hourly battlefield situation reports "so that [Tolimir could] communicate with UNPROFOR which w[ould] enable [Krstić] to continue to work according to plan". P5131 (Report of Drina Corps, 9 July 1995).

16961 P2276 (VRS Main Staff Order, 9 July 1995); Zdravko Tolimir, T. 45063 (12 December 2013). *See also* Momir Nikolić, T. 24840–24842 (16 February 2012).

16962 Zdravko Tolimir, T. 45063 (12 December 2013).

16963 P2276 (VRS Main Staff Order, 9 July 1995); Zdravko Tolimir, T. 45063 (12 December 2013).

16964 P2276 (VRS Main Staff Order, 9 July 1995).

16965 P2276 (VRS Main Staff Order, 9 July 1995); Zdravko Tolimir, T. 45063 (12 December 2013); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6181.

16966 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6186–6187, 6425, 6427.

5019. In the meantime, UNPROFOR conveyed an ultimatum to the VRS that air strikes would occur if the VRS continued to attack the DutchBat blocking positions.[16967] When Tolimir spoke to Janvier at 11:10 p.m., however, he assured Janvier that the VRS "w[ould] do everything [they] c[ould] to calm down the situation and to find a reasonable solution".[16968]

5020. DutchBat was given an order to defend the town of Srebrenica with all military means.[16969] Franken then ordered the Bravo Company Commander to establish blocking positions closer to the southern edge of town,[16970] a task which was accomplished by at 6:30 a.m. on 10 July.[16971]

5021. That morning, the situation in Srebrenica was tense as mortar and artillery rounds landed throughout the town beginning at 8 a.m.[16972] Mladić and Janvier spoke at 10:25 a.m.; Janvier demanded that Mladić completely stop the Bosnian Serb offensive, and Mladić replied that the attack was a response to the Bosnian Muslim incursions outside the enclave.[16973] By 1 p.m., Mladić had ordered the Bosnian Serb Forces to press further forward.[16974] The Main Staff redeployed units

16967 P2275 (UNPROFOR report re warning to Bosnian Serbs, 9 July 1995); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 41.

16968 P5266 (Intercept of conversation between General Bernard Janvier and General Zdravko Tolimir, 9 July 1995), p. 3. Janvier and Tolimir also spoke about whether the DutchBat soldiers being held by the Bosnian Serb Forces could return to Potočari, and Tolimir alleged again that Bosnian Muslims were using UNPROFOR APCs. P5266 (Intercept of conversation between General Bernard Janvier and General Zdravko Tolimir, 9 July 1995), pp. 2–3.

16969 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 52; P2275 (UNPROFOR report re warning to Bosnian Serbs, 9 July 1995), e-court p. 2. *See also* Robert Franken, T. 23120–23121 (17 January 2012); P5129 (Memorandum from Thomas Karremans to UNPROFOR, 9 July 1995), paras. 8–9 (anticipating that if the Bosnian Serb Forces progressed, OP Kilo and OP Delta would also fall).

16970 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 52; Robert Franken, T. 23122 (17 January 2012); P242 (Dutchbat Order, 9 July 1995); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 39 (stating that the DutchBat commander ordered blocking positions south of the town in order to detect the VRS entry into town).

16971 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 52. Although DutchBat initially planned four blocking positions, one APC was shot off the road while trying to reach its position, and the Bosnian Serb Forces eventually gained control of it on their way into town. P242 (Dutchbat Order, 9 July 1995); P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 53–54; P4201 (Updated Srebrenica Trial video), Part 1, at 00:18:40–00:19:25 (showing Hageman's APC); Robert Franken, T. 23084 (16 January 2012). *See also* P3972 (Map of Eastern Bosnia marked by Pieter Boering) (showing blocking positions taken during the course of 10 July); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 54; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2715, 2717, 2910, 2935 (stating that he concluded that the Bosnian Serb Forces were targeting UNPROFOR because the Bosnian Serb fire persisted even after a Bosnian Muslim artillery unit nearby withdrew).

16972 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 44; KDZ186, P358 (*Transcript from Prosecutor v. Popović et al.*), T. 3632; D137 (UNPROFOR daily report, 10 July 1995), p. 4; P4151 (UNMO Report, 10 July 1995; P4153 (UNMO Report, 10 July 1995), e-court p. 3; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 116–117. *See also* P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 19; Adjudicated Fact 1487. The UNMOs recorded over 100 detonations during the course of the morning. P4152 (UNMO Report, 10 July 1995); P4153 (UNMO Report, 10 July 1995), e-court p. 3; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 121; Joseph Kingori, T. 22897–22898 (12 January 2012); D137 (UNPROFOR daily report, 10 July 1995), p. 4.

16973 P4822 (Intercept of conversation between General Janvier and Ratko Mladić, 10 July 1995).

16974 P5106 (VRS Main Staff Order, 10 July 1995).

assigned elsewhere to the Srebrenica front.[16975] Additionally, a part of RS MUP forces deployed on the Sarajevo front, including the 2nd Šekovići Detachment and a company of the Jahorina Recruits, was detached and sent as an independent unit to the Srebrenica sector under the command of Ljubiša Borovčanin, the Deputy Commander of the SBP.[16976]

5022. In the interim, the population of "the upper part" of Srebrenica had withdrawn to the area near the clinic,[16977] which sustained two direct hits from 155 mm artillery shells around 1 p.m.[16978] Approximately 50 shells landed during the following hour, and the UNMOs observed rockets flying over Potočari toward Srebrenica town.[16979] Around 4 p.m., the town came under even heavier shelling, resulting in nine people being seriously injured.[16980] That evening, a crowd of several thousand frightened people gathered outside the clinic and "voice[d] their desire to leave the town".[16981] Residents of nearby villages continued to pour into town, reporting that their villages were being burned by the advancing Bosnian Serb Forces.[16982]

5023. During the course of the day, DutchBat received an ultimatum from the Bosnian Serb Forces which stated that since DutchBat had not been disarming the Bosnian Muslims, the VRS would do it, and DutchBat would be permitted to leave the enclave through OP Papa, along with the civilian population, if they left their equipment and weapons behind.[16983] Franken transmitted the text of the ultimatum to the Bravo Company commander, along with the UN's response: an

16975 *See* Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14002–14003; Dragan Todorović, T. 24194 (7 February 2012) (stating that Pelemiš ordered the Bijeljina platoon of the 10th Sabotage Detachment to move towards Bratunac via Vlasenica under the command of Franc Kos, and that the group spent the night of 10 July in Zeleni Jadar). *See also* Petar Salapura, T. 40260–40263 (24 June 2013) (stating that he later heard from Pelemiš that Pelemiš had gone to Srebrenica on the orders of Krstić).

16976 *See* P2993 (Order of RS MUP, 10 July 1995), paras. 1, 3; D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 15 (stating that he arrived at the Bratunac SJB around noon on 11 July). The order further provided that the 1st Company of the PJP of the Zvornik CJB as well as a mixed company of RSK, Serbian, and RS MUP forces, were also to be a part of the independent unit. P2993 (Order of RS MUP, 10 July 1995), para. 2. *See also* D3196 (Witness statement of Dušan Mićić dated 24 March 2013), paras. 17–20 (describing the process of being deployed on 11 July); D3903 (Witness statement of Mendeljev Đurić dated 26 July 2013), paras. 6–7.

16977 KDZ064, T. 1424 (22 April 2010).

16978 P4152 (UNMO Report, 10 July 1995); P4153 (UNMO Report, 10 July 1995), e-court p. 3; Joseph Kingori, T. 22954 (13 January 2012) (stating that the hospital had been targeted). *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 29; Adjudicated Fact 1487.

16979 P3991 (UNMO report, 10 July 1995); P4153 (UNMO Report, 10 July 1995), e-court p. 3; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 122.

16980 P4153 (UNMO Report, 10 July 1995), e-court p. 3. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 123.

16981 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 31.

16982 P4153 (UNMO Report, 10 July 1995), e-court p. 3; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 123–125. *See also* D1968 (Witness statement Pieter Boering dated 28 September 1995), p. 5.

16983 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 56; P4176 (Order from Major Franken to Capt. Groen, 10 July 1995).

order to the Bosnian Serb Forces to withdraw to the 1993 borders of the enclave as of 6 a.m. on 11 July 1995 or face the threat of "massive air attacks".[16984]

5024. On the evening of 10 July, the VRS attempted to enter Srebrenica town but was repelled by ABiH as well as DutchBat fire from the blocking positions.[16985] DutchBat's blocking positions remained under fire and the "massive shelling" of Srebrenica town—including the Bravo Company compound—continued.[16986] Members of international humanitarian organisations stationed in Srebrenica appealed to their colleagues in their offices in Belgrade, Zagreb, and Sarajevo for help.[16987] Some civilians began to move towards Potočari, but were stopped by members of the Muslim Forces in Srebrenica, who asked them to return to the town.[16988]

5025. At 8:15 p.m., Janvier attempted to contact Mladić but was only able to reach Tolimir.[16989] When Janvier asserted that the Bosnian Serb Forces were attacking DutchBat's positions, Tolimir replied that he would check the information on the ground and asked Janvier to call back 20 or 30 minutes later.[16990] In a subsequent conversation, Tolimir told Janvier that DutchBat had opened fire on Bosnian Serb Forces, who could not withdraw before combat activities ended.[16991] Janvier replied that DutchBat had been ordered to hold their positions and to defend themselves if anyone tried to take their weapons.[16992] Tolimir then stated that he would check the information with the battalion commander and that he and Janvier should talk again.[16993] In a third conversation at 10:30

16984 P4176 (Order from Major Franken to Capt. Groen, 10 July 1995), p. 1; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 56.

16985 Robert Franken, T. 23117 (16 January 2012); T. 23156 (17 January 2012). *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 42. *See also* D3886 (Witness statement of Svetozar Andrić dated 16 July 2013), paras. 18, 24 (describing the Birač Brigade's approach to Srebrenica).

16986 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 55. Bravo Company stopped counting the number of impacts when they reached 160 or 200. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 55. The Chamber notes that during the day on 10 July, the ABiH fired mortar rounds from a location in Srebrenica town across from the Bravo Company compound. P4201 (Updated Srebrenica Trial video), Part 1 00:06:04–00:06:44; Jean-René Ruez, T. 24086 (2 February 2012).

16987 P5089 (Report of Sarajevo RDB, 11 July 1995).

16988 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 57.

16989 P5270 (Intercept of conversations between General Zdravko Tolimir and General Bernard Janvier at 8:15 p.m. and subsequent, 10 July 1995), p. 1. *See also* P5268 (Intercept of conversation between Ratko Mladić and General Bernard Janvier, 10 July 1995), p. 2 (agreeing at 10:45 a.m. to speak again at 6 p.m.).

16990 P5270 (Intercept of conversations between General Zdravko Tolimir and General Bernard Janvier at 8:15 p.m. and subsequent, pp. 1–2.

16991 P5270 (Intercept of conversations between General Zdravko Tolimir and General Bernard Janvier at 8:15 p.m. and subsequent), e-court pp. 3–4.

16992 P5270 (Intercept of conversations between General Zdravko Tolimir and General Bernard Janvier at 8:15 p.m. and subsequent), e-court p. 5.

16993 P5270 (Intercept of conversations between General Zdravko Tolimir and General Bernard Janvier at 8:15 p.m. and subsequent, e-court pp. 5–6.

p.m., Tolimir reported that combat operations had stopped, and agreed to speak to Gobilliard in Sarajevo on the following day.[16994]

5026. That night, the DutchBat Commander, Thomas Karremans, and DutchBat soldiers Pieter Boering and Albert Rave held a meeting with the Bosnian Muslim military and civilian authorities, many of whom were armed, at the PTT building in Srebrenica.[16995] There, Karremans informed the Bosnian Muslim authorities about UNPROFOR's ultimatum to the Bosnian Serb Forces.[16996] Karremans also conveyed an ultimatum from the Bosnian Serb Forces "that they would like the Muslims to leave the enclave" within 48 hours in exchange for being given safe passage out.[16997] After the meeting, many of the armed men remained outside in the vicinity of the PTT building and left the town in a northwestern direction.[16998] By the following morning, the Muslim Forces in Srebrenica had disappeared from the town.[16999]

5027. During the night of 10 to 11 July, the town, as well as OP Hotel, were shelled frequently.[17000] At 1 a.m., one of the DutchBat soldiers who had been at a blocking position reported that he had seen the VRS entering the houses, shooting, and then burning them.[17001]

*iv. The fall of Srebrenica and movement of the population to Potočari*

5028. The morning of 11 July was unusually quiet until about 11:15 a.m., when four shells were fired from the Budak area north of the enclave towards Srebrenica town.[17002] DutchBat submitted

16994 P4836 (Intercept of conversation between General Tolimir and General Janvier at 10:30 p.m., 10 July 1995). *See also* P4784 (Intercept of conversation between General Janvier and General Tolimir at 10:35 p.m., 10 July 1995); P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 180.

16995 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 45; Albert Rave, T. 22220 (30 November 2011). Many of these men were in uniform and carrying arms, including rifles, machine-guns, and hand-held rocket-launchers. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 47; Albert Rave, T. 22220–22221 (30 November 2011); P4154 (UNMO Report, 11 July 1995), e-court p. 3.

16996 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 48; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1926; P4154 (UNMO Report, 11 July 1995), e-court p. 3. The civilian and military leaders did not believe that air strikes would be delivered because this promise had been made previously and nothing had happened. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 48; P4154 (UNMO Report, 11 July 1995), e-court p. 3.

16997 P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 126–127; P4154 (UNMO Report, 11 July 1995), e-court pp. 2–3. The Bosnian Serb ultimatum further proposed that only MSF, UNHCR, and ICRC representatives and no refugees would be allowed inside the DutchBat compound. P4154 (UNMO Report, 11 July 1995), e-court pp. 2–3.

16998 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 49; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 57. *See also* paras. 5036–5038.

16999 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 57; Robert Franken, T. 23155–23156 (17 January 2012).

17000 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 50–51.

17001 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 50.

17002 P4154 (UNMO Report, 11 July 1995) e-court p. 3.

several requests for close-air support but nothing happened.[17003] By that time, thousands of Bosnian Muslims had gathered in front of the Bravo Company compound, asking to be let in because they thought the compound would be safe.[17004] Eventually, around 11 a.m., the group broke through the Bravo Company's defences and entered the compound.[17005] Around noon, a mortar shell landed between two APCs in the compound, wounding several people.[17006]

5029. Meanwhile, many Bosnian Muslims from throughout the town had begun to move towards Potočari.[17007] After the Bravo Company compound was shelled, DutchBat soldiers began to accompany those inside the compound as they walked the four kilometres towards the UN Compound.[17008] The Bosnian Muslims started as a disorganised mass and later formed a column which parted to make way for DutchBat vehicles transporting the sick and injured.[17009]

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17003 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 51–52; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 128. *See also* P4154 (UNMO Report, 11 July 1995), e-court p. 3; Adjudicated Fact 1495.

17004 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 52; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 60; Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1945–1946. *See also* Adjudicated Facts 1486, 1490.

17005 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 52. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1931–1932; D1968 (Witness statement Pieter Boering dated 28 September 1995), p. 5.

17006 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 54. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1932; KDZ064, T. 1424–1425 (22 April 2010); KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3633–3634.

17007 Robert Franken, T. 23187 (17 January 2012); P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 31; KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3599; Mirsada Malagić, T. 23473–23474, 23477–23478 (24 January 2012); P397 (Witness Statement of Saliha Osmanović dated 18 June 2000), e-court p. 2; P397 (Statement of Saliha Osmanović to Tuzla Cantonal Court), e-court p. 10; P397 (Witness statement of Razija Pašagić dated 15 June 2000), p. 1; P397 (Statement of Razija Pašagić to Tuzla Cantonal Court, 15 June 2000), e-court p. 9; P403 (Witness statement of Rahima Malkić dated 17 June 2000), e-court p. 2; P403 (Statement of Rahima Malkić to Tuzla Cantonal Court, 17 June 2000), e-court p. 9; P394 (Statement of Mevlida Bektić to Tuzla Cantonal Court, 16 June 2000), e-court pp. 7–8; P395 (Witness statement of Behara Krdžić dated 16 June 2000), p. 2; P395 (Statement of Behara Krdžić to Tuzla Cantonal Court, 16 June 2000), e-court p. 8; P399 (Statement of Salih Mehmedović to Tuzla Cantonal Court, 15 June 2000), e-court p. 11. *See also* P404 (Witness statement of Samila Salčinović dated 18 June 2000), e-court p. 2; P404 (Statement of Samila Salčinović to Tuzla Cantonal Court, 18 June 2000), e-court p. 13; P396 (Witness statement of Hanifa Hafizović dated 16 June 2000), pp. 2; P396 (Statement of Hanifa Hafizović to Tuzla Cantonal Court, 16 June 2000), e-court pp. 10–11; Adjudicated Fact 1500.

17008 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 55–58; Johannes Rutten, T. 22036–22037 (28 November 2011); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1931–1932, 1937; Robert Franken, T. 23185 (17 January 2012); Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2879; Mirsada Malagić, T. 23477–23478 (24 January 2012). *See also* KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3504–3507, 3549–3351; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 641; KDZ064, T. 1423 (22 April 2010); Adjudicated Facts 1491, 1492.

17009 Mirsada Malagić, T. 23478–23479, 23523 (24 January 2012). Around the same time, DutchBat began assisting MSF with the transportation of the sick and injured from the hospital to Potočari. Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2929; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), paras. 32–33; Johannes Rutten, T. 22036 (28 November 2011); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1937–1938; D1968 (Witness statement Pieter Boering dated 28 September 1995), p. 5.

5030. By 1 or 2 p.m., Bosnian Serb units were on the eastern heights overlooking the enclave.[17010] In an apparent attempt to frighten the fleeing Bosnian Muslims and steer them towards Potočari,[17011] Bosnian Serb Forces shot at and shelled the group of Bosnian Muslims moving northward.[17012] Just then, NATO air strikes on Bosnian Serb positions began, and lasted approximately 30 minutes.[17013] Franken soon received a message from the Bosnian Serb Forces that the UN Compound, including an area where refugees had gathered, would be shelled and the DutchBat soldiers being held by the Bosnian Serb Forces killed if the air strikes did not cease immediately.[17014] The shelling soon resumed and the area around the bus station in Srebrenica town came under mortar fire.[17015] Franken instructed Bravo Company to withdraw from Srebrenica town and to move towards Potočari at the tail end of the group of Bosnian Muslims, staying between them and the Bosnian Serb Forces.[17016]

5031. During the course of the day, the remaining OPs—with the exception of OP Papa—either withdrew or were overrun by the Bosnian Serb Forces.[17017] VRS units involved in the approach to

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17010 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6191.

17011 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 58, 60; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 33; Pieter Boering, T. 22139 (30 November 2011); Mirsada Malagić, T. 23525–23526 (24 January 2012); P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 19. *See also* Robert Franken, T. 23154 (17 January 2012) (testifying that had the VRS wanted to kill everyone in the column, they had the means to do so, but concluding nevertheless that the column was targeted by the VRS because the artillery and mortar hits were so close to the Srebrenica–Potočari road and because there were no military targets or movements in the vicinity).

17012 Momir Nikolić, T. 24608–24609 (13 February 2012), T. 24850–24851, 24855 (16 February 2012) (testifying that the column of civilians leaving Srebrenica for Potočari was targeted by a B1 cannon of the 2nd Infantry Battalion of the Bratunac Brigade); Robert Franken, T. 23154 (17 January 2012). Shells fell close to the road on both sides of the column, wounding some and killing others. Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1944–1945; Mirsada Malagić, T. 23476–23479 (24 January 2012) (testifying that she herself was wounded); Christine Schmitz, T. 26870 (26 March 2012); KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3599. *See also* Adjudicated Facts 1489, 1501.

17013 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 65 (estimating that close air support was delivered at approximately 2 p.m.); P4140 (Witness statement of Joseph Kingori dated 8 January 2012), para. 130 (terming the "close air support" more of an "air strike"); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6191. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1927–1928; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2716; Adjudicated Fact 1496.

17014 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 65; P3992 (UNMO report, 11 July 1995); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1928–1929. *See also* Adjudicated Fact 1497.

17015 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 65; P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 130, 133.

17016 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 60.

17017 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 58. *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6189. In most cases, the DutchBat soldiers manning the OPs had to surrender their weapons and were taken with their APC to Bratunac. P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 59.

Srebrenica included members of the 10th Sabotage Detachment, the Drina Wolves, and parts of the Bratunac and Milići Brigades.[17018]

5032. Generally, the Bosnian Serb units encountered little resistance as they approached and then entered Srebrenica town.[17019] Upon their arrival, members of the 10th Sabotage Detachment called on the few people who remained in the town to leave their houses.[17020] As the units neared the centre of town, an able-bodied man appeared, and although he declared that he was not a member of the ABiH and had no problems with Bosnian Serbs, 10th Sabotage Detachment Commander Milorad Pelemiš ordered another Bosnian Serb soldier to slit the man's throat, which the soldier did.[17021]

5033. By 5 p.m., the Bosnian Serb Forces had stopped shelling the town.[17022] Around that time, Pandurević reported to Mladić, who had remained with Živanović and Krstić at the Pribićevac IKM throughout the day, that part of his tactical group had entered the town.[17023] Mladić then ordered Krstić and Živanović to accompany him, and immediately set out for Srebrenica.[17024] As they

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17018 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10944–10945; Dražen Erdemović, T. 25365 (27 February 2012); P4351 (Order of 10th Sabotage Detachment, 10 July 1995); Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14001–14003. In light of the Bratunac Brigade's comparatively slower progress from the northern direction, Mladić ordered Živanović to provide additional Drina Corps units to engage along that axis. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6189–6191, 6433. Pursuant to Živanović's order, 50 to 60 men from the Vlasenica Brigade were then detached and sent to the Bratunac Brigade IKM at Kvac. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6138–6139, 6191.

17019 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T.10945 (stating that he was surprised to encounter little resistance as the 10th Sabotage Detachment entered town). *See also* Adjudicated Fact 1488; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 4; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6189.

17020 Adjudicated Fact 1498. While approaching Srebrenica, the Bosnian Serb Forces also burned Bosnian Muslim houses. *See* Adjudicated Fact 1493; Frank Kos, T. 42396 (1 August 2013) (admitting that during the advance, he heard Krstić over a walkie-talkie ordering the units to "push and burn down", which would mean to set houses on fire).

17021 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10946–10948; Dražen Erdemović, T. 25342–25343 (27 February 2012).

17022 P4154 (UNMO Report, 11 July 1995), e-court p. 4.

17023 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6192, 6434; P4823 (Intercept of conversation between two unidentified persons at 5:25 p.m., 11 July 1995) (one participant reporting that a flag was flying on the "Serbian church" in Srebrenica). Krstić estimated that this occurred approximately two to three hours after the air strikes. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6511. This information was relayed to the Main Staff in a Drina Corps' daily combat report. P6125 (Drina Corps combat report, 11 July 1995), para. 2.

17024 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6192, 6511; Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10947–10948. Members of the 10th Sabotage Detachment were ordered to secure the town's entrance for Mladić's arrival. Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10947–10948; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 5.

walked through town, the group encountered Pandurević, Trivić, as well as other VRS officers.[17025] In the centre of Srebrenica, Mladić stated into a television camera:

> Here we are, on 11 July 1995, in Serb Srebrenica. On the eve of yet another great Serb holiday, we give this town to the Serb people as a gift. Finally, after the Rebellion against the Dahis the time has come to take revenge on the Turks in this region.[17026]

He then ordered the members of the Bosnian Serb Forces to proceed to Potočari.[17027]

5034. Gvero spoke to Nicolai and to Gobilliard in the late afternoon and early evening.[17028] When speaking to Nicolai, Gvero denied that the Bosnian Serb Forces were attacking UN positions or targeting the civilian population.[17029] When speaking to Gobilliard, Gvero repeated what he had said to Nicolai and suggested that DutchBat had been shot at by Bosnian Muslims.[17030] Gobilliard informed Gvero that DutchBat had been ordered to meet the local Bosnian Serb commander in order to obtain a cease-fire, and reminded Gvero that aircraft still remained available to UNPROFOR to defend DutchBat and the civilian population.[17031]

5035. After most of the population of Srebrenica had moved north to Potočari, however, some Bosnian Muslims who lived in the vicinity of OP Papa remained in their homes, but they were eventually cleared by members of Borovčanin's units.[17032] The soldiers threw grenades into the houses and entered, accompanied by dogs; after this, shootings and screams were heard and the

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17025 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6193, 6501 (identifying the persons in P4202, e-court p. 31); P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 31; Adjudicated Fact 1499. Popović was also present in town at the time. D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 12; P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 38. The fact that the Bosnian Serb Forces had entered Srebrenica town that day was included in the Drina Corps' daily combat report that was sent to the Main Staff that evening, which also stated that further details would follow in an interim report. P6125 (Drina Corps combat report, 11 July 1995), para. 2.

17026 P4201 (Updated Srebrenica Trial video), Part 1, at 00:30:44–00:31:05.

17027 P4201 (Updated Srebrenica Trial video), Part 1, at 00:31:20; Dragan Todorović, P4353 (Transcript from Prosecutor v. *Popović et al.*), T. 14004–14005.

17028 P4632 (Intercept of conversation between Milan Gvero and General Nicolai at 4:10 p.m., 11 July 1995); P4679 (Intercept of conversation between Milan Gvero and General Gobilliard at 6 p.m., 11 July 1995).

17029 P4632 (Intercept of conversation between Milan Gvero and General Nicolai at 4:10 p.m., 11 July 1995). Gvero also asked Nicolai to have the NATO planes, which were still nearby, leave the airspace. P4632 (Intercept of conversation between Milan Gvero and General Nicolai at 4:10 p.m., 11 July 1995).

17030 P4679 (Intercept of conversation between Milan Gvero and General Gobilliard at 6 p.m., 11 July 1995). *See also* P2435 (Notes re telephone conversation between Hervé Gobilliard and Milan Gvero, 11 July 1995). Gvero also asserted that the Bosnian Serb Forces were not attacking the civilian population, and that DutchBat had nothing to fear. P4679 (Intercept of conversation between Milan Gvero and General Gobilliard at 6 p.m., 11 July 1995), p. 1.

17031 P2435 (Notes re telephone conversation between Hervé Gobilliard and Milan Gvero, 11 July 1995), p. 1. *See also* D1958 (UNPROFOR orders for Defence of DutchBat, 11 July 1995), para. a.

17032 Roger Patelski, T. 23028, 23032 (16 January 2012); D2005 (Map of Srebrenica enclave marked by Roger Patelski); P4173 (Witness statement of Roger Patelski dated 30 November 2011), paras. 18–19; D3196 (Witness statement of Dušan Mićić dated 24 March 2013), paras. 17–19.

soldiers exited and set the houses on fire.[17033] The process continued for a few hours on 11 July as well as on the following day.[17034]

*v. Formation and departure of the column of Bosnian Muslim men*

5036. As the women, children, and elderly men departed for Potočari, able-bodied men set out on foot through the woods, afraid that they would be killed if they went with their families.[17035] Word spread that the men should head towards Šušnjari and Jaglići.[17036]

5037. During the night between 11 and 12 July, the group which had assembled in Šušnjari began to depart in a northwesterly direction towards Tuzla.[17037] At the entrance of Buljim forest, the group, which was comprised of 10,000 to 15,000 people, most of whom were men and boys between the ages of 16 and 65, formed a column.[17038] The last of the group departed Šušnjari on the afternoon of 12 July.[17039]

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17033 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 19; Roger Patelski, T. 23029–23031 (16 January 2012).

17034 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 19; Roger Patelski, T. 23031, 23034 (16 January 2012); D3196 (Witness statement of Dušan Mićić dated 24 March 2013), para. 19–22. *See also* P2996 (Report of Zvornik CJB, 12 July 1995), para. 6 (referring to a joint police force "advancing on Potočari with the aim of taking UNPROFOR personnel prisoner, surrounding the entire civilian population and clearing the terrain of enemy groups").

17035 P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 14 (map showing the route of the people who left Srebrenica town for Šušnjari); Jean-René Ruez, T. 23713 (26 January 2012); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 641, 794, 797; KDZ064, T. 1424–1425 (22 April 2010); KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1381; KDZ069, P338 (Transcript from *Prosecutor v. Popović et al.*), T. 3327, 3356; KDZ045, P5910 (Transcript *from Prosecutor v. Krstić*), T. 2943; Mirsada Malagić, T. 23527 (24 January 2012); P399 (Witness statement of Salih Mehmedović dated 15 June 2000) e-court p. 2; P399 (Statement of Salih Mehmedović to Tuzla Cantonal Court, 15 June 2000), e-court p. 10; P393 (Witness statement of Mejra Mešanović dated 19 June 2000), p. 2, P393 (Statement of Mejra Mušanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 9; P394 (Witness statement of Mevlida Bektić dated 16 June 2000), e-court p. 3; P394 (Statement of Mevlida Bektić to Tuzla Cantonal Court, 16 June 2000), e-court p. 8; P396 (Statement of Hanifa Hafizović to Tuzla Cantonal Court, 16 June 2000), e-court p. 11; P404 (Witness statement of Samila Salčinović dated 18 June 2000), e-court p. 2; P403 (Witness statement of Rahima Malkić dated 17 June 2000), e-court p. 2; P403 (Statement of Rahima Malkić to Tuzla Cantonal Court, 17 June 2000), e-court p. 9.

17036 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 812; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 814 (under seal); KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6972, 7032; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7082, 7138; KDZ071, T. 28527–28528 (4 May 2012); KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3507, 3509, 3511. *See also* Adjudicated Fact 1594.

17037 Jean-René Ruez, T. 23720–23723 (26 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 24–27 (depicting the route of the column); Tomislav Savkić, T. 33821–33822 (15 February 2013); Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 867, 874. *See* D2941 (Map of BiH marked by Tomislav Savkić), p. 1 (map showing the column route towards Tuzla); P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2. *See also* Adjudicated Fact 1604.

17038 KDZ045, P5910 (Transcript *from Prosecutor v. Krstić*), T. 2945–2997, 2996; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3510; KDZ425, P380 (Transcript from *Prosecutor v. Popović et al.*), T. 3574 (under seal); KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3356; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1381–1382; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 646. *See also* Adjudicated Fact 1598; Jean-René Ruez, T. 23713–23714 (26 January 2012). A smaller number of women, children, and elderly also travelled with the column. KDZ069, P338 (Transcript from

5038. The column stretched for approximately ten kilometres.[17040] ABiH soldiers, not all of whom were armed, led the front third of the column.[17041] Others were interspersed among the unarmed civilians following behind.[17042] The members of the column walked in a single file line towards Tuzla.[17043]

d. Potočari

*i. Hotel Fontana Meetings*

(A) First meeting

5039. On 11 July 1995, upon receiving information about the upcoming meeting between Mladić and DutchBat officers, Momir Nikolić went to Hotel Fontana with Mirko Janković to provide security.[17044] 10 to 15 members of the Bratunac Brigade MP were also sent in for this mission.[17045]

5040. At about 8 p.m., Karremans, Boering, and Rave arrived at the hotel. On entering the premises, they saw several DutchBat soldiers who had been taken prisoner from their OPs on 8 and 9 July 1995.[17046] Shortly after, a meeting commenced between the VRS and the DutchBat officers. On the VRS side, Mladić, Živanović, Colonel Radoslav Janković of the Main Staff, and Svetozar Kosorić, the Assistant Chief of Staff for Intelligence of the Drina Corps,[17047] attended the

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*Prosecutor v. Blagojević & Jokić*), T. 1382; KDZ069, P338 (Transcript from *Prosecutor v. Popović et al.*), T. 3327–3328, 3381; KDZ045, P5910 (Transcript *from Prosecutor v. Krstić*), T. 2944; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.),* T. 3510. *See also* Adjudicated Fact 1599.

17039 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 646.

17040 KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3356; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 744.

17041 *See* Adjudicated Fact 1603; KDZ045, P5910 (Transcript *from Prosecutor v. Krstić*), T. 2944; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 647, 744–745; KDZ064, T. 1425 (22 April 2010).

17042 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1382–1383; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3348; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2996–2997; KDZ045, T. 22672–22673 (10 January 2012). The Independent Battalion of the Muslim Forces in Srebrenica travelled at the end of the column. *See* Adjudicated Fact 1603; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3512 (stating that he saw about 50 armed Bosnian Muslim men with automatic, semi-automatic and hunting rifles near the end of the column).

17043 KDZ069, P338 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1383; KDZ069, P338 (Transcript from *Prosecutor v. Popović et al.*), T. 3354–3356, 3363; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 646. *See also* Section IV.C.1.g.i: Opening a corridor for the passage of the column.

17044 Momir Nikolić, T. 24610–24612 (13 February 2012); KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3505. *See also* D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 5.

17045 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9759–9761. *See also* KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3504–3506.

17046 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 66–67; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1942. *See also* Adjudicated Fact 1518. With regard to DutchBat soldiers taken prisoner from their OPs, *see* para. 5031, fn. 17017.

17047 D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 2.

meeting.[17048] Also present was Petar Uščumlić, acting as an interpreter for DutchBat.[17049] A large camera crew videotaped part of the meeting.[17050]

5041. Mladić dictated the terms of the meeting.[17051] The first ten minutes were very tense and the DutchBat representatives felt threatened.[17052] Mladić angrily blamed Karremans for having armed Bosnian Muslims and for the NATO air strikes against VRS positions.[17053] Mladić also accused DutchBat of having fired at VRS soldiers in Srebrenica.[17054] Then Mladić asked Karremans what he wanted since he had asked for a meeting.[17055] Karremans told Mladić that the UNPROFOR BiH Command had ordered Karremans to "negotiate or ask for" the transportation of the Bosnian Muslim population—about 10,000 women and children who were in the UN Compound—and that of DutchBat soldiers.[17056] According to Karremans, these women and children were sick, tired, and very scared.[17057] Karremans also asked for humanitarian assistance, such as food and medicine.[17058]

5042. At one point during the meeting, Mladić offered cigarettes to Karremans and the other DutchBat officers, saying "this is not your last cigarette in life".[17059] When Karremans thanked

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17048 Momir Nikolić, T. 24611 (13 February 2012), T. 24859 (16 February 2012); P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 68, 70; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1941–1944, 1948–1949; Pieter Boering, T. 22080–22081 (29 November 2011); D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 4; Svetozar Kosorić, T. 38694 (23 May 2013); D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 7. *See also* Adjudicated Fact 1516.

17049 D3552 (Witness statement of Petar Uščumlić 12 March 2013), para. 5.

17050 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 68; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1942–1943, 1946.

17051 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 70; Adjudicated Fact 1519.

17052 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 69; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1945–1946; P3974 (UNPROFOR letter re meetings with Ratko Mladić on 11 and 12 July 1995), p. 1.

17053 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:40:02–00:40:12; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 209.

17054 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:33:28–00:40:20; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 205–210, 213–214; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 69 (further stating that Mladić threatened to shell the UN Compound); P3974 (UNPROFOR letter re meetings with Ratko Mladić on 11 and 12 July 1995), p. 1.

17055 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:42:59–00:43:03; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 210.

17056 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:43:04–00:45:36; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 210. *See also* Adjudicated Fact 1522. When asked by Mladić what was a "proposal for the resolution of this situation", Karremans suggested that DutchBat assist the Bosnian Muslim population to leave the enclave to a place where they would like to go, as the Bosnian Muslims were living in a very miserable way. P4201 (Updated Srebrenica Trial Video), Part 1, at 00:48:05–00:49:55; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 212–213.

17057 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:45:36–00:45:43; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 211.

17058 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:45:43–00:47:05; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 211.

17059 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:46:50–00:47:22; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 211. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1946.

Mladić for having treated the detained DutchBat soldiers properly, Mladić stated that DutchBat soldiers were in the hotel but they would not be hosted for a long time "[i]f you keep bombing. [...] We know how to bomb too".[17060] Mladić also said that neither the DutchBat soldiers nor the Bosnian Muslim population were the objective of VRS operations.[17061] He then told Karremans to bring the "representatives of the civilian population".[17062] Mladić added that Karremans could also bring an ABiH representative should the ABiH wish to talk.[17063] According to Rave, Mladić told the DutchBat officers to get in contact with the ABiH as ABiH soldiers needed to surrender their weapons and that, if they complied with this demand, they would be taken as POWs and detained.[17064]

5043. Mladić told Karremans to return at 11 p.m.[17065] and asked him to request some buses, to which Karremans responded that he believed it could be arranged.[17066] Mladić offered drinks to all the participants and gave a toast.[17067] After the meeting, which lasted between 30 minutes and one hour,[17068] the DutchBat officers were escorted back to the Yellow Bridge by Momir Nikolić; they

17060 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:47:35–00:48:05; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 212. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 69; P3974 (UNPROFOR letter re meetings with Ratko Mladić on 11 and 12 July 1995), p. 1. Towards the end of the meeting, Karremans asked Mladić if he could meet the detained DutchBat soldiers, to which Mladić agreed. P4201 (Updated Srebrenica Trial Video), Part 1, at 01:08:05–01:08:27; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 226–227. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 72.

17061 P4201 (Updated Srebrenica Trial Video), Part 1, at 00:59:35–01:00:40; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 220. *See also* Adjudicated Fact 1522.

17062 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:00:05–01:02:00: P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 220–221. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 70; Adjudicated Fact 1524.

17063 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:02:00–01:02:35: P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 222. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 70; Adjudicated Fact 1524.

17064 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 70.

17065 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:09:58–01:10:12; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 228; Momir Nikolić, T. 24612 (13 February 2012). *See also* Adjudicated Fact 1526.

17066 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:10:12–01:10:35; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 228. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 71; P3974 (UNPROFOR letter re meetings with Ratko Mladić on 11 and 12 July 1995), p. 1.

17067 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:10:35–01:12:05; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 227–228. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 72. According to Živanović, the participants raised a toast for Živanović's departure from the post of the Drina Corps Commander, not for the VRS success in Srebrenica. D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 7.

17068 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 72; Adjudicated Fact 1519.

then tried to find a representative of the Bosnian Muslim population or the ABiH.[17069] Nesib Mandžić, a former school teacher, agreed to act as spokesperson for the population.[17070]

(B) Second meeting

5044. At around 10:30 p.m., Karremans, Boering, and Rave again left Potočari for Hotel Fontana, together with Mandžić, and arrived there at 11 p.m.[17071] Thereafter, a second meeting commenced.[17072] Mladić, Radoslav Janković, Kosorić, and Krstić were present, together with Ušćumlić and the video crew.[17073] Deronjić and Ljubisav Simić, the president of the Bratunac Municipal Assembly, were also present.[17074] Karremans introduced Mandžić as a representative of the Bosnian Muslim population.[17075]

5045. Reiterating the desperate situation in Potočari, Karremans stated that there were now 15,000 to 20,000 people—amongst whom 88 were wounded—at the UN Compound and the factories around it, and more people—about 95% women, children, and elderly—were arriving.[17076] While Karremans was making these remarks, the screaming of a pig being killed was heard.[17077] Karremans further stated that DutchBat was asking the Bosnian Muslims in Potočari where they wished to be transported, and that an evacuation could be planned depending on their age and

17069 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1950; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 73. *See also* P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 68; Adjudicated Fact 1525.

17070 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1950–1951; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 77; P3974 (UNPROFOR letter re meetings with Ratko Mladić on 11 and 12 July 1995), p. 1. Boering had met Mandžić on several occasions but asked him to attend the next meeting at Hotel Fontana only because he saw Mandžić at that time. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2137, 2140.

17071 P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 77–78. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1951; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6209; Adjudicated Fact 1531.

17072 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1953; Pieter Boering, T. 22082 (29 November 2011); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6209. *See also* P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), p. 224; Adjudicated Fact 1527.

17073 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1952, 1954, 1959; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 80; D3552 (Witness statement of Petar Ušćumlić 12 March 2013), para. 5; D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 4; Svetozar Kosorić, T. 38694 (23 May 2013); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6209.

17074 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 80. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1952; D3398 (Witness statement of Ljubisav Simić dated 7 April 2013), para. 3.

17075 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:13:05–01:13:12; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 230–231. *See also* Momir Nikolić, T. 24615 (13 February 2012); P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 68.

17076 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:13:15–01:16:35; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 230–233. *See also* P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), p. 224; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 83.

17077 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:14:30–01:15:00; P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 78–79; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1953–1954, 1958–1959.

health condition.[17078] According to Karremans, the UNHCR in Belgrade had 30 vehicles available which could be brought in if agreed.[17079] Mladić then ordered a broken sign from the Srebrenica town hall to be brought in,[17080] and explained that he took it from "there" and passed through the town on foot;[17081] for the DutchBat members in attendance, this was a message that the VRS was now in charge.[17082]

5046. Mladić then asked Mandžić what he wanted, to which Mandžić responded that he was not an official representative of the "refugees" and he was "completely unprepared".[17083] Mladić then told Mandžić as follows:

> Please write down the following: Number one, you need to lay down your weapons and I guarantee that all those who lay down their weapons will live. I give you my word, as a man and a General that I will use my influence to help the innocent Muslim population which is not the target of the combat operations carried out by the VRS. Nor are international humanitarian organisations and UNPROFOR forces the targets of our operations. Although NATO forces, as well as UNPROFOR forces, fired today at UNPROFOR's request not only at the positions of the VRS, but also at the civilian population. In order to make a decision as a man and a Commander, I need to have a clear position of the representatives of your people on whether you want to survive [...] stay or vanish. I am prepared to receive here tomorrow at 10 am a delegation of officials from the Muslim side with whom I can discuss the salvation of your people from the enclave, the former enclave of Srebrenica. I shall order a cessation of operations until 10 am tomorrow. If your fighters [...] lay down their arms we shall treat [them] in accordance with international conventions and we guarantee that everybody will live, even those who committed crimes against our people. Have I made myself clear? Nesib, the future of your people is in your hands, not only in this territory.[17084]

Mandžić again said that he had been chosen as a representative "by chance", but Mladić instructed him to bring "the people who can secure the surrender of weapons and save your people from

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17078 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:27:55–01:28:25; P4202 (Written Compilation Booklet: Srebrenica Trial Video), pp. 238–239.

17079 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:42:59–00:43:03; P4202 (Written Compilation Booklet: Srebrenica Trial Video), pp. 234–235. Karremans added that DutchBat had not had diesel in the Srebrenica enclave since February 1995. P4201 (Updated Srebrenica Trial Video), Part 1, at 01:24:45–01:26:25; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 237. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 83.

17080 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:20:22, 01:22:30–01:23:05; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 234; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1959–1960; P3973 (Video still of Hotel Fontana meeting).

17081 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:42:59–00:43:03; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 235; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1959–1960.

17082 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1960. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 81; Albert Rave, T. 22179 (30 November 2011).

17083 P4201 (Updated Srebrenica Trial Video), Part 1, 01:30:25–01:33:30 (depicting Mandžić asking if there was an agreement "at a higher level", international organisations); P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 239–240. *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6211–6212.

17084 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:33:30–01:37:15; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 240–241; P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 82, 84, 86; P3974 (UNPROFOR letter re meetings with Ratko Mladić on 11 and 12 July 1995), p. 2. *See also* Momir Nikolić, T. 24618–24619 (13 February 2012); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6211–6214; Adjudicated Facts 1532, 1533, 1536.

destruction".[17085] According to Rave, Mladić also told Mandžić that the civilian population was free to go, adding that he could arrange buses to transport people wherever they wanted to go.[17086]

5047. After this meeting, the DutchBat officers and Mandžić returned to the UN Compound, escorted again by Momir Nikolić.[17087] Mandžić appeared frightened, anxious, and "almost panicking".[17088] He then went to look for additional representatives and eventually found two other civilians, Ćamila Purković and Ibro Nuhanović, who were willing to support Mandžić.[17089]

(C) Conversation between Momir Nikolić, Popović, and Kosorić prior to third meeting

5048. On the morning of 12 July, as instructed by Mladić at the Bratunac Brigade Command,[17090] Popović and Kosorić went to Hotel Fontana.[17091] Just before the start of the third meeting, Popović and Kosorić met Momir Nikolić and Uščumlić outside the premises.[17092] When Nikolić asked Popović what would happen next, Popović replied that Bosnian Muslim women and children would be transferred to Bosnian Muslim-held territory and that military-aged men would be separated.[17093]

(1) Summary of Momir Nikolić's evidence

5049. Nikolić testified that he further asked Popović what would happen to those men, to which Popović responded that "all the balija*s* should be killed".[17094] When Nikolić heard this statement, he thought that, as many officers would say similar things, it was "yet another statement by Popović who had the habit of saying things like that" and that Popović did not mean it.[17095] Nikolić also stated that, having heard this statement, he thought that legitimate military procedures would be followed, which would entail the identification of suspected war criminals and their subsequent

17085 P4201 (Updated Srebrenica Trial Video), Part 1, at 01:37:15–01:37:40; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 241. *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6212; Adjudicated Fact 1534.

17086 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 82.

17087 P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 87; Momir Nikolić, T. 24615 (13 February 2012).

17088 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 68; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1962.

17089 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1962, 1968; P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 87. Mandžić was unable to get in touch with the BiH Government. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 68.

17090 *See* para. 5086.

17091 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 17.

17092 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 18; Momir Nikolić, T. 24620–24621 (13 February 2012), T. 24863 (16 February 2012).

17093 Momir Nikolić, T. 24620–24621 (13 February 2012), T. 24645–24646 (14 February 2012), T. 24863 (16 February 2012); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 18.

17094 Momir Nikolić, T. 24646–24647 (14 February 2012), T. 24863 (16 February 2012). *See also* para. 2514 (describing the term "balija" as a taunt or insult).

prosecution.[17096] Nikolić further testified that it was only in Potočari that it became clear to him that something calamitous was in store for "these people who had been singled out".[17097]

5050. After having heard the statement that all the balijas should be killed, Nikolić told Popović that if the Bosnian Muslim men were to be separated, they would have to be detained somewhere and that some empty buildings, such as the Vuk Karadžić School in Bratunac, could be used for this purpose.[17098] Then, they had a discussion about potential locations where "these people" should be killed, during which the Ciglana brick factory and the Sase mine were mentioned.[17099] Popović told Nikolić that it was Nikolić's responsibility to "help coordinate and organise this operation".[17100] According to Nikolić, the whole conversation lasted no longer than ten minutes[17101] and after Popović left, he, Kosorić, and Uščumlić had another conversation about the same topic.[17102]

(2) Evidence of Defence witnesses

5051. The Chamber notes that the Accused called Popović, Kosorić, and Uščumlić to refute the evidence brought by the Prosecution on this conversation. These three witnesses all challenged Nikolić's evidence.[17103] Popović, who did not contest that he and Kosorić encountered Nikolić and Uščumlić prior to the third meeting,[17104] claimed that Nikolić's statements that Popović had said

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17095 Momir Nikolić, T. 24648 (14 February 2012).

17096 Momir Nikolić, T. 24644 (14 February 2012).

17097 Momir Nikolić, T. 24622 (13 February 2012).

17098 Momir Nikolić, T. 24622 (13 February 2012).

17099 Momir Nikolić, T. 24622–24623 (13 February 2012), T. 24647–24648 (14 February 2012). The Ciglana brick factory was located in Bratunac. *See* KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9371–9372. The Sase mine was located in Srebrenica municipality. Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 917. Momir Nikolić testified that he later heard that a group of officers had gone to the brick factory to investigate whether it would be a suitable execution site, but that ultimately, no killings occurred there. Momir Nikolić, T. 24622–24623 (13 February 2012), 24876–24877 (16 February 2012) (further stating that he heard that this visit occurred before 13 July and denying having taken part himself). Nedo Nikolić confirmed that a group of VRS officers, including Momir Nikolić and Beara, as well as police officer Brano Tešić, indeed came to his office at the Ciglana brick factory, but insisted that this did not occur until the morning of 14 July. D3690 (Witness Statement of Nedo Nikolić dated 8 June 2013), paras. 15, 18A–18B; Nedo Nikolić, T. 39823 (12 June 2013). Nedo Nikolić also testified that the officers had not indicated that the site was being considered as a possible site for execution, and had enquired about the availability of drinking water. D3690 (Witness Statement of Nedo Nikolić dated 8 June 2013), paras. 17, 18C. In light of the overwhelming evidence before the Chamber indicating that the Bosnian Muslim males were transferred to Zvornik on the morning of 14 July, the Chamber considers that the events referred to by Nedo Nikolić must have in fact occurred one or two days prior. In view of the totality of evidence, the Chamber considers that the testimony of Nedo Nikolić does not raise any doubt in relation to the veracity of Momir Nikolić's testimony. *See* Defence Final Brief, paras. 2486–2488.

17100 D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 4.

17101 Nikolić testified that this encounter was not an official meeting. Momir Nikolić, T. 24863 (16 February 2012).

17102 Momir Nikolić, T. 24623 (13 February 2012).

17103 D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), paras. 6–7; D3552 (Witness statement of Petar Uščumlić 12 March 2013), para. 7; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 18.

17104 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 18.

that "men from Srebrenica would be separated and killed" and that they had talked about buildings in which they would be kept until their execution were particularly untrue.[17105] Popović testified that he never discussed this and that he did not even know that men from Srebrenica would be separated until the third meeting, when Mladić mentioned it.[17106] Popović claimed that the only thing that was mentioned in his presence was that the men would be questioned about war crimes against Serbs, not that the men being separated would be executed.[17107]

5052. Kosorić testified that Popović did not say anything of the sort claimed by Nikolić.[17108] Kosorić stood by his prior testimony in the *Popović et al.* case, in which he denied even the fact that the conversation between Popović, Nikolić, and himself took place outside the hotel, and added that such "a decision must be taken at a higher level, at a meeting, this is not the sort of decision that is taken outside some hotel".[17109] He also stated that he had no information that Bosnian Muslims from Srebrenica were going to be killed.[17110] Lastly, Uščumlić stated that he never heard anyone say that the prisoners from Srebrenica should or would be killed, and he had no knowledge that the prisoners would be killed.[17111]

(3) Prosecution's submissions

5053. In its final brief, the Prosecution submits that Nikolić's evidence relating to the conversation is reliable and corroborated by other reliable evidence.[17112] First, video evidence shows that Nikolić was talking outside Hotel Fontana with Janković, Popović, and one of Mladić's bodyguards prior to the meeting, and that Kosorić and Popović were present at the meeting.[17113] Second, Uščumlić's evidence corroborates Nikolić's testimony that the conversation among Nikolić, Popović, and Kosorić took place and does not contradict the content of Nikolić's testimony.[17114] Third, Boering saw Kosorić and Nikolić again in Bratunac after the third meeting.[17115] Fourth, the Prosecution submits that the following events which unfolded after the conversation support

17105 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 18.
17106 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 18.
17107 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 18.
17108 D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 7; Svetozar Kosorić, T. 38717 (23 May 2013).
17109 Svetozar Kosorić, T. 38715–38716 (23 May 2013).
17110 D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 8.
17111 D3552 (Witness statement of Petar Uščumlić 12 March 2013), para. 7.
17112 Prosecution Final Brief, para. 917.
17113 Prosecution Final Brief, para. 917, citing P4201 (Updated Srebrenica Trial Video), Part 2, 00:05:30–00:05:45, 00:06:47–00:15:06; P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 61, 63, 65, 68, 245–250.
17114 Prosecution Final Brief, para. 917, citing D3552 (Witness statement of Petar Uščumlić 12 March 2013).
17115 Prosecution Final Brief, para. 918, Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T.1976–1977.

Nikolić's version of what was discussed at the third meeting: (i) at that meeting, Mladić stated for the first time that the separation and "screening" of men would be carried out in Potočari;[17116] (ii) the Vuk Karadžić School and the hangar that Nikolić had suggested as detentions sites during the conversation were indeed used for detention;[17117] (iii) Beara and Deronjić visited the Ciglana brick factory which, according to Nikolić, was a potential execution site mentioned during the conversation;[17118] and (iv) Nikolić's account of what he was told would happen to the Bosnian Muslim men in Potočari "corresponds exactly to the tragic events which then followed".[17119]

(4) Accused's submissions

5054. In his final brief, the Accused submits that Nikolić's testimony about his conversation with Popović and Kosorić is "untrue, unreliable and illogical".[17120] The Accused argues that while, as seen in the video evidence, Nikolić and Popović were both outside Hotel Fontana on 12 July, Nikolić's testimony about what was said between them is uncorroborated and was refuted by Popović, Kosorić, and Uščumlić.[17121] Pointing to Nikolić's testimony that he did not believe that Popović meant what he said when he allegedly said that the men should be killed, the Accused submits that had Popović truly made the statement and discussed the execution sites, "there would have been no reason for Nikolić to expect legitimate military screening in Potočari".[17122]

(5) Chamber's assessment

5055. The Chamber notes that, in this context, the Accused contends that contrary to Nikolić's testimony indicating that there was a plan to kill the Bosnian Muslim prisoners of Srebrenica from 12 July 1995, such a plan did not exist "prior to the Kravica Warehouse mutiny" that took place around 5:30 p.m. on 13 July 1995, further referring to other pieces of evidence.[17123] The Chamber is of the view that this specific argument relates more to his challenge to the JCE to eliminate the Bosnian Muslim population in Srebrenica,[17124] and that it will therefore be discussed separately in

17116 Prosecution Final Brief, para. 918, citing Pieter Boering, T. 22063–22064 (29 November 2011); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1968–1969, 1972–1973; Adjudicated Fact 1545.

17117 Prosecution Final Brief, para. 918, cross-referencing Prosecution Final Brief, Appendix D, Srebrenica, paras. 80–84.

17118 Prosecution Final Brief, para. 918, citing P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 84.

17119 Prosecution Final Brief, para. 919.

17120 Defence Final Brief, para. 2480.

17121 Defence Final Brief, para. 2458 (further arguing that the Prosecution did not challenge Popović on this aspect of his evidence).

17122 Defence Final Brief, paras. 2471–2472.

17123 Defence Final Brief, paras. 2449–2452, 2455, 2459–2480.

17124 The Accused also argues that the issue of when the plan to kill the Bosnian Muslim men of Srebrenica was formed is not critical to his criminal responsibility, but "the fact that the plan to execute the prisoners arose only

the relevant section of this Judgement.[17125] In the present section, the Chamber will focus on the issue of Nikolić's testimony as to the content of his conversation with Popović and Kosorić, and determine whether the evidence is reliable in this regard.

(a) Momir Nikolić as a convicted person

5056. The Chamber first recalls its general assessment of the credibility of Nikolić as an individual convicted of crimes arising from events charged in the Indictment,[17126] and notes that it approached his evidence, in particular salient and highly contested evidence, with the utmost caution.

(b) Momir Nikolić's avowed lie

5057. The Chamber first considered the avowed lie Nikolić told the Prosecution in one of his interviews.[17127] He admitted that when he told the Prosecution that he had been at Kravica and had given orders, he did not speak the truth.[17128]

5058. The Chamber examined his explanation for this untruth, wherein he stated *inter alia*, in relation to his plea agreement[17129] that "[...] we'd been working on [it] for a long time and I did not want it to fall through. I wanted this agreement to be reached".[17130] In this situation, Nikolić was prepared to sacrifice himself and assume responsibility for something he had not in fact done. The Chamber reviewed his evidence and is satisfied that, unfortunate as it might have been, Nikolić's inconsistency was not the result of any oblique motive to lead the Chamber into error. It was extremely important to him that the agreement did not turn out to be an abysmal failure and he was willing to compromise the veracity of his statement in order to ensure that outcome. The Chamber was also mindful of the fact that Nikolić voluntarily corrected his inconsistency at the first available opportunity.[17131]

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after the incident at the Kravica Warehouse is relevant to the Chamber's determination of whether the killings were done with the intent to destroy the group". Defence Final Brief, para. 2451.

17125 *See* Section IV.C.3.a.iii.B: The expansion of the common plan to eliminate the Bosnian Muslim population in Srebrenica.

17126 *See* paras. 16–17.

17127 P4385 (Tab B to Plea Agreement, 6 May 2003); Momir Nikolić, T. 24559–24560 (13 February 2012).

17128 P4385 (Tab B to Plea Agreement, 6 May 2003); Momir Nikolić, T. 24559–24560 (13 February 2012).

17129 The Chamber notes that this agreement was admitted into evidence as P4386 (Plea Agreement signed by Momir Nikolić, 7 May 2003).

17130 Momir Nikolić, T. 24880 (16 February 2012).

17131 P4385 (Tab B to Plea Agreement, 6 May 2003); Momir Nikolić, T. 24560 (13 February 2012).

5059. The Chamber also notes the false identification Nikolić made of himself in a photograph that had been shown to him and the explanation he advanced for that falsity.[17132] He testified that he thought the individual in the photograph looked like him. He did not want to tell the Prosecution that he was not the person in the photograph; he stated, "[p]erhaps I had forgotten something. So I didn't want to exclude the possibility."[17133] Nikolić then felt himself impaled on the horns of a dilemma when he was told that the photograph had been taken in Sandići because he knew that he was never in Sandići. As it turned out, the photograph was of another man.

5060. The Chamber holds the view that in his desperation to ensure that he did nothing to jeopardise his agreement with the Prosecution, Nikolić found himself in an intractable situation of his own creation. Accordingly, the Chamber is satisfied that his inconsistency was not inspired by any insidious desire to mislead the Chamber. In its final analysis, the Chamber is convinced that the aforementioned inconsistencies in no way affect Nikolić's overall credibility, nor do they justify a rejection of his evidence. In reaching this conclusion, the Chamber also paid particular attention to the fact that the consistency of the witness remained undiminished throughout his various statements and testimonies in respect of other matters.

(c) Contradiction between the alleged plan to kill all balijas and Nikolić's understanding of the "military screening"

5061. The Chamber also considered what might appear at first sight to be an inconsistency in the testimony of Nikolić. From his evidence, the Chamber is of the view that on hearing Popović's declaration that all the men should be killed, Nikolić considered that Popović's statement was couched in extravagant language and he contemplated that this statement would have pertained only to the alleged war criminals among the men of military age[17134] who would have been

17132 P4385 (Tab B to Plea Agreement, 6 May 2003); Momir Nikolić, T. 24560–24561 (13 February 2012); T. 24881–24882 (16 February 2012).

17133 Momir Nikolić, T. 24882 (16 February 2012).

17134 At times Nikolić referred to those he understood to be separated as "military-aged men", or "able-bodied men". Momir Nikolić, T. 24621, 24628 (13 February 2012), T. 24646–24647 (14 February 2012). However, he further testified, "[w]e would carry out a military task, that we would stick to military procedure, that we would single out those people from whom we had indicia or evidence or documents or witnesses to the effect that they had committed crimes [...]". Momir Nikolić, T. 24621 (13 February 2012), and "they worked on singling out these military-aged men, or, rather, those for whom they had had information to the effect that they had committed crimes during the previous operations". Momir Nikolić, T. 24628 (13 February 2012). He also testified that "[m]ilitary selection involves [...] identifying those who have committed a crime or those whom you suspect of having committed a crime, a war crime, or any other kind of crime, crime against the civilian population or against prisoners, soldiers, and so on and so forth". Momir Nikolić, T. 24644 (14 February 2012). He further stated, "When I heard what Mr. Popovic said, it was my understanding that by going to Potocari a military screening process was to take place, which is a legitimate military procedure entailing identification -- the identification of those who need to be separated, and checks are carried out because there is a possibility of those who committed war crimes and crimes against humanity being present." Momir Nikolić, T. 24645 (14 February 2012). In light of the above testimony, the Chamber finds that, by "military-aged men" or "able-

separated, hence his participation in the discussion concerning possible locations for their execution. The Chamber considers this interpretation in itself indefensible. Nikolić sought to paint a picture of legality when he spoke of his assumption that they would have done "what was prescribed under the rules",[17135] but the Chamber sees this as a device utilised by the witness to mask his real thoughts.

5062. The Chamber is satisfied that it was only when events began to unfold in Potočari that he realised that not only alleged war criminals but all men who tried to board the buses, irrespective of their age or physical constitution, were separated.[17136] Indeed, evidence before the Chamber indicates that being a Bosnian Muslim man was the exclusive criterion for separation,[17137] and that they were all earmarked for execution.[17138]

5063. The Chamber further considers that, by giving evidence about Popović informing him of plans to separate Bosnian Muslim men and to subsequently kill them, Nikolić directly incriminated himself in these matters. More importantly, ever since Nikolić entered a plea agreement with the Prosecution in 2003, his evidence on this point has remained constant.[17139]

5064. Accordingly, the Chamber is unable to discern any inconsistency in this area of Nikolić's evidence.

(d) Credibility of Defence witnesses

5065. Last but not least, the Chamber is of the view that the reliability of Nikolić's account is undiminished by Defence evidence. As previously discussed, when Popović gave evidence in this case as a Defence witness, his case was still on appeal and thus the Chamber approached his evidence with great caution.[17140] With regard to Kosorić, the Chamber considers that he was generally evasive, insisting that he neither saw nor knew anything. Although he adhered to his prior evidence that there was no such conversation as claimed by Nikolić, he confirmed that he, Nikolić, and Popović were all present at Hotel Fontana on the morning of 12 July.[17141] Taken together with the testimony of Uščumlić, who testified that he was at the third meeting but denied

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bodied men" in the above context, Nikolić meant those among the military-aged or able-bodied men who allegedly committed war crimes.

17135 Momir Nikolić, T. 24647–24648 (14 February 2012).

17136 Momir Nikolić, T. 24646–24647 (14 February 2012).

17137 *See* paras. 5109–5112.

17138 *See* Section IV.C.3.a.iii.B: The expansion of the common plan to eliminate the Bosnian Muslims in Srebrenica.

17139 *See* D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 4.

17140 *See also* para. 18.

17141 Svetozar Kosorić, T. 38694–38695 (23 May 2013); P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 63, 65.

the content of the conversation as related by Nikolić, the Chamber finds the evidence of these three witnesses unconvincing and insufficient to jeopardise the Chamber's view of the reliability of Nikolić's evidence on this point.

(e) Conclusion

5066. Accordingly, the Chamber finds Nikolić's testimony reliable. The Chamber therefore accepts his account of the conversation in which Popović told him that all the men in Potočari should be killed.

(D) Third meeting

5067. On the morning of 12 July, Karremans and Boering went back to Hotel Fontana with the three Bosnian Muslims—Mandžić, Purković, and Nuhanović—escorted by Kosorić.[17142] This third meeting started at around 10 a.m.[17143] Mladić, Krstić, Radoslav Janković, Kosorić, and Popović were present, together with Dragomir Vasić, the Chief of the Zvornik CJB, Deronjić, Srbislav Davidović, President of the Bratunac Executive Board, and Ljubisav Simić.[17144] The Bosnian Muslim civilian population in Potočari was represented by Mandžić, Purković, and Nuhanović.[17145]

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17142 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1968; Pieter Boering, T. 22060–22063 (29 November 2011); P3995 (Witness statement of Albert Rave dated 10 November 2011), paras. 88, 93; Svetozar Kosorić, T. 38994–38695 (23 May 2013); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*),, T. 9203–9204; Srbislav Davidović, T. 24405–24406 (9 February 2012); P4201 (Updated Srebrenica Trial video), Part 2, at 00:06:46; P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 65; P4935 (Report of Zvornik CJB, 12 July 1995). *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6215.

17143 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1967–1968; Pieter Boering, T. 22060–22061 (29 November 2011); Momir Nikolić, T. 24616–24617 (13 February 2012); P2996 (Report of Zvornik CJB, 12 July 1995); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 93; P4373 (Report of Zvornik CJB, 12 July 1995). *See also* Adjudicated Fact 1537.

17144 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1949, 1968–1969; Pieter Boering, T. 22061, 22063–22064 (29 November 2011); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*),, T. 9183, 9203–9204; Srbislav Davidović, T. 24405–24406 (9 February 2012); D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 4; D3398 (Witness statement of Ljubisav Simić dated 7 April 2013), para. 73; Ljubisav Simić, T. 37270 (16 April 2013) (confirming that he was sitting at Mladić's right hand on the video); P4201 (Updated Srebrenica Trial video), Part 2, at 00:05:30–00:07:22, 00:12:52, 00:13:09; P4202 (Written compilation booklet: Srebrenica Trial video), pp. 66–68, 245–250; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 19; P4935 (Report of Zvornik CJB, 12 July 1995). *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6215. Ušćumlić also attended and interpreted for DutchBat. D3552 (Witness statement of Petar Ušćumlić 12 March 2013), para. 6; Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*),, T. 9203–9204; Srbislav Davidović, T. 24405–24406 (9 February 2012).

17145 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1968, 1972; Pieter Boering, T. 22061 (29 November 2011); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*),, T. 9203–9204; Srbislav Davidović, T. 24405–24406 (9 February 2012); P4935 (Report of Zvornik CJB, 12 July 1995). *See also* Momir Nikolić, T. 24619–24620 (13 February 2012); D3398 (Witness statement of Ljubisav Simić dated 7 April 2013), para. 73; Ljubisav Simić, T. 37270–37271 (16 April 2013); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6215. Members of the Muslim Forces in Srebrenica were not present because they were believed to have already fled the enclave. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1968.

5068. Mladić told the Bosnian Muslim representatives that he wanted to help them and that they could request what they wished, but that he wanted "absolute co-operation".[17146] Mladić then added that "you can either survive or disappear" and demanded that ABiH soldiers surrender their weapons.[17147] He stated that upon compliance with this demand, the Bosnian Muslim civilian population "may choose to stay in the territory or, if so you wish, go wherever you want".[17148] Furthermore, Mladić noted that he would provide vehicles, but that fuel should be procured by Bosnian Muslims or by UNPROFOR.[17149]

5069. The Bosnian Muslim representatives requested "free passage for able-bodied men because, allegedly they are unarmed and they are not in contact with their army in the woods".[17150] A procedure for transferring the Bosnian Muslim population was also discussed.[17151] In addition, Boering testified that Mladić mentioned "screening" of the Bosnian Muslim men in Srebrenica based on their ages between about 15 and 70, but the specifics of this screening were not made clear.[17152] Davidović was assigned to select potential war criminals among the civilian population.[17153]

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17146 P4201 (Updated Srebrenica Trial Video), Part 2, at 00:06:47–00:10:05; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court pp. 246–248. This meeting was filmed again. Pieter Boering, T. 22065 (29 November 2011); P4201 (Updated Srebrenica Trial video), Part 2, at 00:05:50–00:15:05; P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 245–250.

17147 P4201 (Updated Srebrenica Trial Video), Part 2, at 00:10:15–00:10:42; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 248. *See also* Adjudicated Fact 1540. Kosorić agreed to the proposition by the Prosecution that Mladić was saying that unless all the weapons were surrendered, the men might be killed. Svetozar Kosorić, T. 38695–38696 (23 May 2013).

17148 P4201 (Updated Srebrenica Trial Video), Part 2, at 00:10:45–00:11:10; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 248. *See also* P4201 (Updated Srebrenica Trial Video), Part 2, at 00:11:17–00:12:50; P4202 (Written Compilation Booklet: Srebrenica Trial Video), pp. 248–249; Adjudicated Fact 1542.

17149 P4201 (Updated Srebrenica Trial Video), Part 2, at 00:11:50–00:12:15; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 249. *See also* Adjudicated Facts 1543, 1544. Davidović testified that it was agreed that DutchBat would provide fuel. Srbislav Davidović, T. 24421 (9 February 2012). However, Boering stated that he was unaware of any agreement between DutchBat and Mladić that DutchBat would supply diesel fuel for the evacuation. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1974, 2077–2078.

17150 P4935 (Report of Zvornik CJB, 12 July 1995); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6217.

17151 Pieter Boering, T. 22082–20083 (29 November 2011). There was no clear arrangement for caring for the needs of the civilian population, however. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1975.

17152 Pieter Boering, T. 22063–22064 (29 November 2011); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1969, 1974; Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9209 (testifying that Mladić stated that those "who committed crimes against the Serbian people would be prosecuted"); Adjudicated Fact 1545. Vasić, reporting the outcome of this meeting, stated that it was up to Mladić to let the men go in order to get other men hiding in the woods to surrender. P4935 (Report of Zvornik CJB, 12 July 1995).

17153 Pieter Boering, T. 22063–22064 (29 November 2011); P4201 (Updated Srebrenica Trial Video), Part 2, at 00:13:09; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1973; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 67.

5070. At the end of the meeting, Mladić said that the Bosnian Serb civilian authorities should assist the Bosnian Muslim population in Potočari in terms of logistics, water, food, and health care.[17154] After 11 a.m., the meeting ended hastily as the participants were told that the Bosnian Muslims in Potočari were getting restless, and it was feared that they would set out to Bratunac on foot.[17155] The Bosnian Muslim representatives were asked to return to Potočari to tell the population that transportation would be provided.[17156] Vasić reported to the RS MUP that "boarding of vehicles will commence at 1400 hours".[17157]

5071. Radoslav Janković came out of the hotel and told Momir Nikolić that everything had been agreed upon regarding the transfer of Bosnian Muslims to Kladanj, and that Nikolić should assist in the transfer and the separation of Bosnian Muslim men.[17158] Janković further stated that the commanders of the units in charge of the operation had already received orders and specific tasks, and were already in Potočari.[17159] Janković told Nikolić to talk to Duško Jević—the director of the Jahorina Training Centre and a member of the Special Brigade of the MUP who was present in Potočari—and to assist him.[17160]

5072. Kosorić brought the DutchBat officers and the Bosnian Muslim representatives back to the UN Compound.[17161] Since Karremans and Boering were not clear about the agreements reached, the procedure for the transportation, and DutchBat's role therein, Karremans instructed Boering and Rave to return to Bratunac to verify what the actual agreements were.[17162] Around noon, Boering and Rave arrived in Bratunac and managed to meet Momir Nikolić, who was with Kosorić.[17163]

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17154 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9207; Srbislav Davidović, T. 24402–24403 (9 February 2012); Ljubisav Simić, T. 37273–37274 (16 April 2013).

17155 Srbislav Davidović, T. 24410, 24433–24434 (9 February 2012); Pieter Boering, T. 22064–22065 (29 November 2011); P4201 (Updated Srebrenica Trial video), Part 2, at 00:15:08. *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6218.

17156 Srbislav Davidović, T. 24434 (9 February 2012).

17157 P4935 (Report of Zvornik CJB, 12 July 1995).

17158 Momir Nikolić, T. 24624 (13 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 5.

17159 Momir Nikolić, T. 24624–24625 (13 February 2012).

17160 Momir Nikolić, T. 24625 (13 February 2012). *See also* para. 5079.

17161 Svetozar Kosorić, T. 38696–38697 (23 May 2013).

17162 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1976–1977; Pieter Boering, T. 22065–22066 (noting that this confusion was in part due to translation problems), 22082 (29 November 2011); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 94; Albert Rave, T. 22230 (30 November 2011).

17163 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1976–1977; Pieter Boering, T. 22066 (29 November 2011); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 94 (noting that Ušćumlić interpreted the conversation).

Nikolić told them that everything had been agreed upon; they should get lost and leave immediately; and "things had already started".[17164]

*ii. Humanitarian situation and atmosphere in Potočari*

5073. As previously stated, by the morning of 11 July, several thousand Bosnian Muslims in Srebrenica town were making their way towards Potočari.[17165] The majority, consisting mostly of women, children, and elderly individuals, arrived in Potočari on foot—while others were brought by UN vehicles—and were taken to several facilities in the vicinity of the UN Compound.[17166] By the evening of 11 July, the UN Compound and the area of the surrounding buildings, including the lead factory and the Zinc factory, were full of Bosnian Muslims.[17167] Many stayed outside without accommodation.[17168] DutchBat tried to provide security, placing a red and white tape around the

17164 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1976; Pieter Boering, T. 22066 (29 November 2011); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 94. *See also* D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 5. The Chamber notes that Nikolić testified that when he, Kosorić, and Ušćumlić were still talking in front of Hotel Fontana prior to the third meeting, two DutchBat officers came up to them and asked when the buses would arrive and when the transportation would begin. After having taken them to Colonel Lazar Aćamović, Assistant Commander for Rear Services of the Drina Corps, who was standing in front of Hotel Fontana, Nikolić told them that they should go back to Potočari, that "everything had been agreed upon, [...] and that the evacuation would start". Momir Nikolić, T. 24623 (13 February 2012). In Nikolić's recollection, the DutchBat officers were Rave and his "associate". Momir Nikolić, T. 24623–24624 (13 February 2012). However, Rave did not go to Hotel Fontana with Karremans and Boering as he had other obligations. P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 93. The Chamber is of the view that while Nikolić's account of this encounter coincides in large measure with the account described in paragraph 5067 certain areas were inconsistent with other evidence adduced in this case. The Chamber gave this full consideration and is firmly of the opinion that this inconsistency does not in any way compromise the reliability of Nikolić's evidence in general, and in particular the reliability of the conversation that took place before the third meeting.

17165 *See* paras. 5029–5030.

17166 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 18; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 26, 29; P422 (Aerial photograph of Potočari, 13 July 1995); Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2717, 2883; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7079–7082, 7138; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17304, 17306–17307, 17371–17373; Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1944–1946; Mirsada Malagić, T. 23475, 23523 (24 January 2012); P398 (Witness statement of Saliha Osmanović dated 18 June 2000), e-court p. 2; P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 10; P393 (Witness statement of Mejra Mešanović dated 19 June 2000), e-court p. 2; P393 (Statement of Mejra Mušanović to Tuzla Cantonal Court, 19 June 2000), e-court, p. 9; P403 (Witness statement of Rahima Malkić dated 17 June 2000), e-court p. 2; KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2733–2735; KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 2329 (under seal). *See also* Pieter Boering, T. 22121–22123 (29 November 2011); D1968 (Witness statement Pieter Boering dated 28 September 1995), p. 5; P392 (Witness statement of Semija Suljić dated 17 June 2000), e-court p. 2; P392 (Statement of Semija Suljić to Tuzla Cantonal Court, 17 June 2000), e-court p. 8; KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3600.

17167 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1221, 1231, 1264; P422 (Aerial photograph of Potočari, 13 July 1995); Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1947, 1949–1950; Mirsada Malagić, T. 23479–23480, 23484 (24 January 2012). *See also* P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 61–62.

17168 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 22; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 26; 31; P3954 (Aerial photograph of Potočari marked by Johannes Rutten). *See also* Joseph Kingori, T. 22803 (11 January 2012); KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5751–5752; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 38.

area to indicate that it was secure and under UN surveillance, and to prevent any contact between Bosnian Muslims and members of the Bosnian Serb Forces.[17169]

5074. Potočari and the facilities there were overcrowded with Bosnian Muslims carrying their possessions; they were all fearful.[17170] There was constant shelling,[17171] which injured a number of Bosnian Muslims and caused fear amongst them.[17172] Panic was rampant.[17173] Shelling continued throughout the night of 11 to 12 July around the UN Compound.[17174]

5075. On the morning of 12 July, panic increased even more when the Bosnian Muslims saw members of the Bosnian Serb Forces coming in from all directions.[17175] During the course of the day, some houses surrounding Potočari and haystacks were set on fire by members of the Bosnian Serb Forces.[17176]

5076. By that time, between 25,000 and 30,000 Bosnian Muslims were in Potočari, of whom 5 to 10% were able-bodied men.[17177] The humanitarian situation was catastrophic; there was not

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17169 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 26, 30; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 66; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), paras. 23, 28–30; Paul Groenewegen, T. 22975–22976 (13 January 2012); P4201 (Updated Srebrenica Trial video), Part 2, at 00:27:16–00:28:47. *See also* Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2719; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 35; Johannes Rutten, T. 21988–21989 (28 November 2011); P4201 (Updated Srebrenica Trial video), Part 2, at 00:20:39–00:24:00.

17170 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 61; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 19; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 38; KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1250 (testifying that he and his family found refuge in the corner of the Remont bus compound); KDZ070, P340 (Transcripts from *Prosecutor v. Popović et al.*), T. 3423 (under seal); P300 (Sketch drawn by KDZ070) (under seal). The Bosnian Muslims were lethargic and in a bad condition. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 67. *See also* KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14810 (under seal).

17171 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 38; Pieter Boering, T. 22154–22155 (30 November 2011); P3993 (UNMO report, 11 July 1995). *See also* KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5750–5751; KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1249–1250; P395 (Witness statement of Behara Krdžić dated 16 June 2000), e-court p. 2.

17172 KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5750–5751; KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3475; Pieter Boering, T. 22154–22155 (30 November 2011); P3993 (UNMO report, 11 July 1995); Mirsada Malagić, T. 23479 (24 January 2012); Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1946–1947.

17173 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2719.

17174 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1221, 1231, 1264; Mirsada Malagić, T. 23478–23479 (24 January 2012).

17175 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 32–35; KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1250–1251.

17176 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 32, 34; P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 89, 91; Adjudicated Fact 1507.

17177 P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), p. 1; P4935 (Report of Zvornik CJB, 12 July 1995); P4960 (Combat report signed by Ljubomir Borovčanin, 10–20 July 1995), p. 2; P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2; P4936 (Report of Sarajevo RDB, 12 July 1995); P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 164; P4156 (UNMO Report, 12 July 1995), p. 4; P4936 (Report of Sarajevo RDB, 12 July 1995). *See also* P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 96; P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 22.

enough water, food, or medicine for the Bosnian Muslims, and there were insufficient toilet facilities.[17178] The heat was stifling.[17179] Some women gave birth.[17180] Some people died, while others committed suicide or attempted to do so.[17181]

5077. During the night between 12 and 13 July, gunfire was heard in the vicinity of the UN Compound.[17182] Bosnian Muslims in Potočari were beaten and sexually assaulted by members of the Bosnian Serb Forces.[17183] Some were taken away from the facilities in Potočari and did not come back.[17184] Such abuses continued on 13 July.[17185]

*iii. Taking control of Potočari and disarming of DutchBat*

5078. Early in the morning of 12 July, further to an order issued by Mladić to Borovčanin in Pribićevac during the night of 10 to 11 July 1995,[17186] joint units of the Bosnian Serb Forces took control of OP Papa at Yellow Bridge.[17187] The units involved consisted of MUP members commanded by Borovčanin—the 1st PJP Company from Zvornik, the Jahorina Recruits led by

17178 Joseph Kingori, T. 22803 (11 January 2012); P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 66; KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5751–5752; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2719; Pieter Boering, T. 22154 (30 November 2011); P841 (UNMO report, 11 July 1995); P3993 (UNMO report, 11 July 1995); P4936 (Report of Sarajevo RDB, 12 July 1995); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 96; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 96; Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1954; P4165 (Report from the Srebrenica Enclave, 24 July 1995), p. 5. *See also* Adjudicated Facts 1503, 1504.

17179 *See* Adjudicated Fact 1503; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 96; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2719, 2803; Mirsada Malagić, T. 23476, 23488 (24 January 2012); Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9772; KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5751–5752; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 38.

17180 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 22.

17181 P4175 (Witness Statement of Robert Franken dated 15 January 2012), paras. 96–97; P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 24. *See also* P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 47; Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1959–1960; Mirsada Malagić, T. 23533–23534 (24 January 2012). *See also* Adjudicated Fact 1510.

17182 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 112.

17183 D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 6; P396 (Witness statement of Hanifa Hafizović dated 16 June 2000), e-court p. 2. *See also* Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1176–1177; Mirsada Malagić, T. 23488 (24 January 2012); P395 (Witness statement of Behara Krdžić dated 16 June 2000), e-court p. 2.

17184 P401 (Witness statement of Šehra Ibišević dated 21 June 2000), e-court p. 3; P401 (Witness statement of Šehra Ibišević dated 21 June 2000), e-court p. 9; Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1955–1959. *See* Adjudicated Fact 1509.

17185 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 54. *But see* Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9779, 9783, 9796, 9828; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 18005–18006; Srbislav Davidović, T. 24407 (9 February 2012); Zoran Petrović-Pirocanac, P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18848.

17186 *See* P4960 (Combat report signed by Ljubomir Borovčanin, 10–20 July 1995), p. 1.

17187 P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), p. 1; P4960 (Combat report signed by Ljubomir Borovčanin, 10–20 July 1995), p. 2. *See also* P5091 (Report of Sarajevo RDB, 12 July 1995).

Duško Jević and 1st Company Commander Mendeljev Đurić, as well as a mixed company of the Janja MUP—and Bratunac Brigade soldiers.[17188]

5079. At OP Papa, these forces seized the DutchBat members' helmets, flak jackets, weapons, and an APC, and disconnected them from contact with their operations room.[17189] The DutchBat soldiers were held at gunpoint and detained until 9 p.m.[17190] Members of the Bosnian Serb Forces, including members of the Jahorina Recruits,[17191] proceeded along the road towards Potočari.[17192] They fired rounds which landed in the vicinity of the UN Compound.[17193] Bosnian Serb soldiers deployed in attack formation towards the UN Compound, proceeding until they were stopped by the red and white tape used by DutchBat to demarcate the area where the Bosnian Muslims were.[17194] DutchBat soldiers posted themselves around the compound and the factories.[17195] Members of the Jahorina Recruits were deployed around the UN Compound.[17196] Some Bosnian Serb soldiers, including the Drina Wolves, walked around the premises.[17197] Borovčanin saw members of the Bratunac Brigade MP conducting "certain check-ups" for military-aged Bosnian

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17188 P4960 (Combat report signed by Ljubomir Borovčanin, 10–20 July 1995), p. 1; P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), p. 1; KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14789, 14791, 14800 (under seal); Momir Nikolić, T. 24625 (13 February 2012); Ljubomir Borovčanin, T. 39459 (7 June 2013). *See also* P4935 (Report of Zvornik CJB, 12 July 1995), p. 2; P5091 (Report of Sarajevo RDB, 12 July 1995); P2996 (Report of Zvornik CJB, 12 July 1995); P4373 (Report of Zvornik CJB, 12 July 1995); P4173 (Witness statement of Roger Patelski dated 30 November 2011), paras. 14–17; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 25; KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3601; P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 1. *See* fn. 17302. Some of the units under Borovčanin's command had also taken part in the Bosnian Serb advance on Srebrenica. *See* para. 5021.

17189 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 14. *See also* P4373 (Report of Zvornik CJB, 12 July 1995).

17190 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 21; D2007 (Roger Patelski's ICTY UN Peacekeeper Interview Questionnaire), p. 1; Roger Patelski, T. 23038, 23040–23041, 23044, 23051 (correcting the date of his detention at OP Papa by members of the Bosnian Serb Forces, as stated in D2007, from 14 July 1995 to 12 July 1995) (16 January 2012).

17191 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14802–14805, 14807–14809 (under seal).

17192 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 13; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 25; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 69; P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 69, 89; P4960 (Combat report signed by Ljubomir Borovčanin, 10–20 July 1995), pp. 1–2. *See also* P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 15; KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3601; KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3602, 3625 (under seal).

17193 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 89.

17194 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 69. *See also* KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3601; KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3602, 3625 (under seal).

17195 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 92.

17196 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14802–14805, 14807–14809, 14812 (under seal).

17197 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14810 (under seal); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 90. *See also* Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1951; KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3605.

Muslims.[17198] Some Bosnian Serb soldiers were cursing the Bosnian Muslims.[17199] By 1 p.m. that day, the Bosnian Serb Forces had taken control of Potočari.[17200]

5080. Around the time vehicles for the transportation of the Bosnian Muslims arrived in Potočari, the DutchBat soldiers who were stationed near the bus premises were threatened with weapons by members of the Jahorina Recruits led by Đurić, and had to surrender their weapons, vests, armoury, and communication sets.[17201] 11 DutchBat soldiers and a DutchBat doctor were detained for a few hours at a place next to the bus premises.[17202] Following repeated protests to Đurić, they were finally released and sent back to the UN Compound.[17203]

5081. On the morning of 13 July, Rave saw Mladić in Potočari and told him that members of the Bosnian Serb Forces had stolen DutchBat's weapons and material.[17204] Mladić assured Rave that he would instruct his soldiers not to steal anything from DutchBat soldiers.[17205]

*iv. Transportation from Potočari between 12 and 21 July 1995*

(A) Provision of vehicles and fuel

5082. On the evening of 11 July, Mladić ordered Petar Škrbić to requisition buses for "an evacuation".[17206] Before 10 a.m. on the morning of 12 July, he placed an urgent call to the RS Ministry of Defence, requesting an order to its Sarajevo and Zvornik secretariats to mobilise at least 50 buses to be sent to the stadium in Bratunac town ("Bratunac stadium") by 2:30 p.m. that

17198 D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 16.

17199 KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3601.

17200 P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), p. 1. *See also* P3054 (VRS Main Staff Report, 12 July 1995), p. 4; P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 1.

17201 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 43–46.

17202 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 47–48; P3956 (Video still of two soldiers); P3957 (OTP questionnaire by Johannes Rutten, undated), p. 2.

17203 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 47. The Chamber notes that Đurić categorically denied that he took equipment from DutchBat soldiers and detained them. Mendeljev Đurić, T. 42080–42081 (29 July 2013). The Chamber does not find this evidence reliable. In reaching that conclusion, the Chamber considered that Đurić had an interest in removing himself from the events in Potočari and his evidence in this regard was marked by insincerity and evasiveness.

17204 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 117.

17205 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 117.

17206 Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15472–15473, 15476 (stating that he first received information about the need for buses by telephone on the night of 11 July). Although Škrbić initially could not remember from whom he had received the order, he then adopted his prior statement in which he had said that the mobilisation request came from Mladić but was conveyed "indirectly through somebody". Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15472–15473, 15476. *See also* Petar Škrbić, T. 25973–25974 (7 March 2012) (further testifying that he had received this order via a specific phone which only received calls from the Commander of the VRS Main Staff). The Chamber is therefore satisfied that this order came from Mladić.

day.[17207] Pursuant to this request, the RS Ministry of Defence ordered these secretariats to immediately procure buses and send them to the designated location by the designated time.[17208] Following these orders, the RS Ministry of Defence further issued an order to all Ministry of Defence departments in Zvornik, Milići, Vlasenica, Šekovići, and Bratunac, to cancel all regular bus services until further notice, if necessary, so that buses and drivers could immediately report to the "Sports Centre" in Bratunac.[17209] In compliance with the Ministry of Defence orders, vehicles were indeed mobilised that day, which paralysed regular passenger transport.[17210]

5083. Meanwhile, the Drina Corps also responded to Mladić's order. At 7:35 a.m. on 12 July, Krstić, in his capacity of Chief of Staff of the corps,[17211] instructed Lieutenant Colonel Rajko Krsmanović, the Drina Corps Chief of Transportation,[17212] to mobilise 50 buses in total from Pale, Višegrad, Rogatica, Sokolac, Han Pijesak, Vlasenica, Milići, Bratunac, and Zvornik, and send them to the Bratunac stadium by 5 p.m. that day.[17213]

5084. Also on the same morning, Živanović issued an order to his subordinate brigades that all available buses and minibuses belonging to VRS units were to be secured for the use of the Drina Corps and sent to the Bratunac stadium.[17214] He also gave instructions about locations for fuel distribution, and stated that the Drina Corps command had sent a message to the RS Ministry of Defence asking for private buses to be mobilised.[17215] The subordinate brigades complied with this order and sent the vehicles as requested.[17216]

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17207 P4525 (VRS Main Staff Order, 12 July 1995); Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15471–15472.

17208 P4526 (RS Ministry of Defence request to Sarajevo Secretariat of the Defence Ministry, 12 July 1995); P4527 (RS Ministry of Defence request to Zvornik Secretariat of the Defence Ministry, 12 July 1995); P4528 (RS Ministry of Defence request to Zvornik Secretariat of the Defence Ministry, 12 July 1995); Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15474–15477. *See also* Adjudicated Fact 1567.

17209 Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15479–15481; P4538 (Order of RS Ministry of Defence, 12 July 1995); P4539 (Order of RS Ministry of Defence, 12 July 1995).

17210 *See* P4552 (RS Ministry of Defence report, 13 July 1995).

17211 Richard Butler, T. 27509 (17 April 2012).

17212 Richard Butler, T. 27509 (17 April 2012); P4920 (Diagrams of various VRS Military Command structures), p. 2.

17213 P4680 (Intercept of conversation between General Krstić and Lt. Col. Krsmanović, 12 July 1995). *See also* D2259 (Intercept of conversation between Krstić and Šobot, 12 July 1995); P5274 (Intercept of conversation between Lt. Col. Krsmanović and an unidentified person, 12 July 1995).

17214 P4533 (Order of Drina Corps, 12 July 1995) (indicating that the order was received at 8:35 a.m. on 12 July 1995); Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15482; Adjudicated Fact 1566.

17215 P4533 (Order of Drina Corps, 12 July 1995). *See also* Adjudicated Fact 1566.

17216 P4577 (Zvornik Brigade Combat Report, 12 July 1995); KDZ122, T. 26151–26152 (13 March 2012) (closed session); P4540 (5th Podrinje Light Infantry Brigade Combat Report, 12 July 1995) (indicating that Commander of the 5th Light Infantry Brigade, Furtula, reported to the Drina Corps Command that his brigade carried out the Drina Corps Command order, P4533); Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15483. *See also* Adjudicated Facts 1569, 1570.

5085. Pursuant to Mladić's order, at 10 a.m. that morning, the Drina Corps command informed the Main Staff that buses it had requested from the Drina Corps units had been secured, noting that the command did not know the final destination of the transportation at that time.[17217] On the same morning, Vasić reported to the RS MUP that 100 trucks had been provided for transport.[17218]

5086. Earlier that morning, at around 8 a.m., a meeting had been held at the Bratunac Brigade Command, where Mladić, Krstić, Deronjić, and Vasić, among others, were present, and "tasks were assigned to all participants".[17219] Mladić asked Davidović, Simić, and Aleksandar Tešić—the Secretary of the Secretariat of National Defence in Bratunac—, all of whom were also present at this meeting, what to do with the Bosnian Muslims from Srebrenica.[17220] Mladić stated that "there were many of [Bosnian Muslims from Srebrenica and] we need quite a few vehicles".[17221] Mladić went on to instruct Tešić that buses and trucks be mobilised immediately to transport about "20,000 residents, today or tomorrow."[17222]

5087. Meanwhile, the VRS was encountering problems with acquiring enough fuel.[17223] For instance, the Drina Corps command requested additional fuel: 10,000 litres of diesel and 2,000 litres of petrol.[17224] Furthermore, the Bratunac Brigade was monitoring fuel disbursements to buses and trucks on 12 and 13 July.[17225]

5088. In line with the order to provide vehicles for transportation from the Srebrenica enclave, on the same day, the Drina Corps command issued an urgent order to the Zvornik and Bratunac Brigades, instructing that traffic at the Konjević Polje intersection and on the Konjević Polje–

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17217 D1971 (Order of Drina Corps, 12 July 1995). *See also* P5364 (Intercept of conversation between two unidentified persons, 12 July 1995) (reflecting the conversation of two unidentified individuals about vehicles they were collecting from several places, including Pale, Sokolac, Bratunac, and Bijeljina, and noting that "over 50 buses" had been thus far obtained).

17218 P4373 (Report of Zvornik CJB, 12 July 1995).

17219 P4373 (Report of Zvornik CJB, 12 July 1995); Momir Nikolić, T. 24617–24618 (13 February 2012); D3118 (Witness statement of Aleksandar Tešić dated 10 March 2013), para. 34.

17220 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9198–9200; D3398 (Witness statement of Ljubisav Simić dated 7 April 2013), para. 72; Ljubisav Simić, T. 37264 (16 April 2013); D3118 (Witness statement of Aleksandar Tešić dated 10 March 2013), paras. 33–34.

17221 D3118 (Witness statement of Aleksandar Tešić dated 10 March 2013), para. 34.

17222 D3118 (Witness statement of Aleksandar Tešić dated 10 March 2013), paras. 35–36 (stating that after he went back to his office he received an order from the Zvornik Secretariat of National Defence for the mobilisation of vehicles, and that he then contacted the Vihor bus company; one bus from the company was eventually mobilised).

17223 P4681 (Intercept of conversation between two unidentified persons, 12 July 1995); P5364 (Intercept of conversation between two unidentified persons, 12 July 1995) (in which the interlocutors noted that the "request for fuel has been forwarded to Krstić"); P5901 (Intercept of conversations between Lt. Col. Krsmanović and unidentified person, 12 July 1995).

17224 D1971 (Order of Drina Corps, 12 July 1995).

17225 Adjudicated Fact 1568.

Bratunac Road be regulated, and that priority should be given to the "buses for evacuation".[17226] As instructed, the Zvornik Brigade implemented the order, sending its MP detachment to Konjević Polje.[17227]

5089. At some point on 12 July, UNMO Joseph Kingori[17228] saw Mladić in Potočari and told him about the UN's intention to remove the population from Srebrenica on buses.[17229] Mladić responded that he already had his own buses and that he would transport the people to Tuzla to "join their brothers there".[17230] Soon after, the buses started arriving.[17231]

5090. Around 2 or 3 p.m. in the afternoon, Colonel Lazar Aćamović, the Drina Corps Assistant Commander for Rear Services,[17232] came to see Franken, said that he was responsible for the transportation of the civilians, and asked for transportation and fuel; however, DutchBat did not have any fuel.[17233]

5091. On 13 July, the RS Ministry of Defence sent similar orders to the Sarajevo and Zvornik secretariats, as well as to the Bijeljina secretariat this time requesting the immediate mobilisation of transportation vehicles and drivers from designated municipalities, either to be sent to the Bratunac stadium or to be on call.[17234] The problem with fuel persisted; Vasić noted that they needed ten tons.[17235]

5092. At about 10 to 11 a.m. on 13 July, Aćamović arrived at the UN Compound and spoke to DutchBat officers about the DutchBat convoy coming from Belgrade bringing diesel, rations, and water for DutchBat.[17236] Aćamović wanted the diesel to be shared with the VRS and for buses to be

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17226 P4574 (Order of Drina Corps, 12 July 1995). *See also* D2259 (Intercept of conversation between Krstić and Šobot, 12 July 1995) (in which Krstić instructed the Vlasenica Brigade to secure the road).

17227 KDZ122, T. 26144–26145 (12 March 2012) (closed session).

17228 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 3.

17229 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 167.

17230 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), paras. 167–168. *See also* Joseph Kingori, T 22805 (11 January 2012) (noting that when he saw Mladić a second time, Mladić said that he had arranged vehicles for the transportation); Joseph Kingori, T. 22945–22947 (13 January 2012).

17231 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 169. *See also* P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 97; para. 5093.

17232 P4920 (Diagrams of various VRS Military Command structures), p. 2.

17233 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 75.

17234 Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15477–15478; P4529 (RS Ministry of Defence request to Sarajevo Secretariat of the Defence Ministry, 13 July 1995); P4530 (RS Ministry of Defence request to Zvornik Secretariat of the Defence Ministry, 13 July 1995); P4531 (RS Ministry of Defence request to Bijeljina Secretariat of the Defence Ministry, 13 July 1995). Škrbić testified that all these mobilisation orders were in response to the Main Staff's 12 July 1995 request. Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15474–15478, 15480–15481.

17235 P4942 (Report of Zvornik CJB, 13 July 1995).

17236 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 120.

used for the transportation of the Bosnian Muslims in Potočari.[17237] Franken and Janković agreed that 30,000 litres of diesel from DutchBat would go to the VRS in Bratunac.[17238] At the end of 14 July, a convoy arrived with diesel.[17239] After the transportation of the Bosnian Muslims out of Potočari had ended, Franken received orders that as soon as DutchBat obtained fuel, it should be provided to the VRS.[17240] Fuel was provided to the VRS on 16 July.[17241]

(B) Arrival of vehicles, the boarding process, and the separation of men

5093. On 12 July, buses and trucks started arriving in Potočari.[17242] They aligned themselves along the road outside the UN Compound facing the direction of Bratunac.[17243] There was a heavy presence of Bosnian Serb Forces.[17244] Some of them were drunk and some had German shepherds with them.[17245] At around 12:40 p.m., the transportation of the Bosnian Muslims in Potočari began.[17246] The process was filmed by personnel from the press centre of the Drina Corps command.[17247]

5094. The Bosnian Muslims were led to the vehicles from the area where they were assembled.[17248] DutchBat soldiers and members of the Bosnian Serb Forces formed a human chain, holding hands together, standing in the road between the Bosnian Muslims and the vehicles, letting

17237 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 120.

17238 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 120.

17239 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 120.

17240 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 75.

17241 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 75.

17242 Momir Nikolić, T. 24638–24639 (14 February 2012); Pieter Boering, T. 22148 (30 November 2011). *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 42; KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3606; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 167; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 39; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2719; P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 95–96.

17243 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 42; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 169.

17244 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), paras. 42–43.

17245 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 43.

17246 P6694 (Intercept of conversation between Ratko Mladić and unknown, 12 July 1995) (in which one speaker informed Mladić that the buses had left ten minutes before, namely at 12:40); D2258 (Intercept of conversation between unidentified individuals in VRS, 12 July 1995) (a conversation at 12:40 p.m. in which one interlocutor informed the other that the transportation was beginning); Momir Nikolić, T. 24638–24639 (14 February 2012); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 95; P4960 (Combat report signed by Ljubomir Borovčanin, 10–20 July 1995), p. 2.

17247 Momir Nikolić, T. 24635–24636 (14 February 2012) (testifying that "in those videos, one attempted to demonstrate that everything was being done in accordance with the rule, but in fact [...] only the first convoy and only one convoy was filmed and nothing else after that [...]").

17248 Momir Nikolić, T. 24631 (13 February 2012); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 95; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 170; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 32.

people pass, and stopping them when a given bus was full.[17249] While most of those who were taken to the vehicles were women, children, and elderly men,[17250] some military-aged men were able to get onto them.[17251] The first convoy consisted of more than ten buses and several trucks.[17252] About 50 to 60 people were boarded onto each bus.[17253]

5095. After the first convoy departed, while women and children were heading towards the vehicles, men and boys were separated by members of Bosnian Serb Forces and taken to the White House,[17254] a building located about 150 metres away from the entrance to the UN Compound from where they could have been seen.[17255] Bosnian Serb soldiers with guns stood near the buses.[17256] When a woman tried to run to her brother when he was separated from her, a soldier caught her by the hair, pushed her, and kicked her.[17257] Those who tried to hide or withdraw to the back of the

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17249 KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3620 (under seal); KDZ186, P358 (Transcript from *Prosecutor v. Popović et al.*), T. 3630; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17307–17308; KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1256–1257; P4201 (Updated Srebrenica Trial video), Part 3, at 00:03:55–00:05:40. *See also* P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 30; Zoran Petrović-Pirićanac, P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18847; Srbislav Davidović, T. 24407 (9 February 2012); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*),, T. 9314.

17250 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 42; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2010. *See also* P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 10.

17251 Momir Nikolić, T. 24631 (13 February 2012), T. 24636–24637 (14 February 2012); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2010.

17252 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović*), T. 2720, 2804; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2020.

17253 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2747.

17254 *See* Section IV.C.1.d.iv.D: Detention of the separated Bosnian Mulsim men at the White House and transportation to Bratunac.

17255 P4175 (Witness Statement of Robert Franken dated 15 January 2012), paras. 86–87; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 53; P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 98, 108; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2012, 2015, 2018; Momir Nikolić, T. 24631–24632 (13 February 2012); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17309–17311, 17378; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9780, 9829–9830; P404 (Witness statement of Samila Salčinović dated 18 June 2000), e-court p. 2; P404 (Statement of Samila Salčinović to Tuzla Cantonal Court, 18 June 2000), e-court p. 13; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), e-court pp. 2–3; P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 10; P393 (Witness statement of Mejra Mešanović dated 19 June 2000; Statement of Mejra Mešanović to Tuzla Cantonal Court, 19 June 2000), e-court, p. 9; P403 (Witness statement of Rahima Malkić dated 17 June 2000), e-court p. 2; P403 (Witness statement of Rahima Malkić dated 17 June 2000); Statement of Rahima Malkić to Tuzla Cantonal Court, 17 June 2000), e-court p. 9; KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3608–3609, 3612–3614, 3616–3617 (under seal); P244 (Aerial image of Potočari marked by KDZ186); P311 (Aerial photograph of Potočari dated 13 July 1995 marked by KDZ186); P414 (Photograph of White House); P3959 (Photograph of the UN Compound and White House). *See also* P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 32; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2720, 2804; P401 (Witness statement of Šehra Ibišević dated 21 June 2000), e-court p. 3 (testifying that she heard from her mother in law that her father in law tried to get on a bus but Bosnian Serb soldiers separated him and told her mother in law that he would come later, but that she has never seen him since).

17256 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 25 (further stating that the Bosnian Muslims "looked at me with death in their eyes, like they thought they would not survive that day").

17257 KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3611 (under seal).

group were threatened with weapons and physically forced to board the vehicles.[17258] They were also kicked and hit.[17259] Many fainted because of the heat and the crowd.[17260]

5096. At one point, outside the UN Compound, Karremans saw Mladić, who told him that Aćamović would be responsible for the transportation of the Bosnian Muslims.[17261] Karremans instructed his soldiers to co-ordinate among themselves to provide support to the Bosnian Serb Forces.[17262]

5097. In accordance with Mladić's instructions at the end of the third meeting at the Hotel Fontana,[17263] at some point on 12 July Davidović and Simić travelled to Potočari with the first batch of bread, water, and medication.[17264] After the same meeting, Popović was also instructed by Mladić to go to Potočari and to distribute bread and water to the Bosnian Muslims.[17265] While members of the Bosnian Serb Forces were distributing these items, Mladić arrived and addressed

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17258 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), paras. 32, 35–36, 46. *See* Adjudicated Fact 1574. *See also* Johannes Rutten, T. 22045 (28 November 2011); P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 172; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 81. The Chamber notes that in his Final Brief, citing the testimony of Srbislav Davidović and Ljubisav Simić, the Accused asserts that no Bosnian Muslims were forced onto buses. Defence Final Brief, para. 2432. The Chamber recalls that Davidović testified that the boarding process "seemed voluntary" and that no coercion was used. Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9326. Similarly, Simić stated that "as far as [he] was able to see", no one was forced to board the buses. Ljubisav Simić, T. 37265–37266 (16 April 2013). However, the Chamber notes that Simić became evasive when pressed as to whether Bosnian Muslims would have been free to return to the enclave. Ljubisav Simić, T. 37266 (16 April 2013). Additionally, Davidović stated that he was only in Potočari for two hours on 12 July. Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9209. The Chamber thus does not consider that such evidence directly contradicts the evidence of those who personally observed Bosnian Muslims being physically forced onto buses. Moreover, the Chamber considers that the mere absence of physical force, even if established, would not necessarily negate the forcible nature of the transfer.

17259 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 36; Momir Nikolić, T. 24631 (13 February 2012); P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 26. *See also* Adjudicated Fact 1552.

17260 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 80; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1257–1258.

17261 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 74. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2002), paras. 189–190; P4159 (UNMO Report, 13 July 1995).

17262 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 74. *See also* P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 51; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 79–80.

17263 *See* paras. 5069–5070.

17264 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9207–9208; Srbislav Davidović, T. 24403 (9 February 2012); D3398 (Witness statement of Ljubisav Simić dated 7 April 2013), para. 74. *See also* P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 39; Momir Nikolić, T. 24637 (14 February 2012); Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1962; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1177–1178, 1258; P4165 (Report from the Srebrenica Enclave, 24 July 1995), pp. 5–6.

17265 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 20. The Bosnian Muslim representatives from the meeting at the Hotel Fontana were supposed to meet Davidović in Potočari and help distribute the aid, but the representatives never arrived. Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9316–9317; Srbislav Davidović, T. 24403 (9 February 2012).

the crowd.[17266] He told them that anyone wishing to be transported would be transported to Kladanj, and anyone wishing to stay could stay; that women and children would be transported first; and that they would not be harmed.[17267] As Mladić was addressing the crowd, his soldiers distributed bread, water, and sweets.[17268] This scene was filmed.[17269]

5098. The next morning, boarding of buses resumed in the approximately 15 buses that had arrived and were parked outside the UN Compound, alongside its fence, facing Bratunac.[17270] The same process was followed as members of the Bosnian Serb Forces standing near the buses with

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17266 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 20; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 73; D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 9 (stating that he went to Potočari with Mladić and Krstić). *See also* Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9208; Srbislav Davidović, T. 24404 (9 February 2012). Mladić addressed the crowd again on 13 July, telling them not to panic and that everyone would be evacuated before nightfall. Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1963–1964.

17267 P4201 (Updated Srebrenica Trial video), Part 2, at 00:24:48–00:28:50; P4202 (Written Compilation Booklet: Srebrenica Trial Video), pp. 252, 254. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 159; Joseph Kingori, T. 22810 (11 January 2012); P396 (Witness statement of Hanifa Hafizović dated 16 June 2000), p. 2; P194 (Newspaper article entitled "Whitewash of the town has begun", 21 July 1995), p. 1; P2081 (BBC news report re Srebrenica, with transcript); Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9772; P403 (Witness statement of Rahima Malkić dated 17 June 2000), e-court p. 2; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), e-court p. 2; P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 10.

17268 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 73; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 40; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2008; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 20; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1177–1178, 1258. *See also* D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 17; D3662 (Video still of Ljubomir Borovčanin); D3903 (Witness Statement of Mendeljev Đurić dated 26 July 2013), para. 10. In relation to the distribution of supplies, some witnesses stated that the supplies were only distributed while cameras were filming and they were even taken back when the cameras stopped rolling. P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 40; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2009. Groenewegen also stated that while he could not recall whether the distribution of bread stopped when filming stopped, he was certain that the distribution was done for purposes of the filming. P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 31. *See also* P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 41–42. On the other hand, Davidović, Popović, and Borovčanin, who participated in the distribution, refuted these claims. D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 20; Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9299, 9315; D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 17. On the basis of this evidence, the Chamber is satisfied that there were instances where the supplies were taken back from the Bosnian Muslims when the filming stopped. The Chamber is also satisfied that, whether food was distributed for the purposes of the cameras which were present or not, the quantities distributed were not such that they could have provided any kind of meaningful relief to the large majority of the population in Potočari.

17269 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 73; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 40; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2008; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 20; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1177–1178, 1258.

17270 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 23. *See also* Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2753–2756; Joseph Kingori, T. 22812 (11 January 2012); P4201 (Updated Srebrenica Trial video), Part 2, at 00:06:15–00:07:02; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 48.

dogs separated the Bosnian Muslim men from the rest, and took them to the White House.[17271] Water and food were again distributed to the Bosnian Muslims.[17272]

5099. Members of Jahorina Recruits and the Bratunac Brigade MP controlled the boarding of the buses.[17273] Members of the MUP, including Milisav Ilić from the Bratunac SJB, assisted in the task.[17274]

5100. Mladić was present in Potočari on 12 and 13 July, constantly moving around with his staff.[17275] At around 12:50 p.m. on 12 July, Mladić inquired whether buses and trucks had left.[17276] When told that they had left ten minutes earlier, Mladić was pleased, instructing to continue to monitor the situation and adding: "they've all capitulated and surrendered and we'll evacuate them all—those who want to and those who don't want to".[17277] Mladić further stated that a corridor towards Kladanj would be open.[17278]

(C) Transportation of women, children, and elderly men to Bosnian Muslim-held territory

5101. Following the boarding process on 12 July, the buses and trucks carrying the Bosnian Muslims from Potočari passed through the Bratunac–Konjević Polje Road, stopping at Tišća, where Bosnian Muslim males who appeared to be older than 14 and younger than 60 or 70 were separated.[17279] The rest of the Bosnian Muslims, accompanied by DutchBat, continued on foot to

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17271 P4201 (Updated Srebrenica Trial video), Part 3, at 00:02:44–00:03:55; KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5756; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 85. *See also* D3126 (Witness statement of Jovan Nikolić dated 10 March 2013), para. 54; Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T.1964–1966, 1972; P414 (Photograph of White House); Mirsada Malagić, T. 23489 (24 January 2012); Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9797–9798; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17944–17945.

17272 D3126 (Witness statement of Jovan Nikolić dated 10 March 2013), para. 54.

17273 D3903 (Witness Statement of Mendeljev Đurić dated 26 July 2013), paras. 9, 12; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17941. *See* Adjudicated Fact 1578. *See also* KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17308–17309.

17274 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9776; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17946–17947. *See also* Adjudicated Fact 1571.

17275 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 57; P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 108, 117; Albert Rave, T. 22182, 22230 (30 November 2011); P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 20; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 86–87; P3966 (Photograph of Milenko Živanović). *See also* P393 (Statement of Mejra Mušanović to Tuzla Cantonal Court, 19 June 2000), e-court, p. 9.

17276 P6694 (Intercept of conversation between Ratko Mladić and unknown, 12 July 1995).

17277 P6694 (Intercept of conversation between Ratko Mladić and unknown, 12 July 1995).

17278 P6694 (Intercept of conversation between Ratko Mladić and unknown, 12 July 1995).

17279 Pieter Boering, T. 22148–22149 (30 November 2011) (testifying that DutchBat was not allowed to follow them); Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2021. *See also* P392 (Statement of Semija Suljić to Tuzla Cantonal Court, 17 June 2000), e-court p. 8; P393 (Statement of Mejra Mušanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 9; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), e-court p. 2; Adjudicated Fact 1582.

Kladanj, and onwards to Bosnian Muslim-held territory.[17280] The transportation was suspended in the evening.[17281]

5102. The transportation resumed at 7 or 8 a.m. on 13 July and by approximately 9 a.m., up to 10,000 Bosnian Muslims—most of whom were women, children, and elderly men—had been transported out of Potočari.[17282] Buses continued to depart throughout the day.[17283] As had been done the previous day, Bosnian Muslim women, children, and the elderly were transported to Kladanj, and then to ABiH held-territory in Tuzla,[17284] while the men who had managed to get onboard were again separated and taken off at Tišća.[17285]

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17280 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2726–2727; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović*), T. 2024–2025; Pieter Boering, T. 22149 (30 November 2011); P404 (Witness Statement of Samila Salčinović to Tuzla Cantonal Court, 18 June 2000), e-court p. 13; KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3620 (under seal); P392 (Statement of Semija Suljić to Tuzla Cantonal Court, 17 June 2000), e-court p. 8; P393 (Statement of Mejra Mušanović to Tuzla Cantonal Court, 19 June 2000), e-court, p. 9. *See also* P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 82; P5112 (Report of Bratunac Brigade to Drina Corps, 12 July 1995), para. 7; Adjudicated Facts 1573, 1583, 1584.

17281 Momir Nikolić, T. 24639 (14 February 2012); D1972 (UNMO report, 12 July 1995); P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 79; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 111; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 41; P4939 (Report of Sarajevo RDB, 12 July 1995), p. 1.

17282 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 113; P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 23; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 193; P4158 (Fax from UN Military Observer to UNPROFOR, 13 July 1995). *See also* P4939 (Report of Sarajevo RDB, 12 July 1995), p. 1; Dragan Kijac, T. 44351 (3 December 2013); P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 83; D1972 (UNMO report, 12 July 1995); P5112 (Report of Bratunac Brigade to Drina Corps, 12 July 1995), para. 7; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9844–9845, 9775–9776; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17933, 17942–17943; P5366 (Intercept of conversation between Janković, an unidentified General, and an unidentified person, 13 July 1995).

17283 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 116; P4175 (Witness Statement of Robert Franken dated 15 January 2012), paras. 83, 98; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 51; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 48; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2753–2756; Joseph Kingori, T. 22812 (11 January 2012); P4201 (Updated Srebrenica Trial video), Part 3, at 00:06:15–00:07:02; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9798. At some point on 13 July, Vasić estimated that about 15,000 Bosnian Muslims remained to be transported. P4942 (Report of Zvornik CJB, 13 July 1995).

17284 KDZ064, T. 1294 (21 April 2010), T. 1423 (22 April 2010); KDZ064, P768 (Transcript from *Prosecutor v. Popović et al.*), T. 644–645, 789–790 (under seal); Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1981–1982; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2756–2757; P396 (Witness statement of Hanifa Hafizović dated 16 June 2000), e-court p. 2; P396 (Statement of Hafiza Salihović to Tuzla Cantonal Court, 17 June 2000), e-court p. 11; KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5756–5757; P401 (Witness statement of Šehra Ibišević dated 21 June 2000), e-court p. 3; P401 (Statement of Šehra Ibišević to Sarajevo Cantonal Court, 21 June 2000), e-court pp. 8–9. *See also* Adjudicated Facts 1573, 1583; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 84, 105; P391 (Witness statement of Hafiza Salihović dated 17 June 2000), e-court p. 2; P391 (Statement of Hafiza Salihović to Tuzla Cantonal Court, 17 June 2000), e-court p. 9; P404 (Witness statement of Samila Salčinović dated 18 June 2000), e-court p. 2; P397 (Statement of Razija Pašagić to Tuzla Cantonal Court, 15 June 2000), e-court p. 10; P395 (Witness statement of Behara Krdžić dated 16 June 2000), e-court p. 2; P395 (Statement of Behara Krdžić to Tuzla Cantonal Court, 16 June 2000), e-court p. 8. The vehicles carrying Bosnian Muslims to Tuzla were again stopped by soldiers; they took money and valuables from the Bosnian

5103. On both of these days, stones were thrown at the buses and trucks while en route.[17286] They were stopped several times; Bosnian Serb soldiers entered the bus, threatened the passengers with knives and asked for foreign currency.[17287] From the bus, one witness saw a long column of men walking through the woods, with their hands tied behind the nape of their neck.[17288]

5104. The vehicles were escorted by Bratunac Brigade MP members and/or members of the SJB.[17289] Members of the Bratunac Brigade regulated traffic as the buses passed through Bratunac on their way to Konjević Polje.[17290] Kosorić also escorted the vehicles.[17291] On 13 July, the transportation of the remaining Bosnian Muslims was mainly organised by the MUP as the VRS was continuing operations towards Žepa.[17292]

5105. In an attempt to have some control over the transportation, DutchBat organised for the convoy to be escorted.[17293] At one point, DutchBat cars were stopped and Bosnian Serb Forces threatened them with weapons.[17294] Approximately 16 jeeps, as well as the weapons, flak jackets, helmets, ammunition, and equipment in the vehicles were stolen from DutchBat on the road from Bratunac to Konjević Polje and Kladanj.[17295]

5106. On both 12 and 13 July, while travelling from Konjević Polje to Milići en route to Kladanj, Egbers saw a few hundred men near the road to Nova Kasaba who were being escorted by members

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Muslims; they also took two Bosnian Muslim girls who were not seen again. P401 (Statement of Šehra Ibišević to Sarajevo Cantonal Court, 21 June 2000), e-court p. 8.

17285 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1258–1259, 1261; KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3426–3427. *See also* Adjudicated Fact 1582. As to the fate of the separated men, *see* Section IV.C.1.d.v.C: Transportation of women, children, and elderly men to Bosnian Muslim-held territory.

17286 KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5756–5757; Momir Nikolić, T. 24638 (14 February 2012); Adjudicated Fact 1581. Some village residents taunted the passengers with the three-fingered Serb salute. *See* Adjudicated Fact 1581.

17287 Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1975–1976. *See also* Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2723–2724.

17288 Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1976–1977.

17289 Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17935.

17290 *See* Adjudicated Fact 1579.

17291 Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2020–2021; D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 10.

17292 P4942 (Report of Zvornik CJB, 13 July 1995). *See also* P4073 (Order of Drina Corps, 13 July 1995), pp. 2, 4.

17293 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 96; Momir Nikolić, T. 24631 (13 February 2012). *See also* Adjudicated Facts 1576, 1584; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 79; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2020; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2720, 2803–2804; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 96.

17294 P4175 (Witness Statement of Robert Franken dated 15 January 2012), paras. 83–84; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 102–104. *See* Adjudicated Fact 1584.

17295 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 84; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 119; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2753–2755. *See* Adjudicated Fact 1585. *See also* Albert Rave, T. 22182 (30 November 2011) (testifying that Mladić had told him that "irregular troops" were responsible).

of the Bosnian Serb Forces to a football field; there, he saw the men kneeling with their hands behind their necks.[17296] On 13 July, while Bosnian Muslims on trucks and buses from Potočari were passing by a meadow near Sandići, they saw a large group of men sitting by the road and a soldier with a rifle guarding them.[17297]

5107. By 8 p.m. on 13 July, the transportation was completed.[17298] Personal belongings of the Bosnian Muslims who had left were strewn everywhere in Potočari.[17299] A UNHCR convoy, which was supposed to arrive earlier, came in when the last Bosnian Muslims had left Potočari.[17300]

5108. In total, up to 30,000 Bosnian Muslims were transported from Potočari to Bosnian Muslim-held territory between 12 and 13 July.[17301]

(D) Detention of the separated Bosnian Muslim men at the White House and transportation to Bratunac

5109. As noted above, Bosnian Muslim men and boys were separated by members of the Bosnian Serb Forces and taken to the White House.[17302] Boys as young as 12, some even younger, were

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17296 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2724–2726, 2749, 2756; P210 (Photograph of football field near Nova Kasaba). *See also* Section IV.C.1.e.iii.C: Nova Kasaba football field.

17297 Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1977–1978, 1981; KDZ071, T. 28541 (4 May 2012). *See* Section IV.C.1.e.iii.B: Sandići Meadow.

17298 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 116; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 98; P166 (Drina Corps report, 13 July 1995). *See* Adjudicated Fact 1586.

17299 P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 31.

17300 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 196; P4160 (UNMO Report, 13 July 1995).

17301 *See* para. 5076; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 116; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 86; Adjudicated Fact 1575.

17302 *See* paras. 5095, 5098. Defence witnesses, such as Popović, suggested that the men were not separated in Potočari. D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 24. Borovčanin stated that during his brief stay in Potočari, he did not see any separation of men. D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 19. Đurić also claimed that when he was in Potočari on 12 and 13 July, he did not know of or see the separation of men from their families. D3903 (Witness Statement of Đurić dated 26 July 2013), para. 13; Mendeljev Đurić, T. 42086–42097 (29 July 2013). *See also* Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9324. In light of the Chamber's view that these witnessses' testimony on this point was marked by insincerity and evasiveness, as well as overwhelming contradictory evidence, the Chamber does not consider their evidence reliable and will not place weight on it. Furthermore, Popović's testimony is directly contradicted by the contemporaneous report he sent to the VRS Main Staff, in which he stated: "[W]e were separating men from 17–60 years of age and we were not transporting them". P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2. With regard to P4388, which bears Popović's typed-signed signature, the Chamber notes that Popović claimed that the report had been drafted by Momir Nikolić from the Bratunac Brigade Command, and that he had only read it at the Drina Corps Command the next day. D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 27; Vujadin Popović, T. 43028–43032, 43037–43038 (5 November 2013) (asserting that the number appearing in the heading of the report was not his own but Nikolić's and that 'there is no point' for Popović to send such a document to his department in the Drina Corps). Popović further testified that he was working on urgent matters—reviewing documents seized from the MUP building in Srebrenica—at the Bratunac Brigade Command at the time the document was sent, claiming that he was at the command without Momir Nikolić's knowledge. Vujadin Popović, T. 43032–43034 (5 November 2013). The Chamber considers that Popović's evidence on this point is evasive and unreliable. The Chamber is satisfied that Popović drafted and sent P4388.

separated.[17303] The separations continued throughout 12 and 13 July.[17304] According to Momir Nikolić, approximately 300 to 500 men and boys were separated, amounting to between 600 and 700 in two days.[17305] There was a lot of fear among the males and the family they were leaving behind.[17306] As Bosnian Muslim men protested against their separation from their families,[17307] Janković told them they had no reason to be concerned and that "everything would be all right". He also said that the men would join their families later.[17308]

5110. Armed VRS soldiers of the 10th Sabotage Detachment and the 65th Protection Regiment forced the males to leave their personal belongings, which were piled about 30 to 40 metres from

17303 KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5754–5755, 5763–5765; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 170; Christine Schmitz, T. 26843–24844 (26 March 2012); P395 (Witness statement of Behara Krdžić dated 16 June 2000), e-court p. 2; P395 (Statement of Behara Krdžić to Tuzla Cantonal Court, 16 June 2000), e-court p. 8; P401 (Statement of Šehra Ibišević to Sarajevo Cantonal Court, 21 June 2000), e-court p. 8; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 49; Johannes Rutten, T. 22046 (28 November 2011); P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 25. *See also* Joseph Kingori, T. 22938–22939 (13 January 2012); P398 (Witness statement of Saliha Osmanović dated 18 June 2000), e-court pp. 2–3; P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 10; KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3608, 3611 (under seal); P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 43.

17304 Adjudicated Fact 1550; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 113; P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 56; Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1966, 1972; P414 (Photograph of White House); Mirsada Malagić, T. 23489 (24 January 2012); Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9797; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17944; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2749–2750; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1178–1179, 1251–1255. *See also* P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 82; KDZ070, P340 (Transcript from *Prosecutor v. Popović et al.*), T. 3425 (under seal); P300 (Sketch drawn by KDZ070) (under seal); KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3460; P404 (Witness statement of Samila Salčinović dated 18 June 2000), e-court p. 2; P397 (Statement of Razija Pašagić to Tuzla Cantonal Court, 15 June 2000), e-court p. 10.

17305 Momir Nikolić, T. 24640 (14 February 2012). Although Popović informed the VRS Main Staff on 12 July that "about 70" men had been separated so far, Nikolić stated that the number was higher than 70 and estimated that between 350 and 400 men were singled out on 12 July 1995. Momir Nikolić, T. 24640–24641 (14 February 2012); P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2.

17306 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 160; KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3611 (under seal).

17307 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9786.

17308 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9786–9787. Members of the Bosnian Serb Forces told DutchBat that the separation was necessary in order to find out whether there were soldiers among the men. P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 98; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 163

the White House alongside the road.[17309] The belongings included the men's ID cards, the money they had in their pockets, their wallets, luggage, clothing, and other valuables.[17310]

5111. At the very moment the transportation of women, children, and the elderly started, Mladić told Franken that he wanted to interrogate the men aged between about 16 and up to 60, as they were potential soldiers, and to check "whether there were war criminals".[17311] Rave asked Mladić about the separation of Bosnian Muslim men, to which Mladić responded that the VRS was trying to find out if there were soldiers among the men; if so they would be separated, be made POWs, brought to a prison camp in the vicinity of Bijeljina, and exchanged for Bosnian Serb POWs.[17312]

5112. On both 12 and 13 July, Momir Nikolić came to the UN Compound to verify the list of the people in the UN Compound against the one he had in order to check whether there were any Bosnian Muslim soldiers inside.[17313] No effort was made thereafter to distinguish the soldiers from the civilians.[17314] Momir Nikolić himself testified that there was no process to identify and separate the men who were suspected of having committed war crimes, stating that "most of [the men] shouldn't have been separated out for any military reason".[17315]

5113. The White House was guarded by members of the Bosnian Serb Forces, some of whom had German Shepherd dogs.[17316] There was no space inside the house.[17317] Every room was filled with

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17309 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 87; P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 98, 102; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 156; Johannes Rutten, T. 22039–22042 (28 November 2011); Joseph Kingori, T. 22813 (11 January 2012); P4201 (Updated Srebrenica Trial video), Part 3, at 00:09:54; Momir Nikolić, T. 24631–24633 (13 February 2012). *See also* Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9783, 9832.

17310 Momir Nikolić, T. 24631–24632 (13 February 2012); P4140 (Witness statement of Joseph Kingori dated 8 January 2002), paras. 174–175; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 55, 63, 89; Johannes Rutten, T. 22044 (28 November 2011). *See also* Adjudicated Fact 1666.

17311 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 86. *See also* P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 49.

17312 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 109.

17313 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), paras. 160, 187. *See also* Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1951–1952 (noting that she saw soldiers looking for men in the UN Compound); Joseph Kingori, T. 22936–22937 (13 January 2012); Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 18036 (noting that he heard rumours that there was a list of war criminals and that there was going to be an investigation in order to find out whether any of the Bosnian Muslims in Potočari were on that list). On 12 July 1995, Tolimir instructed to his subordinate intelligence and security organs, including the Bratunac Brigade organs, to record the names of "all men fit for military service who are being evacuated from the UNPROFOR base in Potočari." P4940 (Command Intelligence Report of Drina Corps, 12 July 1995), p. 2. The Bratunac Brigade had prepared a list, dated 12 July, of 387 suspected Bosnian Muslim war criminals in the Srebrenica enclave. Adjudicated Fact 1547.

17314 Adjudicated Fact 1549.

17315 Momir Nikolić, T. 24642–24643 (14 February 2012). *See also* Momir Nikolić, T. 24646 (14 February 2012).

17316 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 46; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2012–2013; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 56. *See also* P4201 (Updated Srebrenica Trial video), Part 2, at 00:24:02–00:24:28; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 158.

males who were very frightened.[17318] No food or water was provided.[17319] Some detainees were interrogated at the house.[17320]

5114. On 12 July, Kingori confronted Mladić about the men detained in the White House.[17321] Mladić responded that the men "were very comfortable" there.[17322] Mladić then took Kingori to the house, which Kingori saw from outside was overcrowded.[17323] Regardless of Kingori's protest about the conditions, Mladić insisted that the Bosnian Muslim men were fine.[17324] At that time, a soldier started distributing beer, sweets, and soft drinks, while filming at the same time.[17325] Mladić did not explain to Kingori why the men were separated nor did he allow Kingori to go inside, but instead repeated that they were okay.[17326]

5115. Also on the same day, DutchBat received reports that the Bosnian Muslim men detained in the White House were treated badly.[17327] Franken sent patrols of DutchBat soldiers in the course of the afternoon but they were blocked by Bosnian Serb soldiers and could not go to the White House.[17328] Franken informed Janković of this incident but Janković said that the Bosnian Muslim men were "POWs".[17329] DutchBat received reports that the treatment of the Bosnian Muslim men

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17317 Joseph Kingori, T. 22814 (11 January 2012); P4201 (Updated Srebrenica Trial video), Part 3, 00:10:53; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1178–1179. *See also* Joseph Kingori, T. 22937–22938 (13 January 2012); P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 57. The UNMOs tried to tell the command of the Bosnian Serb Forces that the crowding of the men who were being placed in the White House without food or water was not right. Joseph Kingori, T. 22812–22813 (11 January 2012).

17318 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2886–2887.

17319 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17311.

17320 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 87; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 98; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2012, 2015, 2018. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 153; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), e-court p. 3; P398 (Statement of Saliha Osmanović to Tuzla Cantonal Court, 19 June 2000), e-court p. 10; KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14818–14819 (under seal). Although the Bosnian Muslim men were told that they would be interrogated and brought to Tuzla, no interrogations took place. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1179, 1251–1252. *See also* Svetozar Kosorić, T. 38708–38709 (23 May 2013) (stating that he was unaware whether the detainees were interrogated during 12 and 13 July 1995).

17321 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 154.

17322 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 154.

17323 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 154. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 191; P4201 (Updated Srebrenica Trial video), Part 3, at 00:05:43–00:10:20; Joseph Kingori, T. 22806 (11 January 2012).

17324 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 154. *See also* Joseph Kingori, T. 22806 (11 January 2012).

17325 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), paras. 154–155. *See also* Joseph Kingori, T. 22806–22807 (11 January 2012); P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 40.

17326 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 154; Joseph Kingori, T. 22807 (11 January 2012). *See also* KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17312–17313.

17327 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 89.

17328 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 89.

17329 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 89.

in the White House was getting worse.[17330] Franken made a list of men who were still present in the UN Compound.[17331] In total, 251 men were registered.[17332] Franken sent the list up the chain of command in an effort to safeguard their lives; he also told Janković that the Bosnian Muslim men were registered and that the names were known within the UN and the Dutch government.[17333]

5116. On 13 July, Rutten and his colleague were able to enter the house, and saw what looked like an "interrogation room", although they could not enter the room as members of the Bosnian Serb Forces threatened them with weapons.[17334] The rooms upstairs were filled with around 50 Bosnian Muslim men aged between 45 and 55, and some boys around 12 to 14 years-old.[17335] Later on, Rutten went to the White House again while he was waiting for the last buses carrying the Bosnian Muslim civilians to leave; the house itself and the balcony were completely filled with Bosnian Muslim males;[17336] they were about 300.[17337] There was total fear on their faces.[17338]

5117. Starting in the afternoon of 12 July and continuing throughout 13 July, while the transportation of women, children, and the elderly on buses was in progress, the men detained at the White House were taken out, boarded onto buses, and transported to Bratunac.[17339] The Bratunac

17330 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 89.

17331 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 91. *See* Adjudicated Facts 1513, 1514. *See also* P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 115.

17332 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 91 (noting that of the men inside the UN Compound, about 60 to 70 refused to be registered); P4181 (Handwritten list of names); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 115.

17333 *See* Adjudicated Fact 1513; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 91. *See also* P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 115.

17334 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 59, 61–62 (noting that they were wearing green camouflage uniforms). Two Bosnian Serb soldiers were sitting behind the house and would not let Rutten and his colleague go further. P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 60.

17335 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 64; Johannes Rutten, T. 22046 (28 November 2011). Rutten took several pictures of them in both rooms. P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 64. Rutten kept the film of the pictures he took at the White House and of the bodies that he found until he returned to The Netherlands after 21 July 1995; on 23 July 1995, a member of the Dutch Army's intelligence branch picked up the film, and Rutten was later informed that "something happened to the film during the development process". P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 101.

17336 Zoran Petrović-Pirićanac, P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18770–18771; P666 (Video footage of White House – Studio B version and original version); at 00:02:30. Petrović-Pirićanac commented that the men shown in this footage were suspected criminals who had attempted to get onto the convoys, although he stated that that information could have been rumour. Zoran Petrović-Pirićanac, P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18771–18772.

17337 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 90.

17338 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 91.

17339 Adjudicated Fact 1664; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17313–17315, 17379; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 51–52, 92–93; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 56; P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 28; KDZ265, P367 (Transcript from *Prosecutor v. Krstić*), T. 5756; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1178; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2886–2887; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 88; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para.

Brigade MP members assisted the transportation.[17340] DutchBat tried to escort the buses but they were prevented from doing so.[17341] On 12 July alone, between 10 and 15 buses with about 70 men onboard each left Potočari for Bratunac.[17342] Mladić was seen standing with two other soldiers next to one of the buses on which men were forced to board.[17343]

5118. When the men came out of the White House, they were frightened, tried to escape, started screaming, and did not want to go into the buses and trucks.[17344] The men were hit and kicked, and were forced to keep their heads down.[17345] They were then crammed into the vehicles,[17346] and were not allowed to take their belongings.[17347]

5119. From the evening of 13 to 14 July 1995, all the personal belongings and IDs of the Bosnian Muslim males held at the White House were set on fire by Bosnian Serb Forces.[17348]

(E) Presence and involvement of the Bosnian Serb Forces

5120. During 12 and 13 July, the following members of the Bosnian Serb Forces were on the ground in Potočari, and oversaw and/or assisted the boarding and transportation of women, children, and the elderly, as well as the separation of men, their detention, and the subsequent transportation to Bratunac: (i) from the VRS, Mladić; Janković; members of the 65th Protection Regiment; members of the 10th Sabotage Detachment; Drina Corps officers, including Živanović,

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100. *See also* KDZ070, P340 (Transcripts from *Prosecutor v. Popović et al.*), T. 3425 (under seal); Adjudicated Facts 1663, 1665; P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 56; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17934, 18038; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9804–9805.

17340 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9804–9807; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T.18016–18017.

17341 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 51–52, 93; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 88. *See* para. 5105.

17342 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9786; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17933, 17942–17944. *See also* Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2886–2887; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 100.

17343 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17314.

17344 KDZ186, P357 (Transcript from *Prosecutor v. Popović et al.*), T. 3617–3619 (under seal); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 99. *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2002), paras. 176–177.

17345 P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 99–100.

17346 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 100. *See also* Adjudicated Fact 1664.

17347 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 173; Mile Janjić, P1194 (Transcript from Prosecutor v. Blagojević), T. 9783. *See also* Mirsada Malagić, P356 (Transcript from *Prosecutor v. Krstić*), T. 1966; Mirsada Malagić, T. 23489 (24 January 2012).

17348 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 100; P4183 (Photograph of burning personal belongings at Potočari); P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 66; P3961 (Photograph of burning personal belongings); Johannes Rutten, T. 22040–22042, 22045, 22051 (28 November 2011). *See also* Adjudicated Fact 1667.

Krstić, Popović,[17349] Kosorić, Aćamović, and Krsmanović; members of Drina Wolves; members of the Drina Corps MP Battalion; and members of the Bratunac Brigade, including its 2nd and 3rd Battalions as well as Momir Nikolić, and the brigade's MP;[17350] (ii) from the MUP, members of the SBP, including Borovčanin; members of the Jahorina Recruits, including Jević and Đurić;[17351] a MUP special unit with dogs; members of the Bratunac SJB; members of the Zvornik RDB; and SDB operatives.[17352]

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17349 In the vicinity of the house, Rutten saw someone who was "not a plain soldier", was seemingly in charge, and was giving orders to other Bosnian Serb soldiers there, and he later identified that person as Popović. P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 58, 95–99; P3967 (Video still of Vujadin Popović).

17350 D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), paras. 6, 8; Momir Nikolić, T. 24640–24641, 24650–24651 (14 February 2012); P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 162. *See also* Adjudicated Facts 1551, 1553. *But see* Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 18015, 18017–18019, 18021 (indicating that that the Bratunac Brigade MP did not participate in the separation of the Bosnian Muslims on 12 July).

17351 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14819, 14879 (under seal) (Jević was standing in front of the White House). Đurić disputed having participated in the separations of persons in Potočari on 12 or 13 July 1995 and denied any knowledge of property of documents being taken from civilians in Potočari at that time. D3903 (Witness Statement of Mendeljev Đurić dated 26 July 2013), para. 13. In this regard, the Chamber recalls Janjić's testimony that members of the MUP "Special Police" were dividing the Bosnian Muslims into groups, and that he saw Mane Đurić near that location. Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9779–9780; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17937–17938, 17941. Having considered all of the relevant evidence, the Chamber finds that Đurić participated in the separations of the men and their subsequent detention.

17352 Momir Nikolić, T. 24625–24630 (13 February 2012), T. 24641 (14 February 2012); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 21; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 76; P4180 (Video still of Radoslav Krstić); P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 162; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 100; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17311; P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9763–9764, 9794–9795, 9779–9780; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17937–17938, 17940–17941, 17964–17965; P227 (Photographs showing (i) Radoslav Krstić and Mile Janjić, and (ii) Mendeljev Đurić); Adjudicated Facts 1551, 1553, 1554, 1555, 1556, 1557, 1558, 1560, 1561, 1562, 1572, 1578. *See* para. 5110. With regard to the state security's involvement in the separation of men, Momir Nikolić confirmed that state security operatives gained information about the column that is reflected in the Sarajevo State Security Service Report of 13 July from interrogating the separated Bosnian Muslim men. Momir Nikolić, T. 24649–24650 (14 February 2012); P4389 (Report of Sarajevo RDB, 13 July 1995), p. 1. *See also* Momir Nikolić, T. 24628—24629 (13 February 2012); P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2. Milinić disputed the veracity of Popović's report, claiming that the state security and VRS security organs never worked together, as stated in P4388. Gordan Milinić, T. 39779–39780 (12 June 2013). Similarly, Dragan Kijac testified that to the best of his knowledge the state security operatives did not participate in any interviews in Potočari, but he conceded that interviews took place at the Bratunac SJB. Dragan Kijac, T. 44331–44336 (3 December 2013). Having assessed the totality of the evidence before it, the Chamber rejects the testimony of Milinić and Kijac and is satisfied that state security operatives were indeed involved in the separation of men.

(F) Evacuation of the wounded and the sick

5121. While the Bosnian Muslims were moving from Srebrenica to Potočari, DutchBat and MSF staff evacuated some of the patients in the Srebrenica Hospital to Potočari.[17353] All the international and most local MSF staff also moved to Potočari.[17354]

5122. In the early afternoon of 12 July, Nicolai updated Gvero, informing him about the "matter of the evacuation of the refugees from Srebrenica to another area".[17355] Nicolai told Gvero that he was arranging an air evacuation of the wounded, that a formal request for helicopters would be made to the VRS, and requested Gvero to instruct VRS soldiers to co-operate.[17356] Gvero objected, noting that using helicopters was impermissible due to security reasons and that the VRS had already offered their hospitals for treating the wounded.[17357]

5123. At one point on 12 July in Potočari, Franken met Radoslav Janković, who was tasked with organising and co-ordinating DutchBat's withdrawal from the Srebrenica enclave.[17358] That day, MSF staff were informed about Mladić's intention to start the "evacuation" of the wounded and sick.[17359] DutchBat conducted the first medical evacuation around 6 p.m. that evening.[17360] Some patients and local MSF staff who accompanied them were allowed to travel to Kladanj, while others were forced to return to Bratunac.[17361] The next day, the convoy was allowed through to Kladanj, from where its members proceeded to Bosnian Muslim-held territory on foot.[17362]

5124. On the morning of 13 July, Aćamović came to the UN Compound and asked for a list of all individuals who would be evacuated with DutchBat, including its local staff, staff from MSF and

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17353 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2716–2717; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), paras. 31–32; Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 1940.

17354 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 32.

17355 P4542 (Record of conversation between General Nicolai and General Gvero, 12 July 1995), p. 1; P5282 (Intercept of conversation between General Milan Gvero and General Nicolai, 12 July 1995).

17356 P4542 (Record of conversation between General Nicolai and General Gvero, 12 July 1995), pp. 1.

17357 P4542 (Record of conversation between General Nicolai and General Gvero, 12 July 1995), pp. 1–2; P5282 (Intercept of conversation between General Milan Gvero and General Nicolai, 12 July 1995). Nicolai also suggested that he and the VRS authorities meet regarding the conditions of evacuation of DutchBat "only after their support to the refugees in Srebrenica". P4542 (Record of conversation between General Nicolai and General Gvero, 12 July 1995), p. 2.

17358 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 76; P4179 (Photograph of Col. Radislav Janković).

17359 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 44; Christine Schmitz, T. 26849 (26 March 2012).

17360 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 47; Christine Schmitz, T. 26875 (26 March 2012); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 110.

17361 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 47. *See also* Christine Schmitz, T. 26875 (26 March 2012).

17362 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 110.

UNHCR, and interpreters.[17363] Later that afternoon, when wounded people and UNHCR employees, as well as the local and international staffs of MSF and DutchBat, remained inside the UN Compound,[17364] Aćamović collected the list of wounded provided by DutchBat, told DutchBat that there would be a medical evacuation from Bratunac,[17365] and that after all the Bosnian Muslims were gone, DutchBat should assemble its personnel and stay inside the UN Compound.[17366]

5125. Meanwhile, in an attempt to collect patients who had been left behind, MSF staff member Schmitz and Kingori went to the clinic and social centre in Srebrenica with a Bosnian Serb escort, collected a total of six patients, and returned to Potočari.[17367] There, Schmitz was told that the VRS had entered the UN Compound to inspect the patients but had quickly left due to the conditions and smell of the premises.[17368] By 8 p.m., only the wounded remained in Potočari.[17369] The UNMOs and MSF prepared a list of the wounded and sick in the UN Compound.[17370]

5126. On 15 July, DutchBat, the UNMOs, and MSF met with members of the VRS including Momir Nikolić, and gave them the lists of the 55 patients and several escorts in Potočari, as well as the 45 patients in Bratunac.[17371] The next day, representatives of the Main Staff, the ICRC, and the UNHCR agreed that DutchBat would transport the Bosnian Muslim patients from Potočari to the Bratunac Health Centre the next morning, the ICRC would carry out the medical evacuation of the

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17363 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 120.

17364 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 122.

17365 Some Bosnian Muslim wounded remained in Bratunac Health Centre. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 101.

17366 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 121. According to Aćamović, DutchBat's local staff would be permitted to stay. P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 121.

17367 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), paras. 58–59; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 183; Joseph Kingori, T. 22902 (12 January 2012), T. 22956 (13 January 2012); P4166 (MSF telex messages, 9–13 July 1995), p. 5; D2000 (MSF telex messages, 13 July 1995). Kingori stated that the Bosnian Serb soldiers present wanted the patients to be removed from the hospital, threatening they would be killed. P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 185.

17368 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 60. Around 6 p.m., Schmitz also heard that Mladić wanted to inspect the patients himself. P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 57.

17369 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 199; P4173 (Witness statement of Roger Patelski dated 30 November 2011), para. 29; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 101; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 63.

17370 P4140 (Witness statement of Joseph Kingori dated 8 January 2002), paras. 200–201; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 101; P4184 (Handwritten list of 59 names); Robert Franken, T. 23175–23176 (17 January 2012); D2022 (Debriefing Statement to Royal Dutch Army by Robert Franken), p. 3; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 63; P4758 (List of MSF patients, 17 July 1995); Christine Schmitz, T. 26875 (26 March 2012); P4160 (UNMO Report, 13 July 1995); P166 (Drina Corps report, 13 July 1995).

17371 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 63; Christine Schmitz, T. 26819 (26 March 2012). *See also* P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 101. On the same day, a MSF staff gave a list with the names of MSF local staff to the VRS. Christine Schmitz, T. 26818–26819 (26 March 2012); P4757 (Collection of MSF telex messages, 5–17 July 1995), p. 6.

wounded and sick from Bratunac to Tuzla, and the Bratunac Brigade Security Organ was tasked with directing and monitoring the transportation.[17372]

(G) Meeting of VRS, Bosnian Serb civilian officers, and ICRC

5127. On 17 July, a VRS delegation and Bosnian Serb civilian officers came to the UN Compound and met with the ICRC concerning details about the evacuation of the wounded out of Potočari and Bratunac.[17373] The VRS delegation was headed by Janković, who was accompanied by Momir Nikolić, Deronjić,[17374] and a VRS lawyer.[17375] Franken, Rave, and an UNMO named De Haan were present, as was Nesib Mandžić.[17376] Upon Nikolić's insistence that the wounded be inspected to see whether there were still soldiers or "criminals" among them, and regardless of Franken's objection, an inspection was conducted and seven men were identified as soldiers.[17377] He agreed with the ICRC that these men would be treated as wounded POWs and be handed over to the Bosnian Serb Forces.[17378]

5128. At this meeting, the Bosnian Serb representatives brought a declaration outlining the agreement reached at the third Hotel Fontana meeting ("17 July 1995 Statement").[17379] Janković asked Mandžić to sign the statement and requested that Franken attest to the fact that Mandžić was

17372 D4851 (VRS Main Staff Report, 16 July 1995), pp. 1–2; P5123 (Approval of request by VRS Main Staff re movement of humanitarian organisations, 18 July 1995). *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 64 (recalling that the agreement was reached on 15 July). Miletić reported to the Main Staff that approximately 100 men would be evacuated from Bratunac, and that "men fit for military service will be selected and kept in the hospital" in the RS. D4851 (VRS Main Staff Report, 16 July 1995), p. 1.

17373 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 102; P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 131–132; Adjudicated Fact 1590.

17374 Rave stated that Deronjić came to the UN Compound on 16 July 1995 to see Karremans, that Deronjić introduced himself to Rave as the new Mayor of Srebrenica, and that he talked about "his connections" and "direct touch" with the Accused. P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 127.

17375 P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 129, 131; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 108; Christine Schmitz, T. 26824–26825 (26 March 2012); P4758 (List of MSF patients, 17 July 1995), p. 10.

17376 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 131.

17377 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 103; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 130; P4758 (List of MSF patients, 17 July 1995), pp. 3–8, 10; Christine Schmitz, T. 26823–26824 (26 March 2012). *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), paras. 67–68 (noting that the manner in which the interview was conducted was "clearly aggressive and intimidating"); P4758 (List of MSF patients, 17 July 1995), pp. 3–8, 10; Christine Schmitz, T. 26823–26824 (26 March 2012). *But see* P4161 (UNMO Report, 17 July 1995), p. 1 (reporting that the check was "very polite and nothing that could scare the refugees happened").

17378 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 103.

17379 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 131; P4175 (Witness Statement of Robert Franken dated 15 January 2012), paras. 104–105.

not forced to sign it.[17380] The 17 July 1995 Statement summarised the agreement reached at the third meeting, and read in part:

> - that our civilian population could stay in the enclave or move out, depending on the wish of each individual;
>
> - should we wish to move out from the enclave, it was agreed that we could choose where we wanted to go; we decided that the entire population move out of the enclave and be evacuated to the territory of Kladanj municipality;
>
> - it was arranged that the evacuation would be carried out by the Army and Police of the Republic of Srpska and that UNPROFOR would supervise and provide an escort for the evacuation.[17381]

5129. It also stated that the "evacuation" had been conducted smoothly in accordance with the Geneva Conventions and International Humanitarian Law.[17382] Franken signed the document in order "to ensure that the refugees and wounded [...] and the locals working for the aid organizations could be transported".[17383] Mandžić and Deronjić also signed both the English and the BCS versions of the declaration.[17384] At around 6:30 p.m. that evening, the Accused received the 17 July 1995 Statement.[17385]

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17380 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 104. *See also* P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 131.

17381 P4185 (Declaration by the Civilian Affairs Committee for Srebrenica re: proper implementation of evacuation procedures, 17 July 1995), p. 1. *See also* P3997 (Declaration of RS Civilian Affairs Committee for Srebrenica, 17 July 1995).

17382 P4185 (Declaration by the Civilian Affairs Committee for Srebrenica re: proper implementation of evacuation procedures, 17 July 1995), pp. 1–2; P3997 (Declaration of RS Civilian Affairs Committee for Srebrenica, 17 July 1995). *See also* P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 104. Before signing this declaration, Franken added by hand "as far as convoys actually escorted by UN forces are concerned" to the sentence which reads: "No incidents were provoked by any side during the evacuation and the Serbian side observed all the regulations of the Geneva Conventions and the International Law of War", in order to "neutralise the whole statement" by indicating that DutchBat had only had control over the first and second convoys, and that Bosnian Muslim men had been separated. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 106. At one point Deronjić told Katanić that he was pleased with the outcome of the meetings as the UNPROFOR representatives and the Bosnian Muslim representative signed a document "stating that Deronjić was not responsible for any possible civilian casualties and that he had done his part of work well." P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 67.

17383 D2022 (Debriefing Statement to Royal Dutch Army by Robert Franken), p. 1. Janković made clear to Franken that the signing would not be "an absolute condition but favour the procedure with the evacuation of the wounded in Bratunac and out of [the UN] Compound". P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 107.

17384 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 106; P3997 (Declaration of RS Civilian Affairs Committee for Srebrenica, 17 July 1995); P4185 (Declaration by the Civilian Affairs Committee for Srebrenica re: proper implementation of evacuation procedures, 17 July 1995). *See also* P5188 (Report of Sarajevo RDB, 18 July 1995), p. 1; D2022 (Debriefing Statement to Royal Dutch Army by Robert Franken), p. 1.

17385 D3977 (Witness statement of Mile Dmičić dated 29 October 2013), para. 17. *See also* para. 5785.

5130. Also during this meeting, the VRS delegation announced that MSF and DutchBat local staff could leave the enclave with DutchBat.[17386] There were eight MSF local employees, seven able-bodied men, and one female.[17387]

5131. Later that same day, approved by "the state and military leadership of RS",[17388] and under the supervision of ICRC delegates, all the remaining wounded in the UN Compound were transported in DutchBat trucks to the Bratunac Health Centre, and together with some of the wounded there, they were all transported to Tuzla.[17389] Among the wounded and sick at the Bratunac Health Centre, a number of men were selected as "fit for military service" as POWs, and were not allowed to leave.[17390] They were subsequently taken by the Eastern Bosnia Corps MP to Batković Camp on 18 July, and were among the POWs exchanged at the end of 1995 in the presence of the ICRC.[17391]

(H) Withdrawal

5132. On 18 July, a report written by Janković was sent from the Bratunac Brigade to the Main Staff Sector for Intelligence and Security Affairs and the Drina Corps' corresponding departments, in which Janković and Momir Nikolić stated that the State Security Department informed them of

17386 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 131. *See also* P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 65; P4758 (List of MSF patients, 17 July 1995), p. 10 (including Schmitz's note that "all local staff amnestied"); Christine Schmitz, T. 26825–26826, 26843 (26 March 2012). *See also* P4161 (UNMO Report, 17 July 1995), p. 1.

17387 Christine Schmitz, T. 26826–26830 (26 March 2012); P4757 (Collection of MSF telex messages, 5–17 July 1995), p. 8; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), paras. 62, 74; P4166 (MSF telex messages, 9–13 July 1995), p. 5; P5262 (Intercept of conversation between Janković and Col. Đurđić, 19 July 1995), pp. 3–5. The local staff members were all issued with ID cards. Christine Schmitz, T. 26820 (26 March 2012). *See also* Christine Schmitz, T. 26832, 26840–26841 (26 March 2012); P4754 (MSF ID card).

17388 P5188 (Report of Sarajevo RDB, 18 July 1995).

17389 P3995 (Witness Statement of Albert Rave dated 10 November 2011), paras. 128, 132; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 69; P4757 (Collection of MSF telex messages, 5–17 July 1995), pp. 10–11; P5188 (Report of Sarajevo RDB, 18 July 1995), p. 1; P4161 (UNMO Report, 17 July 1995), p. 1; P5177 (Report of UNSG, 30 August 1995), para. 50 (noting that the transport was also taken place on 18 July); P5318 (Intercept of conversation between Đurđić and Jelena, 16 July 1995). *See also* P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 107.

17390 P5188 (Report of Sarajevo RDB, 18 July 1995), p. 1; P5177 (Report of UNSG, 30 August 1995), para. 50. *See also* P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 103 (stating that he had heard from a DutchBat doctor that seven men with whom the doctor had stayed to ensure that they were treated as wounded had disappeared from the Bratunac Health Centre); P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 130; P4161 (UNMO Report, 17 July 1995), p. 1; P5440 (RS Ministry of Defence list of persons exchanged from the Batković Collection Centre, 13 March 2002) (showing that these seven men were transported to Batković and exchanged in 1995).

17391 P5440 (RS Ministry of Defence list of persons exchanged from the Batković Collection Centre, 13 March 2002). *See* para. 5502.

"the view that President Karadžić apparently pardoned all the local staff who worked for UNPROFOR".[17392]

5133. On 19 July, Janković and Đurić discussed the transportation of MSF staff.[17393] In response to Janković's remark that MSF local staff was allowed by the "Koljević government" to leave Potočari, Đurić said that they should be checked to determine whether they were able-bodied men.[17394] On 20 July, MSF staff learned that they would be allowed to leave the enclave with DutchBat.[17395]

5134. As instructed by the VRS command, at around 9:45 a.m. on 21 July, Karremans and Rave went to Hotel Fontana to finalise the arrangements for DutchBat's withdrawal with Mladić and Janković.[17396] Mladić refused Karremans' request for the return of DutchBat's apprehended military equipment and material.[17397] When Nicolai objected, Mladić threatened that "the entire battalion would walk [out] of the enclave only with their uniforms on".[17398]

5135. As ultimately agreed that morning,[17399] Mladić arrived at the UN Compound at noon.[17400] He drove ahead of the DutchBat convoy, which also included MSF local and international staff as well as UNMOs,[17401] and stopped briefly at the Iron Bridge before crossing the border into Serbia.[17402] Nicolai, Karremans, Mladić, and some other officers were present in the vicinity of the bridge, saluting as the vehicles passed.[17403]

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17392 P4390 (Report from Bratunac Brigade, 18 July 1995); Momir Nikolić, T. 24683–24684, 24687 (14 February 2012).

17393 P5262 (Intercept of conversation between Janković and Col. Đurđić, 19 July 1995).

17394 P5262 (Intercept of conversation between Janković and Col. Đurđić, 19 July 1995), pp. 3–5; P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 74 (confirming that those mentioned in this intercept were the MSF local staff still in Potočari at the time).

17395 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), paras. 75–76 (stating that MSF international staff remained with their local colleagues and five of their relatives after the departure of the wounded).

17396 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 133.

17397 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 133 (recalling that Mladić said that the equipment was not available at the moment).

17398 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 133. Some DutchBat APCs, as well as a few jeeps, some heavy machine guns, and small calibre weapons were indeed taken by the Bosnian Serb Forces during the withdrawal. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 84.

17399 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 134.

17400 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 134.

17401 P4752 (Witness statement of Christine Schmitz dated 21 March 2012), para. 76; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 218.

17402 P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 134; P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 110. From 13 July until its ultimate withdrawal on 21 July 1995, DutchBat did not have any freedom of movement to leave the UN Compound. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 109; P3995 (Witness Statement of Albert Rave dated 10 November 2011), para. 102. The DutchBat soldiers who had been taken prisoner at the OPs were still being

*v. Killings*

(A) Near the UN Compound

5136. The Indictment refers to the killing on or about 12 July 1995 of nine Bosnian Muslim men near the UN Compound in Potočari on the Budak side of the main road.[17404]

5137. On 13 July 1995, DutchBat officers Rutten, Koster, and Van Schaik were patrolling near a blockade created out of four DutchBat APCs in Potočari.[17405] There, the three officers heard from their Bosnian Muslim interpreter of rumours concerning men having been killed "near a well, near the road, on the Budak side" of Potočari.[17406]

5138. Directed by a local woman, the three officers walked up a dirt road towards a small stream until they reached a meadow located behind a house, approximately 80 or 100 metres southwest of the White House.[17407] As they entered the meadow, they saw nine men, all about 45 to 55 years old, in civilian clothes, lying on the ground.[17408] They had all been shot, with bullet holes from small calibre weapons in their backs at heart level.[17409] Rutten could see that the men had been shot recently, as their bodies were still warm, without flies, and with blood still flowing from their

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held at—and were eventually released directly from—the Hotel Fontana. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 101.

17403 P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 110.

17404 Indictment, Scheduled Killing Incident E.14.1.

17405 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 68–69, 73; P3958 (Aerial photograph of Potočari) (where Rutten marked the blockade. *See also* (Witness statement of Johannes Rutten dated 8 November 2011), para. 76; P3964 (Aerial photograph of Potočari marked by Johannes Rutten).

17406 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 68.

17407 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 69, 74–75; P3962 (Sketch drawn by Johannes Rutten); P3958 (Aerial photograph of Potočari); P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 94; P4177 (Photograph of Potočari dated 13 July 1995 marked by Robert Franken). *See also* Adjudicated Fact 1651.

17408 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 70. *See also* Adjudicated Fact 1651.

17409 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), paras. 70, 74; Johannes Rutten, T. 22038–22039 (28 November 2011); P3962 (Sketch drawn by Johannes Rutten) (identifying the place where Rutten found the nine bodies); P3958 (Aerial photograph of Potočari) (depicting the location where Rutten found the nine bodies); P3963 (Aerial photograph of Potočari marked by Johannes Rutten); P3964 (Aerial photograph of Potočari marked by Johannes Rutten). *See also* P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 94; Robert Franken, T. 23175 (17 January 2012); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 114; Pieter Boering, T. 22144 (30 November 2011).

wounds.[17410] According to Rutten, the bodies did not appear to have been moved.[17411] The DutchBat officers concluded that the men were executed.[17412]

5139. Rutten took a photo of the bodies and told Van Schaik to collect the IDs lying on the grass in front of the bodies.[17413] At that moment shots were fired, and Rutten ordered Van Schaik to drop the IDs.[17414] The three officers then left the area.[17415]

5140. After returning to the UN Compound, Rutten reported the incident to Karremans, who told Rutten that he would report the events up the chain of command.[17416]

5141. The Chamber notes the lack of direct evidence indicating that these victims were Bosnian Muslims, or that they were killed by members of the Bosnian Serb Forces. However, the Chamber finds the circumstances in Potočari in July 1995 convincing in this respect. The Chamber notes the proximity of the killing site to Potočari, the presence of Bosnian Serb Forces there on the day in question, and the conclusion by Rutten that the men had been killed recently and that their bodies had not been moved. Accordingly, the Chamber finds that nine Bosnian Muslim men were killed on 13 July 1995 by members of the Bosnian Serb Forces in a meadow southwest of the White House in Potočari.

### (B) The White House

5142. The Indictment refers to the killing on or about 13 July 1995 of one Bosnian Muslim man behind a building near the White House in Potočari.[17417]

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17410 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 70.

17411 Rutten concluded that the bodies had not been moved after being shot, as there were no marks indicating that they had been transported; Rutten did not conduct an on-site investigation, but Koster and Van Schaik had the same impression. Johannes Rutten, T. 22038–22039 (28 November 2011); P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 70.

17412 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 94; D2022 (Debriefing Statement to Royal Dutch Army by Robert Franken), p. 2.

17413 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 71. As mentioned above, although Rutten kept the film until he returned to The Netherlands, it was later lost during the development process. *See* fn. 17335.

17414 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 72 (stating that he gave the order to drop the IDs because they had to go back through the blockage of APCs and did not feel safe of having documents with them).

17415 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 72.

17416 P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 73; P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 94; Robert Franken, T. 23175 (17 January 2012); P3995 (Witness statement of Albert Rave dated 10 November 2011), para. 114.

17417 Indictment, Scheduled Killing Incident E.14.2.

5143. Paul Groenewegen, a DutchBat soldier, testified that on 13 July 1995, while patrolling near the White House, he was drawn to a situation in which four Bosnian Serb soldiers had surrounded an unarmed Bosnian Muslim man and taken him out of the crowd of refugees.[17418]

5144. The soldiers then took the man behind the White House, made him stand facing a wall, and shot him in the head from a distance of about three metres.[17419] Immediately after being hit by the bullet, the man collapsed.[17420] The soldiers then ran away.[17421] Other Bosnian Serb soldiers who were walking around the area saw the incident but continued their activities.[17422] Groenewegen reported the incident the next morning to his senior officer, Lieutenant Schotman.[17423]

5145. The Chamber finds that a Bosnian Muslim man was killed on 13 July 1995 by members of the Bosnian Serb Forces behind the White House in Potočari.

(C) Killings at Luke School near Tišća

5146. The Indictment refers to the killing on or about 13 or 14 July 1995 of 25 Bosnian Muslim men who were detained at the Luke School near Tišća and summarily executed in an isolated nearby pasture.[17424]

5147. On 13 July 1995, a convoy of buses filled with Bosnian Muslim women and children, as well as several men, including KDZ070, departed from Potočari.[17425] As convoys had the day before,[17426] this convoy headed towards Bratunac, and then proceeded through Glogova, Kravica,

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17418 Paul Groenewegen, T. 22972–22973 (13 January 2012); P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), paras. 58, 60–63, 65, 67; P4168 (Photograph of buses and trucks marked by Paul Groenewegen).

17419 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), paras. 61, 67; P4168 (Photograph of buses and trucks marked by Paul Groenewegen); P4169 (Aerial image of Potočari dated 13 July 1995 annotated by Paul Groenewegen); P4171 (Aerial image marked by Paul Groenewegen) (indicating the spot where he saw the man being shot). Groenewegen explained that he was standing at a distance of about 30 metres from the execution site, and that there was nothing obstructing his view; however, because of his location, he could not see the man's face. P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 65. *See also* Adjudicated Fact 1662.

17420 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 65.

17421 Paul Groenewegen, T. 23005 (13 January 2012).

17422 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 65.

17423 P4167 (Witness statement of Paul Groenewegen dated 11 November 2011), para. 66. *See also* P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 95; D2022 (Debriefing Statement to Royal Dutch Army by Robert Franken), p. 2.

17424 Indictment, Scheduled Killing Incident E.5.1.

17425 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1253–1259.

17426 On 12 July 1995, Boering, escorted by Kosorić, followed a convoy of buses carrying Bosnian Muslims from Potočari, which ultimately stopped at Luke. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2020–2022; D3562 (Witness statement of Svetozar Kosorić dated 27 February 2013), para. 10; Svetozar Kosorić, T. 38699–38700 (23 May 2013). The Chamber notes that although he acknowledged being present in Potočari and escorting Pieter Boering to Luke, Kosorić claimed that he had nothing to do with the bussing operation. Svetozar Kosorić, T. 38697–38698, 38700 (23 May 2013). The Chamber considers that in light of

Konjević Polje, Nova Kasaba, Milići, Vlasenica, and Tišća.[17427] At Tišća, the Bosnian Muslims were instructed to disembark from the buses and proceed on foot.[17428] Approximately 10 to 15 Bosnian Muslim men aboard the buses, including KDZ070, were separated by VRS soldiers and taken away in the direction of the Luke School,[17429] which was located approximately one kilometre from Tišća near Vlasenica.[17430]

5148. In front of the Luke School, the Bosnian Muslim men were ordered to sit down on the grass; most had their hands tied behind their back.[17431] Buses came and went, bringing more Bosnian Muslim men.[17432] At the end of the day, a total of 22 men were assembled on the grass.[17433] According to KDZ070, one detainee was named "Abdulkadir".[17434] KDZ070 recognised three Bosnian Serb soldiers there: Savo Ristanović, a soldier named Željko,[17435] and a soldier named Stanimir.[17436] Later in the evening, after the men were taken into a classroom in the Luke School,[17437] KDZ070 saw another Bosnian Serb soldier named Spomenko Garić inside the school.[17438]

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Kosorić's incentive to minimise any involvement he might have had in the bussing operation, Kosorić's testimony in this regard does not cast doubt on its finding that Kosorić accompanied the convoy as well as Boering on 12 July. *See* para. 5104, fn. 17426.

17427 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1258–1259. *See also* Adjudicated Fact 1737.

17428 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1260–1261. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2022–2024; Pieter Boering, T. 22059 (29 November 2011).

17429 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1260–1263; KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3426. *See also* Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2022–2024, 2159–2161; Pieter Boering, T. 22059 (29 November 2011); Adjudicated Fact 1737. These VRS soldiers were supervised by a VRS Major named Sarkić, a liaison officer in the Milići Brigade, who was there on an order from the Drina Corps. Pieter Boering, P3969 (Transcript from *Prosecutor v. Popović et al.*), T. 2023–2024. *See also* KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1261–1262; Adjudicated Facts 1738, 1739.

17430 Jean-René Ruez, T. 23725 (26 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 28–31.

17431 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1262, 1268–1269.

17432 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1268; KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3472.

17433 KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3472; KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1268–1269.

17434 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1262, 1269 (stating that Abdulkadir was young man from Srebrenica).

17435 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1270–1271 (further stating that Željko was seen on a field telephone transmitting and receiving orders). *See also* Adjudicated Fact 1743.

17436 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1270–1273, 1277.

17437 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1281; Adjudicated Fact 1744. KDZ070 identified the classroom of the Luke School. KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3427; P220 (Photograph of classroom in Luke school). *See also* Jean-René Ruez, T. 23725–23726 (26 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 30–31.

17438 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1282–1283. KDZ070 and Garić had been colleagues at a bauxite mine company in Srebrenica. KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1274. Stanimir told KDZ070 that Spomenko Garić was a Commander of a Special Intervention Unit in the army. KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1276–1277 (further stating that Stanimir had said that

5149. Soon after, a group of about ten Bosnian Serb soldiers, who were different than those who had been at the school during the day, entered the classroom.[17439] The Bosnian Serb soldiers approached the group of detainees and began to ask them questions.[17440] Every question was accompanied by a blow to the head or a kick to the chest.[17441] The soldiers taunted the detainees with a flag of a mosque, referring to their balija mothers.[17442] The beatings lasted for up to half an hour, after which these soldiers departed.[17443]

5150. After the soldiers left, at around midnight on 13 July, five or six Bosnian Serb soldiers who had been outside during the day entered the classroom.[17444] They asked the detainees to exit the classroom one by one, and board a truck.[17445] In total, there were 22 Bosnian Muslim men and seven Bosnian Serb soldiers in the truck.[17446]

5151. The truck departed towards Vlasenica, where it turned left on a macadam road, stopping at a small brook.[17447] A Bosnian Serb soldier banged on the cabin roof and said "Not here. Take them up there, where they took people before."[17448] The truck proceeded, and soon stopped in Rašića Gaj, in the middle of an abandoned and overgrown meadow, near an unfinished house.[17449]

5152. The headlights of the truck remained lit and Bosnian Serb soldiers got off.[17450] Immediately thereafter, the Bosnian Serb soldiers started shooting the men who were still on the truck.[17451] Two men sitting next to KDZ070 jumped off the truck and ran 20 metres before they were struck by bullets.[17452] KDZ070 managed to free one of his hands, jumped off the truck, but was noticed by a

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Spomenko Garić had been successful in his sabotage actions, especially one near the tunnel that belonged to the lead and zinc mine in the vicinity of Srebrenica).

17439 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1285, 1287–1288 (further stating that the soldiers were wearing the same coverall type uniform as Garić, with different coloured bandanas tied in the back, similar to those of sabotage units).

17440 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1285–1286; Adjudicated Fact 1744.

17441 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1285–1286. *See also* Adjudicated Fact 1745.

17442 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1286.

17443 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1287–1288; KDZ070, P340 (Transcript from *Prosecutor v. Krstić*), T. 3428–3429 (under seal); P301 (Photograph of KDZ070) (under seal).

17444 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1288–1290, 1292.

17445 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1288–1290, 1292. *See also* Adjudicated Fact 1746. Those who could not climb the truck by themselves because of their injuries were picked up by Bosnian Serb soldiers and loaded onto the truck. KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1291.

17446 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1291.

17447 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1293.

17448 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1291–1293.

17449 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1295 (further stating that that he learned much later that the place was called Rašića Gaj from a man from Cerska who knew the area quite well and that Rašića Gaj was close to Vlasenica).

17450 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1295.

17451 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1296. *See also* Adjudicated Fact 1746.

17452 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1296.

Bosnian Serb soldier who immediately opened fire at him.[17453] However, KDZ070 managed to reach a forest approximately 50 metres away, and eventually came to a brook, where he stayed and hid for the night.[17454] KDZ070 wandered around the forest until 27 July 1995, when he met other Bosnian Muslim men, and eventually managed to reach Bosnian Muslim-held territory.[17455]

5153. KDZ070 identified some of the Bosnian Muslims who were on the truck in Rašića Gaj and then killed: Azem Bečić from the village of Kotjevac; "Rizo", who worked as an electrician with DutchBat; "Abdulkadir"; and "Hasan".[17456] Between 25 and 29 May 2009, the BiHCMP exhumed a grave in the village of Mršići near Vlasenica, and close to Rašića Gaj.[17457] Based upon DNA analysis, 15 individuals were positively identified as persons listed as missing following the take-over of Srebrenica.[17458] Nine ligatures were found in the grave.[17459]

5154. Based on the above, the Chamber finds that approximately 21 Bosnian Muslim men were killed by members of the Bosnian Serb Forces near Tišća on 14 July 1995.

e. Bratunac area

5155. As the Chamber has already described, Bratunac is a municipality in eastern BiH located to the south of Zvornik, the east of Vlasenica, and the north of Srebrenica.[17460] For the purposes of

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17453 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1297 (stating that the soldier said: "Look at this balija motherfucker. He's fleeing, he's escaping"); KDZ070, P341 (Transcript from *Prosecutor v. Popović et al.*), T. 3441.

17454 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1297–1298; KDZ070, P340 (Transcript from *Prosecutor v. Krstić*), T. 3439 (under seal).

17455 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1299–1301.

17456 KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1301–1302 (further stating that he did not know many others who were detained with him). KDZ017 stated that these men had either been captured from the column heading toward Tuzla, or had been seeking refuge in Potočari in July 1995. KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1338–1339.

17457 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 4, 33; P4941 (Srebrenica court binder containing maps), e-court p. 31.

17458 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 33; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 414 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010). Four of the victims identified at the Mršići gravesite were Azem (Ramo) Bečić, Rizo (Abaz) Mustafić, Abdulkadir (Avdurahman) Velić, and Hasan (Juso) Smajić. P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 414 (under seal). *See also* P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 149, 206 (under seal) (recording that Rizo (Abaz) Mustafić and Abdulkadir (Avdurahman) Velić were last seen in Tišća).

17459 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 33.

17460 *See* para. 685.

this section, the term "Bratunac area" encompasses the territory delimited by the Bratunac–Konjević Polje Road to the north, the Konjević Polje–Milići Road to the west, and the Bratunac–Srebrenica Road to the east.

5156. Bratunac town is located about five kilometres from Potočari and ten kilometres from Srebrenica in a northerly direction.[17461] As stated above, the Bratunac Brigade was headquartered in Bratunac town in July 1995.[17462]

*i. Deployment of Bosnian Serb Forces in the Bratunac area*

5157. The Chamber recalls that, during the night between 11 and 12 July 1995, the column of Bosnian Muslim men started moving in a northwesterly direction towards Tuzla, trying to cross the Bratunac–Konjević Polje Road.[17463]

5158. On 11 July, upon receiving information as to the movement of the column, VRS forces, which mostly consisted of Drina Corps units, were ordered to "block the return and withdrawal of Muslim forces to and from Srebrenica and their communicating along the enclave–Kladanj and Olovo axis and back", by "erecting additional obstructions, carrying out ambush activities and introducing patrols, ensur[ing] control over the territory along the frontline and deep in[to] the defence zones and areas".[17464] That night, Kovač issued an order to urgently dispatch all available guides with police dogs to the Srebrenica sector in order to undertake the task of "mopping up the terrain".[17465]

5159. On 12 July, the MUP had information that the ABiH was attempting a breakthrough from Srebrenica in the direction of Tuzla.[17466] Similarly, the VRS continued tracking the movement of the column and, by the afternoon, the Drina Corps command and subordinate units knew the

17461 *See* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 20.

17462 *See* para. 195.

17463 *See* para. 5037.

17464 P4572 (Order of Drina Corps, 11 July 1995), pp. 1–2. *See* P6125 (Drina Corps combat report, 11 July 1995), pp. 1, 3 (stating that Drina Corps units have been engaged in offensive operations in and around the Srebrenica enclave according to the Krivaja 95 plan, and adding that part of the active operations forces shall continue to carry out combat tasks and completely crush the enemy in the Srebrenica enclave, while another part of the forces shall control the territory behind the lines and protect the property and population).

17465 P4934 (RS MUP Order to the centre for the breeding and training of police dogs, 12 July 1995) (ordering that such guides were to report to Srebrenica by 6 a.m. on 12 July). *See* Tomislav Kovač, T. 42746 (1 November 2013). The order further provided that once such troops and dogs were dispatched, dispatches were to be sent to the police forces staff headquarters in Pale notifying them that the deployment had taken place. P4934 (RS MUP Order to the centre for the breeding and training of police dogs, 12 July 1995), para. 5.

17466 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13549; P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2; P4937 (Report of Zvornik CJB, 12 July 1995).

precise direction in which the column was moving.[17467] Intelligence on the movement of the column was relayed within the Bosnian Serb Forces throughout 12 and 13 July.[17468]

5160. Based on the intelligence received, some of the MUP forces under the command of Borovčanin—including the three platoons of the 2nd Šekovići Detachment, the 1st Company of the Zvornik PJP, the 5th Company of the Zvornik CJB, and the 1st Company of the Jahorina Recruits—were deployed along the Bratunac–Konjević Polje Road on 12 July to prevent the column from advancing towards Tuzla.[17469] There was also a heavy VRS presence on the road that day.[17470] By the evening, two tanks and a Praga—an anti-aircraft gun mounted on an armoured vehicle—as well as a BOV—an all-wheel drive combat armoured vehicle—had also been deployed along the road, in the same area as the 1st Company of the Zvornik PJP.[17471]

5161. Members of the Bosnian Serb Forces remained overnight along the Bratunac–Konjević Polje Road.[17472] On 13 July, Krstić issued an order tasking Blagojević with supervising, and co-ordinating with, the units of the Bosnian Serb Forces involved in the search and with submitting a

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17467 *See* D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 7; P5279 (Intercept of conversation between three unidentified persons, Radislav Krstić, and Komjenović, 12 July 1995), p. 1; P6062 (Intercept of conversation, 12 July 1995), p. 2; P6063 (Intercept of conversation, 12 July 1995), pp. 1–2; P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 1; P5112 (Report of Bratunac Brigade to Drina Corps, 12 July 1995), p. 1; P5114 (Report of Bratunac Brigade to Drina Corps, 12 July 1995), p. 1; KDZ122, T. 26149–26150 (13 March 2012) (closed session), T. 26273 (14 March 2012) (closed session). *See also* Adjudicated Fact 1631; P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 4.9.

17468 *See* P5103 (Report of Drina Corps, 12 July 1995), p. 2; P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 1; P4940 (Command Intelligence Report of Drina Corps, 12 July 1995), p. 1; P5904 (Intercept of conversation between two unidentified persons, 12 July 1995); P5905 (Intercept of conversation between two unidentified persons, 12 July 1995); P5145 (Report of Drina Corps, 13 July 1995), p. 1; P4943 (Report of Sarajevo RDB, 13 July 1995), pp. 1–2; P4944 (Command Report of Drina Corps, 13 July 1995); P2988 (Report of RS MUP, 13 July 1995), pp. 1–2; P5098 (Report of RS MUP, 13 July 1995), pp. 1–2; P5099 (Report of Bijeljina RJB, 13 July 1995); P5115 (Report of Bratunac Brigade to Drina Corps, 13 July 1995), p. 1; P5234 (Report of Drina Corps, 13 July 1995); Adjudicated Fact 1608.

17469 P4937 (Report of Zvornik CJB, 12 July 1995); P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2; P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), p. 2; Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13552; KW558, T. 40753–40754 (3 July 2013); Mendeljev Đurić, T. 42099 (29 July 2013); D3196 (Witness statement of Dušan Mićić dated 24 March 2013), paras. 25–27. *See* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 6.24; P6189 (Report of Zvornik CJB, 13 July 1995), p. 1; P6063 (Intercept of conversation, 12 July 1995), pp. 1–2; KDZ122, T. 26149–26150 (13 March 2012) (closed session); Adjudicated Facts 1469, 1471, 1606. *See also* para. 5021.

17470 *See* P4574 (Order of Drina Corps, 12 July 1995); P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2; P3054 (VRS Main Staff Report, 12 July 1995), p. 4; P4937 (Report of Zvornik CJB, 12 July 1995); Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2723–2724; D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 7; P5100 (Order of Drina Corps, 13 July 1995), pp. 1–2; P6063 (Intercept of conversation, 12 July 1995), pp. 1–2.

17471 P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2. *See also* Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13554; D3196 (Witness statement of Dušan Mićić dated 24 March 2013), para. 27.

17472 P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), p. 2; Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13579; KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14821–14822 (under seal); D3196 (Witness statement of Dušan Mićić dated 24 March 2013), paras. 27–28.

report at the end of the search on 17 July.[17473] The Bosnian Serb Forces deployed along the Bratunac–Konjević Polje Road were reinforced with additional forces on 13 July, including members of the 5th Company of the Zvornik PJP, and members of the 1st and 2nd Companies of the Jahorina Recruits.[17474] The Jahorina Recruits were called up by the platoon leaders "to relieve [their] colleagues" who were guarding Bosnian Muslim detainees on the stretch of the road between Konjević Polje and Kravica.[17475] They were to stand on the road to collect any Bosnian Muslims found coming down from the hills to surrender, and to prevent "any forcible passing".[17476] Similarly, the members of the 2nd Šekovići Detachment's 3rd Skelani Platoon, who were stationed in groups of two positioned 30 to 40 metres apart along the road, were tasked with escorting detainees who surrendered into the Sandići Meadow.[17477]

*ii. Military action against the column*

5162. On the morning of 12 July, the column was shelled by the Bosnian Serb Forces as it moved through the area of Buljim.[17478] That night, there was a large ambush against the column in Kamenica.[17479] During the night of 12 July and the morning of 13 July, there was an exchange of fire between the Bosnian Serb Forces and members of the column, resulting in many Bosnian

17473 D2239 (Order of Drina Corps, 13 July 1995); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6700–6703, 6716. The Chamber notes that while testifying in his own defence, Krstić asserted that Blagojević lacked the authority to specify tasks of the MUP, but does not consider his testimony to be reliable on this point given that Krstić was Blagojević's superior. Rather, the Chamber considers that the text of Krstić's order is clear that Blagojević was responsible for coordinating the tasks of all units mentioned, and recalls that, as described above, MUP units engaged in combat activities were re-subordinated to the commander of the unit in whose area of combat operations they were conducting operations. *See* para. 229.

17474 P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2; D3903 (Witness statement of Mendeljev Đurić dated 26 July 2013), para. 18; KDZ084, T. 27336 (11 April 2012) (closed session). *See also* Adjudicated Fact 1616; P5376 (Intercept of conversation between two unidentified persons, 13 July 1995), p. 1 (referring to the arrival of certain police units); P4949 (Report of Zvornik CJB, 14 July 1995), p. 1; P316 (Report of Zvornik CJB to MUP of RS, 15 July 1995), para. 2.

17475 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14821–14822, 14825 (under seal); KDZ084, T. 27336 (11 April 2012) (closed session).

17476 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14824–14825 (under seal). The Jahorina Recruits stayed in the area for four or five days. P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14836, 14882 (under seal).

17477 D4113 (Witness statement of KW679 dated 23 November 2013), paras. 11–12 (under seal).

17478 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7083, 7133; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1383; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3347; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3511–3513; KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 2333. *See* P3975 (Map of Eastern Bosnia); D2218 (Map of Eastern BiH marked by Dušan Janc), p. 1 (map showing Buljim forest and the column's direction towards Tuzla). *See also* KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 744; KDZ333, T. 24143 (2 February 2012).

17479 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 877, 880, 907; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7040; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3364–3365; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3513–3514; KDZ045, T. 22673–22674 (10 January 2012); KDZ333, T. 24143 (2 February 2012). *See* P5102 (Report of Drina Corps, 12 July 1995); P4939 (Report of Sarajevo RDB, 12 July 1995), p. 1.

Muslim deaths.[17480] The attacks against the column continued throughout the night, and into the morning of 13 July.[17481] Bosnian Serb Forces encircled a large group of men from the column in the area of Konjević Polje–Nova Kasaba–Pobuđe.[17482] At different times, members of the column divided into separate smaller groups after being cut off from the main part of the column.[17483] The Bosnian Serb Forces fired shells against the column and threw hand-grenades into the woods.[17484] Hundreds of Bosnian Muslims were killed; the mutilated bodies of those killed lay on the ground.[17485] Men cried and screamed, asking for help.[17486] The situation was so unbearable that some Bosnian Muslim men committed suicide with guns or hand-grenades.[17487]

5163. On the morning of 13 July, the Bosnian Serb Forces began calling into the woods with a loudspeaker for the members of the column to surrender, telling them that they would be safe, and promising to comply with the Geneva Conventions.[17488] However, if they did not surrender, they

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17480 *See* P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), p. 2; P5136 (Bulletin of daily events of Zvornik CJB, 13-14 July 1995), p. 2; P4943 (Report of Sarajevo RDB, 13 July 1995), p. 1; P6189 (Report of Zvornik CJB, 13 July 1995); P5378 (Intercept of conversation between two unidentified persons, 13 July 1995); D3196 (Witness statement of Dušan Mićić dated 24 March 2013), paras. 27–28. *See also* Adjudicated Facts 1602, 1609. These killings are not charged in the Indictment.

17481 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1384; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3348; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2946; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7039–7040; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 884; Adjudicated Fact 1611. *See* P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2; P4943 (Report of Sarajevo RDB, 13 July 1995), p. 1; P667 (Zoran Petrović-Pirićanac's video footage), at 00:12:11–00:16:25.

17482 P5115 (Report of Bratunac Brigade to Drina Corps, 13 July 1995). *See* P4684 (Intercept of conversation between two unidentified persons, 14 July 1995), p. 1; P5234 (Report of Drina Corps, 13 July 1995), p. 2; P5098 (Report of RS MUP, 13 July 1995), p. 1. *See also* Dušan Janc, T. 27063–27064 (28 March 2012); D2218 (Map of Eastern BiH marked by Dušan Janc), p. 1 (where Janc marked the area of Pobuđe).

17483 KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3348, 3355, 3363; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 652, 744–745; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2946; KDZ045, T. 22682 (10 January 2012). *See* P4578 (Zvornik Brigade report, 12 July 1995), p. 1; P5145 (Report of Drina Corps, 13 July 1995), p. 1. *See also* Adjudicated Fact 1610.

17484 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2946–2948, 2990; KDZ045, T. 22681–22682 (10 January 2012); KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7039–7040.

17485 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 796; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1383–1384; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3347–3349; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3514; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2945–2946, 2948; KDZ045, T. 22673–22674 (10 January 2012); KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7040. These killings are not charged in the Indictment.

17486 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1383.

17487 KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3342, 3345; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 798; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2946–2947, 2998; KDZ045, T. 22680–22681 (10 January 2012).

17488 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1384; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2946, 3008; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28824; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 650, 801, 842; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3516; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6974; KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14823, 14827 (under seal); Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13553–13554; Momir Nikolić, T. 24662 (14 February 2012), T. 24864 (16 February 2012). *See* P5280 (Intercept of conversation between an unidentified person and "Zoran", 13 July 1995), p. 1; D2081 (Momir Nikolić's statement of facts from Plea

would be shelled and killed.[17489] In particular, along the Bratunac–Konjević Polje Road, members of the Bosnian Serb Forces drove a stolen UNPROFOR APC with a UN flag back and forth, and called on the column to surrender; the Bosnian Serb soldiers wore UN uniforms to deceive the Bosnian Muslims into thinking that they would be provided security upon their capture.[17490] A Bosnian Muslim man was ordered to call out to the Bosnian Muslim men in the woods that it was "safe to come to the Serbs".[17491]

5164. At about 10 a.m., members of the Bosnian Serb Forces issued an ultimatum through a loudspeaker for the members of the column hiding in the woods to surrender; a second ultimatum was issued around 3 p.m.[17492] Members of the column disagreed as to whether to surrender.[17493] However, after the second ultimatum, large numbers of Bosnian Muslim men walked down the hill to the asphalt road and surrendered.[17494] They were then stripped of their personal belongings.[17495]

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Agreement, 7 May 2003), para. 9. *See also* Adjudicated Fact 1613; D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 2.

17489 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1384. *See* KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 650.

17490 Momir Nikolić, T. 24661–24664 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9; Mile Petrović, T. 45548, 45552 (17 January 2014); D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 1; KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3530–3532, 3536–3537; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3516, 3525; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 3002; KDZ045, T. 22679–22680 (10 January 2012); Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13554; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 884–885. *See* D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 1. *See also* Adjudicated Fact 1614.

17491 *See* P1178 (Excerpt from "Srebrenica Trial Video" shown to KDZ425); P1193 (Zoran Petrović-Piroćanac's documentary entitled "Operation Srebrenica"), at 00:15:23–00:16:30; Adjudicated Fact 1732.

17492 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1384; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 650, 759; KDZ064, T. 1435 (22 April 2010); KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3516.

17493 KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3349–3350; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 759, 797; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2991. *See* P5280 (Intercept of conversation between an unidentified person and "Zoran", 13 July 1995), p. 1.

17494 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1384; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3364–3365; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3517; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6973; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2948; KDZ045, T. 22679 (10 January 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7085, 7110; KDZ064, T. 1435 (22 April 2010); Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 886; Momir Nikolić, T. 24868 (16 February 2012). *See* P667 (Zoran Petrović-Piroćanac's video footage), at 00:09:23–00:10:24; P5280 (Intercept of conversation between an unidentified person and "Zoran", 13 July 1995), p. 1. *See also* Adjudicated Fact 1618.

17495 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6973–6974; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3517, 3523; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1384–1385; KDZ071, T. 28532 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7085, 7087–7088. *See also* Adjudicated Fact 1617.

5165. Despite the capture of thousands of Bosnian Muslims from the column on 13 July, it was reported that approximately 3,000 to 4,000 men succeeded in crossing the Bratunac–Konjević Polje and Konjević Polje–Milići Roads, advancing towards Cerska.[17496]

*iii. Detention of Bosnian Muslim men from the column*

5166. On the morning of 13 July, Bosnian Serb Forces obtained information that large numbers of Bosnian Muslim men were either being captured or were surrendering along the road.[17497] An intercepted conversation from 13 July at 5:30 p.m. refers to about 6,000 Bosnian Muslims being detained at three locations, with roughly 1,500 to 2,000 men at each of them.[17498] According to this intercepted conversation, one of the locations was "the one up there where the checkpoint at the intersection is", which the Chamber finds to be the Konjević Polje intersection; another one was "the one halfway between the checkpoint and the loading place", which the Chamber concludes to be the Sandići Meadow, and the third one was expressly referred to as the Kasaba stadium, which the Chamber finds to be the Nova Kasaba football field.[17499]

(A) Konjević Polje

5167. The 6th Company of the Zvornik PJP was stationed at the check-point in Konjević Polje from 4 to 16 July 1995.[17500] It was tasked with providing assistance to the Bratunac SJB, which had control over the check-point, as well as with securing the Nova Kasaba–Konjević Polje Road

17496 *See* P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 2; P5100 (Order of Drina Corps, 13 July 1995), p. 1; P4532 (VRS Main Staff Order, 13 July 1995); P4949 (Report of Zvornik CJB, 14 July 1995), p. 1. *See also* Adjudicated Facts 1610, 1628, 1630.

17497 Momir Nikolić, T. 24651 (14 February 2012). *See also* D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 50; Milomir Savčić, T. 42250–42251 (30 July 2013) (testifying that in the early hours of 13 July, he received a phone call from Malinić informing him that Bosnian Muslim soldiers had been captured); D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 51 and Milomir Savčić, T. 42250 (30 July 2013) (testifying that Malinić had explained Savčić that his unit of approximately 20 men had taken two or three prisoners of war who had surrendered to his men at the army barracks in Nova Kasaba). Momir Nikolić testified that he told Jević that if he got in radio contact with the MUP units deployed along the road, he should tell them that all those men were to be transferred to the facilities designated for their detention. Momir Nikolić, T. 24651–24653 (14 February 2012). Savčić testified that he informed Malinić that the prisoners were to be incarcerated in relevant facilities, kept under Malinić's protection and treated in accordance with the prescribed military police regulations. D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 51; Milomir Savčić, T. 42251 (30 July 2013).

17498 P6704 (Intercept of conversation between two unidentified persons, 13 July 1995), p. 1.

17499 P6704 (Intercept of conversation between two unidentified persons, 13 July 1995), p. 1.

17500 KW558, T. 40752–40753 (3 July 2013), T. 40743 (3 July 2013) (private session); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6517, 6528, 6540. *See also* Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8201, 8206; Mile Simanić, P355 (Transcript from *Prosecutor v. Popović et al.*), T. 14638–14639, 14647; P4825 (Record of intercept of conversation regarding the arrest of Muslims running from Srebrenica, 13 July 1995). The 6th Company was headquartered in an unfinished house close to the Konjević Polje elementary school; the house also hosted the unit's communications. While some members of the 6th Company were stationed at the house, the remaining members were stationed at the school. KW558, T. 40747 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6524–

and controlling traffic.[17501] A part of the 5th Engineering Battalion, commanded by Milenko, a.k.a. "Mićo" Avramović,[17502] as well as members of the Zvornik Brigade MP were also present at the Konjević Polje intersection at the time.[17503]

5168. On the morning of 13 July, approximately 30 Bosnian Muslim men from the column—including four or five wounded—surrendered to members of the Bosnian Serb Forces who were dressed in dark blue camouflage uniforms, near Konjević Polje.[17504] Upon reaching the Bratunac–Konjević Polje Road, this group came across a group of 300 other Bosnian Muslims—including approximately 20 wounded—who had previously surrendered.[17505] The men were ordered to place the wounded at the intersection, and to hand over all their belongings, including their ID papers.[17506] They were then taken to a warehouse at the Konjević Polje intersection, where they were given water, although it was insufficient.[17507] After approximately 20 minutes, the men were placed in three or four trucks covered in canvas, which left in the direction of Nova Kasaba.[17508]

5169. As will be discussed in detail in the section relating to the Scheduled Killing Incident at the Jadar River,[17509] during the early morning hours of 13 July, KDZ065 surrendered to policemen in

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6527, 6542; D3766 (Photograph of a house); D3767 (Photograph of a house); D3768 (Photograph of houses along a road); D3771 (Photograph of a building). *See also* D3765 (Diagram drawn by KW558) (under seal).

17501 KW558, T. 40752–40753 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6517–6518, 6541, 6543–6544. *See also* Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8179–8181; D3852 (Witness statement of Mirko Perić dated 1 July 2013), para. 13; P5900 (Intercept of conversation between Obrenović and an unidentified person, 12 July 1995).

17502 KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6523–6524, 6538, 6544–6545, 6556–6557. *See also* Mile Simanić, P355 (Transcript from *Prosecutor v. Popović et al.*), T. 14679–14680; P5900 (Intercept of conversation between Obrenović and an unidentified person, 12 July 1995). The 5th Engineering Battalion was billeted in several private houses in Konjević Polje, including the elementary school where part of the 6th Company of the Zvornik PJP was stationed. Mile Simanić, P355 (Transcript from *Prosecutor v. Popović et al.*), T. 14625–14626; KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6524–6526. *See also* D3765 (Diagram drawn by KW558) (under seal); D3770 (Photograph of a crossroads); Jean-René Ruez, T. 23731–23732 (26 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 42–43.

17503 D3852 (Witness statement of Mirko Perić dated 1 July 2013), para. 15. *See also* KW558, T. 40757 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6523–6524 (referring to the presence of other military and police units at Konjević Polje in July 1995).

17504 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2948–2949; KDZ045, T. 22679–22680 (10 January 2012).

17505 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2948. *See also* P5354 (Intercept of conversation between two unidentified persons, 13 July 1995), pp. 2–3 (referring to the presence of approximately 400 to 500 captured Bosnian Muslims in Konjević Polje); P4389 (Report of Sarajevo RDB, 13 July 1995), p. 1 (referring to the VRS and MUP capturing over 300 Bosnian Muslim soldiers in ambushes set up in the general Konjević Polje area).

17506 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2948–2949; KDZ045, T. 22680, 22685 (10 January 2012).

17507 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2949.

17508 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2949–2950; KDZ045, T. 22683 (10 January 2012). *See* Section IV.C.1.e.iii.C: Nova Kasaba football field.

17509 *See* Section IV.C.1.e.iv.A: Jadar River.

the area of Konjević Polje.[17510] KDZ065 and 15 other Bosnian Muslim men were taken to different locations in the area; finally they were taken by bus to an isolated area on the bank of the Jadar River.[17511]

5170. Momir Nikolić arrived at the Konjević Polje intersection after noon on 13 July and saw men detained at various locations in the vicinity.[17512] Approximately 45 minutes later, Mladić arrived with his security detail and addressed some of the detainees briefly, reassuring them that everything would be fine and that they would be transferred to where they wanted to go.[17513] Nikolić then asked Mladić what was going to happen to the detainees; Mladić did not answer but made a gesture by sweeping at his waist with his right hand from left to right.[17514] Mladić then smiled, got in his car, and left.[17515]

5171. After Mladić left, Momir Nikolić drove to Bratunac to fetch Rešid Sinanović—the former chief of the SUP in Bratunac—for interrogation.[17516] Sinanović had been detained at the communications house of the 6th Company of the Zvornik PJP together with KDZ065.[17517] Later, Nikolić, Mirko Janković, and Mile Petrović left Bratunac towards Konjević Polje in a white APC captured from DutchBat.[17518] They drove along the Bratunac–Konjević Polje Road and Petrović sat on top of the APC with a megaphone calling for Bosnian Muslims to surrender.[17519] After passing Sandići Meadow, six Bosnian Muslims surrendered to them; those six men were taken to Konjević Polje on the APC.[17520] After arriving at Konjević Polje, Nikolić asked Petrović to take the six

17510 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3244–3246.

17511 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3246–3248, 3250, 3254–3255, 3258, 3262–3264, 3268–3269, 3271–3272, 3274–3276; KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3265–3268 (under seal).

17512 Momir Nikolić, T. 24653–24655 (14 February 2012).

17513 Momir Nikolić, T. 24654–24655 (14 February 2012).

17514 Momir Nikolić, T. 24656–24657 (14 February 2012).

17515 Momir Nikolić, T. 24656 (14 February 2012).

17516 Momir Nikolić, T. 24657–24658 (14 February 2012). *See* D3852 (Witness statement of Mirko Perić dated 1 July 2013), para. 19. *See also* para. 5199.

17517 *See* para. 5192.

17518 Momir Nikolić, T. 24661–24662 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9; [REDACTED]; Mile Petrović, T. 45552 (17 January 2014); D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 2. [REDACTED].

17519 Momir Nikolić, T. 24663 (14 February 2012), T. 24866 (16 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. [REDACTED] witnesses testified that there was no megaphone on the APC, and that Petrović did not call on the Bosnian Muslims to surrender. *See* Mile Petrović, T. 45552 (17 January 2014); D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 2; [REDACTED]. However, in light of the evidence before it, the Chamber does not accept the testimony of these witnesses on this point.

17520 Momir Nikolić, T. 24663 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. *See also* Mile Petrović, T. 45552, 45568 (17 January 2014) and D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 1 (testifying that on their route to Konjević Polje two men in civilian clothes ran out in front of the APC and surrendered, and that Nikolić ordered Janković to stop the vehicle and Petrović to search the men and take them into the APC after which the men were taken to

Bosnian Muslim men to join the group of between 250 and 300 detainees already held at the intersection.[17521] Nikolić then went to a burned house about 50 metres away from the intersection, and heard two bursts of gunshots coming from a very short distance.[17522] A few minutes later, Petrović appeared at the house and told Nikolić: "Boss, today I just took revenge for my brother [...] I've killed them".[17523] Petrović told Nikolić that he had executed the six Bosnian Muslim men down a riverbank behind a yellow building.[17524] Nikolić left the Konjević Polje intersection for Bratunac in the APC together with Janković, approximately 20 minutes later.[17525]

5172. During the afternoon of 13 July, a group of nine Bosnian Muslim men surrendered to members of the Bosnian Serb Forces deployed along the Bratunac–Konjević Polje Road.[17526] The men were required to surrender their possessions and detained in the warehouse at the Konjević Polje intersection, where they were given water, cigarettes, and beer.[17527] Between 9 and 10 p.m., the detainees were put in one of two buses which had previously arrived, and departed in the direction of Bratunac.[17528]

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Konjević Polje); [REDACTED]. Petrović testified that when the men got into the APC, Nikolić hit one of them on the head with his rifle butt. D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 1. Petrović further testified that Nikolić, Janković, and himself were armed inside the APC, and that if there were six detainees, as Nikolić claimed, inside the APC, they would have had to push up against each other and the Bosnian Muslim men could have disarmed them. D4218 (Witness statement of Mile Petrović dated 29 September 2003), p. 3.

17521 Momir Nikolić, T. 24663–24664 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9.

17522 Momir Nikolić, T. 24664 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9.

17523 D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. *See* Momir Nikolić, T. 24664 (14 February 2012). *But see* Mile Petrović, T. 45552, 45555 (17 January 2014) and D4218 (Witness statement of Mile Petrović dated 29 September 2003), pp. 2–3 (testifying that, upon Nikolić's instructions, Petrović turned the two Bosnian Muslims over to the Bosnian Serb soldiers who were guarding the other detainees assembled there, and stating that he did not execute any detainees, but acknowledging however that he later heard about the two men who surrendered being executed by Bosnian Serb Forces). [REDACTED] Petrović's brother had been killed by Bosnian Muslim forces. [REDACTED]. *See* Mile Petrović, T. 45553 (17 January 2014). [REDACTED].

17524 D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. Nikolić did not observe Petrović killing the six Bosnian Muslim men. Momir Nikolić, T. 24866 (16 February 2012). These killings are not charged in the Indictment.

17525 D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9.

17526 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 884–886, 1123.

17527 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 887–888, 890.

17528 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 889–890, 897. *See* para. 5292. *See also* D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 119 (testifying that he arrived at Konjević Polje at approximately 7:30 p.m., where he saw Bosnian Muslim detainees who had surrendered boarding buses).

(B) Sandići Meadow

5173. The Sandići Meadow, a large open plot of land on the Bratunac–Konjević Polje Road, was approximately one kilometre from the Kravica Warehouse in the direction of Konjević Polje; it was situated opposite from a burnt-out house.[17529]

5174. Throughout the day on 13 July 1995, Bosnian Muslim men from the column who had either surrendered or been captured after emerging from the woods, were assembled near the Bratunac–Konjević Polje Road.[17530] There, members of the Bosnian Serb Forces forced the detainees to drop their belongings into large piles and to hand over their valuables.[17531] The men were then forced to cross the road and walk towards the Sandići Meadow, where they were guarded by members of the Bosnian Serb Forces.[17532]

5175. Several units of the Bosnian Serb Forces who were under the command of Borovčanin, including the 2nd Šekovići Detachment, and more specifically, the 3rd Skelani Platoon; the 1st Company of the Zvornik PJP, and the Jahorina Recruits, were present in and around the Sandići Meadow on 13 July.[17533] Bosnian Serb armoured vehicles, including at least one tank, a Praga, and a BOV, as well as a UN APC, were also seen in and around the meadow.[17534] The barrel of a tank

17529 Jean-René Ruez, T. 23757–23758 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 46, 48–51, 87; P253 (Video still of Sandići meadow marked by KDZ425).

17530 *See* paras. 5163–5164, 5166.

17531 KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3532–3533; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1384–1385; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6973–6974; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7085, 7087–7088. *See* P667 (Zoran Petrović-Pirićanac's video footage) at 00:21:16–00:21:32; P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 53; Adjudicated Fact 1730.

17532 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 655; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3523–3524; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1387, 1389–1390; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3366–3367; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6973; KDZ071, T. 28532 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7085–7086; P1181 (Excerpt from "Srebrenica Trial Video" shown to KDZ425).

17533 *See* Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13549–13556, 13589–13590; KDZ084, T. 27336, 27340 (11 April 2012) (closed session); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14821–14823, 14825–14827 (under seal); D3196 (Witness statement of Dušan Mićić dated 24 March 2013), para. 32; Dušan Mićić, T. 36223 (27 March 2013); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9; P2987 (Report of RS MUP's Special Police Brigade, 13 July 1995), pp. 1–2; P6189 (Report of Zvornik CJB, 13 July 1995), p. 1; P4949 (Report of Zvornik CJB, 14 July 1995), p. 1; D3903 (Witness statement of Mendeljev Đurić dated 26 July 2013), para. 18; Tomasz Blaszcyk, T. 23585–23590, 23598 (25 January 2012); P667 (Zoran Petrović-Pirićanac's video footage) at 00:09:24–00:10:24, 00:11:17–00:11:50, 00:17:59–00:21:15, 00:22:02–00:22:25; P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 139–142, 146–154, 157–162.

17534 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7088; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 804; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3524; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1386–1387; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6978, 6986; Momir Nikolić, T. 24654, 24661–24662 (14 February 2012); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14822–14823 (under seal); P667 (Zoran Petrović-Pirićanac's video footage) at 00:09:30–00:09:34, 00:21:34–00:21:40; P4270 (Tomasz Blaszczyk's

was pointed towards the hill from which the Bosnian Muslim men were descending, while its mounted machine-gun was pointed at the detainees.[17535]

5176. Between 900 and 2,000 Bosnian Muslim men from the column were detained at the Sandići Meadow.[17536] There was also a group of women and young children.[17537] The detainees were ordered to sit in rows, guarded at each end by two members of the Bosnian Serb Forces.[17538] The detainees were not given any food but only a small amount of water and a few cigarettes.[17539] At some point, some detainees, including children, were allowed to fetch water and to distribute it because many detainees kept fainting due to the heat.[17540] In addition, some of the detainees were sprayed with water from a fire truck.[17541]

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written compilation booklet entitled "Roadbook"), p. 28; P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 155–156.

17535 KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3524, 3540; P1183 (Excerpt from "Srebrenica Trial Video" shown to KDZ425); P1184 (Excerpt from "Srebrenica Trial Video" shown to KDZ425); KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1387; KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14822–14823 (under seal).

17536 The estimates on the number of men detained at the Sandići Meadow ranged from 900 to 2,000. KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3524, 3557–3559; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1386, 1391; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3352; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6975, 7049. *See* P207 (Aerial photograph of Sandići meadow, 13 July 1995); D2253 (Still image of prisoners in Sandići Meadow, 13 July 1995); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 658 (stating that approximately 500 people were seated in the meadow when he arrived but others kept arriving afterwards); P5288 (Intercept of conversation between Lt. Col. Krsmanović and Višković, 13 July 1995), pp. 1–2 (referring to the presence of 700 people in the village of Sandići on 13 July at 9 p.m.); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9 (testifying that he saw a large mass of prisoners at the meadow); Adjudicated Fact 1619 (stating that several thousands Bosnian Muslim men from the column were collected in or near the Sandići Meadow). *But see* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 31, 36 (referring to between 100 and 300 detainees standing or sitting by the road near Sandići after noon); D3196 (Witness statement of Dušan Mićić dated 24 March 2013), para. 32 and Dušan Mićić, T. 36234–36235 (27 March 2013) (both referring to a group of 50 or 60 people at the Sandići Meadow in the morning on 13 July); Zoran Petrović-Piroćanac, T. 28462 (3 May 2012) (referring to the presence of around 100 detainees at the Sandići Meadow when he passed the area by car); KDZ480 T. 24260 (8 February 2012) (closed session) (testifying to having seen between 150 and 200 people at the Sandići Meadow) and KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7871 (under seal) (testifying to having seen a great number of prisoners at the Sandići Meadow after noon).

17537 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6976; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 658–659; KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3554–3555. *See* P667 (Zoran Petrović-Piroćanac's video footage) at 00:09:58–00:10:00

17538 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 658; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1385–1386.

17539 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 660; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7088. *See* Adjudicated Fact 1731.

17540 KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3533; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6974, 7043; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7088.

17541 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7047–7048; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7088; KDZ480, T. 24223 (7 February 2012) (closed session), T. 24260, 24278 (8 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7871, 7898, 7900 (under seal).

5177. Some of the detainees at the meadow were either singled out, taken away, and did not return, or were mistreated by members of the Bosnian Serb Forces.[17542] No medical treatment was provided for those who had been previously wounded or injured.[17543] Further, during the course of the day, the wounded and injured were taken to a house close to the meadow and later executed.[17544] After a change of guards, the detainees were forced to lie down on their stomachs and put their hands above their necks for long periods of time, and to applaud and say, in unison: "*Long live the king, long live Serbia*".[17545]

5178. Later in the afternoon, the women and children, and about a dozen young boys who appeared to be under age, were allowed to leave onboard buses already full of women and children which had stopped at the Sandići Meadow on their way from Potočari to Bosnian Muslim-held territory.[17546] Members of the Bosnian Serb Forces stopped those who looked old enough to be capable of carrying a weapon from boarding the buses.[17547]

5179. Also in the afternoon, Mladić arrived at the Sandići Meadow with five or six men in uniform and some journalists who took photographs and recorded the conditions there.[17548] Mladić addressed the detainees; he promised they would be safe and exchanged the next day, and informed

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17542 *See* KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7088–7089; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6975–6976, 6980, 7055; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3368; KDZ425, P380 (Transcript from *Prosecutor v. Popović et al.*), T. 3531–3532 (under seal); KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3532; Adjudicated Facts 1733, 1735. *See also* D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. Some members of the Bosnian Serb Forces insulted the detainees and asked them for money. KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1386. The Chamber is satisfied that the individuals who were singled out and taken away were killed. However, these killings are not charged in the Indictment.

17543 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 660.

17544 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1397; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6975; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7088; Adjudicated Fact 1734. These killings are not charged in the Indictment.

17545 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 805; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1393, 1396–1397; P339 (Transcript from *Prosecutor v. Popović*, Case No. IT-05-88), T. 3368. *See* Adjudicated Fact 1731.

17546 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 656, 658–659; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1388, 1393; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6976–6978, 6981. *See* KDZ425, P380 (Transcript from *Prosecutor v. Popović et al.*), T. 3567–3568 (under seal). One child was able to escape the Sandići Meadow when he went to fetch water, by sneaking into one of the buses which had stopped at the meadow and hiding under some bags; the bus departed with him on board. KDZ425, P381 (Transcript from *Prosecutor v. Popović et al.*), T. 3535, 3566–3567.

17547 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 658–659; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6976–6977; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1393.

17548 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 661–662; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6977, 7055; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7089.

them that their families had been transported safely to Tuzla.[17549] The detainees applauded Mladić and he left five to ten minutes later.[17550]

5180. Later in the afternoon, the detainees were transported out of the Sandići Meadow; groups of detainees were put on buses or marched towards the Kravica Warehouse,[17551] while others were put on trucks and buses and taken to Bratunac town.[17552]

(C) Nova Kasaba football field

5181. The Nova Kasaba football field was located next to the Konjević Polje–Milići Road, on the outskirts of Nova Kasaba.[17553] In July 1995, the MP Battalion of the 65th Protection Regiment was stationed at the Nova Kasaba elementary school, located near the football field.[17554]

5182. On 13 July 1995, approximately 300 Bosnian Muslims who had surrendered to, or been captured by, Bosnian Serb Forces and detained at the warehouse located at the Konjević Polje intersection were transported on trucks to the football field.[17555] Approximately ten other Bosnian Muslim men who had been detained at the elementary school after being captured by members of the Bosnian Serb Forces were made to walk to the football field.[17556] Throughout the day, other Bosnian Muslim men from the column who had surrendered or been captured were taken to the Nova Kasaba football field.[17557] The Chamber notes the Accused's claim that, due to the size of the

17549 KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28831; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 662; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6977; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7089–7090; D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 25. *See* Adjudicated Fact 1624.

17550 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7090; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6977.

17551 *See* paras. 5225–5226.

17552 *See* para. 5292.

17553 P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 37, 70.

17554 Mirko Trivić, T. 40556 (27 June 2013); Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2757–2758; D3720 (Witness statement of Petar Salapura dated 17 June 2013), pp. 6–7; P211 (Photograph of Nova Kasaba school).

17555 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2948–2950; KDZ045, T. 22683 (10 January 2012). *See* para. 5168.

17556 KDZ333, T. 24144–24145 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3017–3022. *See* D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), paras. 50–52. Two to three soldiers wearing camouflage uniforms guarded the group as it walked towards the football field. KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3021–3022.

17557 *See* KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2948–2950; KDZ045, T. 22683 (10 January 2012); KDZ333, T. 24144–24145 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3017–3022; P210 (Photograph of football field near Nova Kasaba); P168 (Order of Motorised Protection Regiment, 13 July 1995), p. 1; P4670 (Intercept of conversation between two unidentified persons, 13 July 1995) (indicating that by 2 p.m. more than 1,000 detainees were being held at the field); P5380 (Intercept of conversation between two unidentified persons, 13 July 1995), p. 1 (indicating that by 4 p.m. the number of detainees at the field had risen to 1,500); P6704 (Intercept of conversation between two unidentified persons, 13 July 1995), p. 1 (suggesting that by 5:30 p.m. between 1,500 and 2,000 detainees were present). *See also* P4824 (Summary of intercepted conversation, 13 July 1995); D3918 (Witness statement of Milomir Savčić,

Nova Kasaba football field, there could not have been more than 700 Bosnian Muslim men detained there on 13 July.[17558] Based upon all the evidence before it, the Chamber rejects the Accused's calculation, and is satisfied that between 1,500 and 3,000 Bosnian Muslim men and boys were detained at the football field that day.[17559]

5183. Between 15 to 20 members of the Bosnian Serb Forces awaited the detainees at the football field.[17560] They forced the detainees to forfeit their valuables and belongings at the entrance.[17561] The detainees were guarded by members of the 65th Protection Regiment's MP Battalion, dressed in camouflage uniforms, who were present across the entire field.[17562] As the numbers of detainees at the football field grew, the Bosnian Serb Forces guarding them required reinforcements.[17563] The soldiers pointed their weapons and swore at the detainees, who were sitting in rows.[17564] The detainees were not given food or water.[17565]

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dated 21 July 2013), paras. 50–52; Milomir Savčić, T. 42250–42251 (30 July 2013). The Chamber notes that Egbers testified that Bosnian Muslim men were already detained at the Nova Kasaba football field throughout 12 July 1995. Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2724–2725, 2748–2749. *See also* P5370 (Intercept of conversation between an unidentified General and an unidentified person, 13 July 1995), p. 1.

17558 Defence Final Brief, paras. 2540–2541. *See* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 37. *See also* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 35 (referring to about 800 prisoners on the football pitch in Nova Kasaba on 13 July).

17559 KDZ045, T. 22632 (10 January 2012) (estimating between 2,000 and 2,500 men at the field); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3022 (estimating between 1,500 and 2,000 men); P168 (Order of Motorised Protection Regiment, 13 July 1995), p. 1 (referring to the presence of over 1,000 ABiH members in the area of Kasaba); P4670 (Intercept of conversation between two unidentified persons, 13 July 1995), p. 1 (referring to more than a thousand men at the stadium); P5380 (Intercept of conversation between two unidentified persons, 13 July 1995) (referring to over 1,500 Bosnian Muslim men gathered in the Nova Kasaba stadium on 13 July at 4:02 p.m.); P6704 (Intercept of conversation between two unidentified persons, 13 July 1995) (referring to between 1,500 and 2,000 men), p. 1; Adjudicated Fact 1619 (stating that several thousands Bosnian Muslim men from the column were collected on the Nova Kasaba football field). *See also* Mirko Trivić, T. 40554–40558 (27 June 2013) (testifying that almost the entire field was taken up by a large group of men sitting on 13 July); D3720 (Witness statement of Petar Salapura dated 17 June 2013), p. 7 (referring to a large number of captured men at the stadium); Zvonko Bajagić, T. 41149 (10 July 2013) (testifying that there were a lot of Bosnian Muslim men sitting at the field when he drove by on 13 July).

17560 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2950, 2952. *See* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3022.

17561 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2950. *See also* Adjudicated Fact 1621.

17562 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2952–2953; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3022; Mirko Trivić, T. 40556–40557, 40562 (27 June 2013); Milomir Savčić, T. 42250–42251, 42255 (30 July 2013); P168 (Order of Motorised Protection Regiment, 13 July 1995), p. 1; P5380 (Intercept of conversation between two unidentified persons, 13 July 1995). *See also* D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), paras. 56–57, 59; Milomir Savčić, T. 42278–42279 (31 July 2013); D2204 (Intercept of conversation between Col. Beara and Lučić, 13 July 1995), pp. 1–2; Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2725. *Cf.* D3720 (Witness statement of Petar Salapura dated 17 June 2013), p. 7 (testifying that he did not see a heavy security presence at the football field).

17563 D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), paras. 52–53; Milomir Savčić, T. 42251–42252 (30 July 2013).

17564 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2952, 3008; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3022. *See* Mirko Trivić, T. 40561–40562 (27 June 2013).

17565 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2955. Savčić testified that Malinić called the Milići hospital so that a medical team was sent to the field to provide first aid to those detainees who had been

5184. At 3:10 p.m., a document entitled "Procedure for [the] treatment of war prisoners" was sent under the name of Milomir Savčić, the commander of the 65th Motorised Protection Regiment, to the commander of the regiment's MP Battalion, which was then engaged in the guarding of Bosnian Muslim men detained at Nova Kasaba.[17566] The document conveyed Tolimir's proposals: (i) to prohibit access to the detainees by all "unauthorised" individuals, as well as filming and photographing of such detainees, (ii) to prohibit traffic for all UN vehicles between Zvornik and Vlasenica until further notice, and (iii) for the commander of the MP Battalion to take measures to remove the detainees from the main road and place them "somewhere indoors or in the area protected from sighting from the ground or air".[17567] That evening, Mladić issued an order adopting Tolimir's proposals to restrict access to the area.[17568]

5185. Salapura and Popović were present at the Nova Kasaba football field in the afternoon on 13 July.[17569] Zvonko Bajagić testified that when he drove by the football field that day one of the two men accompanying him took photos of those present; Popović, who was standing in front of the field, told the men they should not take photos and that the camera should be taken or the film exposed to light so that the photos would be lost.[17570]

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wounded, and that, when the medical team arrived, the detainees were given first aid, food, and water. D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 54. However, in light of other credible evidence before it, the Chamber does not accept Savčić's testimony on this point.

17566 P168 (Order of Motorised Protection Regiment, 13 July 1995). The Chamber notes that Savčić testified that he did not recall having forwarded the document containing Tolimir's proposals, but allowed for the possibility that he sent it yet did not recall doing so. D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), paras. 60, 67; Milomir Savčić, T. 42289–42290 (31 July 2013). Savčić also asserted that there were certain irregularities in the form of the document, namely that it was addressed from an IKM of the 65th Motorised Protection Regiment in Borike, which was not a "formal forward command post" of that unit, that the document was not signed, and that Malinić had later told him that he had not received the document. D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), paras. 56–57, 66; Milomir Savčić, T. 42342 (31 July 2013). The Chamber recalls, however, that Danko Gojković, a teleprinter operator from the Rogatica Brigade, testified that when the document was brought to him, he transmitted the document via teleprinter. Danko Gojković, P346 (Transcript from *Prosecutor v. Popović et al.*), T. 10716–10717. Gojković explained that the IKM at Borike lacked a teleprinter and thus could not send such a document directly; instead, documents that needed to be sent by telegram were routed through the teleprinter office at the Rogatica Brigade Command, which was located approximately 18 kilometres away from Borike; confirmation of the sending was then transmitted to the IKM by phone. P248 (Danko Gojković's interview with OTP), pp. 24–25; Danko Gojković, P346 (Transcript from *Prosecutor v. Popović et al.*), T. 10718–10719. The Chamber therefore does not consider Savčić's testimony to raise any doubt regarding the authenticity of P168. *See also* Milomir Savčić, T. 42291 (31 July 2013) (accepting Gojković's testimony about having sent the document via teleprinter); P4671 (Intercept of conversation between two unidentified persons at 2:05 p.m., 13 July 1995) (referring to a telegram that was to be sent to someone at the football pitch).

17567 P168 (Order of Motorised Protection Regiment, 13 July 1995), p. 1. The commander of the MP Battalion was instructed to contact Miletić for additional orders, and to verify that Tolimir's proposals had been approved by Mladić. P168 (Order of Motorised Protection Regiment, 13 July 1995), p. 2.

17568 P4407 (VRS Main Staff Order, 13 July 1995).

17569 D3720 (Witness statement of Petar Salapura dated 17 June 2013), pp. 6–7; Vujadin Popović, T. 43040 (5 November 2013); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 35. *See* P4824 (Summary of intercepted conversation, 13 July 1995).

17570 *See* Zvonko Bajagić, T. 41150–41154 (10 July 2013). *But see* Vujadin Popović, T. 43040–43041 (5 November 2013) (testifying that he did not remember this incident at all).

5186. Also in the afternoon, Mladić arrived at the football field in an olive green APC.[17571] He insulted and cursed the detainees, and told them that there were special units with dogs covering every inch of the forest to ensure that nobody would be able to cross the Nova Kasaba–Konjević Polje Road.[17572] Mladić also told the detainees that they would be given food and water after which "we'll see whether we send you to Krajina, to Fikret Abdić, or [...] to the Batkovići camp."[17573] At that point, a detainee stood up; soldiers first kicked and hit him with rifle butts before shooting and killing him with a pistol.[17574] Mladić witnessed this incident but did not respond in any way.[17575] Soon after, Mladić left the football field in the direction of Konjević Polje.[17576]

5187. After Mladić's departure, the detainees were ordered into trucks and buses, and were transported to either Bratunac town or Kravica in the early evening, under the escort of members of the MP Battalion.[17577] When the detainees tried to pick up their bags from the entrance of the field, they were told that they would not need them any longer.[17578]

5188. A group of about 13 DutchBat officers travelling back from Kladanj after having escorted a convoy of buses from Potočari was blocked at the Nova Kasaba football field on 13 July by members of the 65th Protection Regiment's MP Battalion.[17579] The officers' cars and equipment

17571 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2953–2954; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3024; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 35; Vujadin Popović, T. 43042 (5 November 2013); Adjudicated Fact 1623.

17572 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2953–2954, 2992. *See* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3024; KDZ333, T. 24145 (2 February 2012); Milomir Savčić, T. 42255 (30 July 2013).

17573 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2953–2954. *See* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3024; Milomir Savčić, T. 42255 (30 July 2013). At that point, Malinić ordered some of his men to start making a list with the names of all the detainees at the football field. KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3024–3025; D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 55. Additionally, an intercepted conversation of 13 July 1995 at 11:25 a.m. records that Beara sent four buses, two trucks, and one trailer truck to "Kasaba" for the transportation of the captured Muslims to a camp in the village of Batkovići, where a selection would be made "between the war criminals or just soldiers". D2197 (Intercept of report sent by Ljubo Beara, 13 July 1995). However, the Chamber received evidence that this selection did not occur. *See* Richard Butler, T. 27733 (20 April 2012).

17574 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3024. This killing is not charged in the Indictment.

17575 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3024.

17576 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3025.

17577 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3025–3028, 3049; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2954–2956. *See* Momir Nikolić, T. 24869–24870 (16 February 2012); Radislav Krstić, D4135 (Transcript from *Prosecutor v. Krstić*), T. 6316 (under seal). The Chamber notes that KDZ045 was aboard one of three buses which did not proceed to Bratunac town but instead stopped overnight near a supermarket in Kravica. *See* KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2955–2956.

17578 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2954.

17579 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2756–2757. *But see* D3918 (Witness statement of Milomir Savčić, dated 21 July 2013), para. 50 (testifying that when he spoke with Malinić on 13 July, he was informed that UNPROFOR members had asked for help because they did not consider it safe to return to Potočari, so Savčić ordered Malinić to ensure their safety); Milomir Savčić T. 42263–42270 (30 July 2013) (testifying *inter alia* that the DutchBat officers were stopped near the school, but by other VRS units and not by members of the MP Battalion).

were confiscated and the men were taken to the MP Battalion's headquarters in the school.[17580] At the headquarters, one of the DutchBat officers, Egbers, complained to Malinić about the situation; Malinić said that he would need to contact Beara to arrange a safe return for the officers to Potočari.[17581] The officers spent the night at the school.[17582] On the morning of 14 July, when Beara arrived at the headquarters, Egbers handed him a written complaint and asked him to bring the DutchBat officers to the UN Compound.[17583] Beara left soon after, and Malinić arranged for the officers to return to Potočari on two MP BOVs.[17584]

*iv. Killings*

(A) Jadar River

5189. The Indictment refers to the killing on 13 July 1995 of about 15 Bosnian Muslim men in an isolated area on the bank of the Jadar River.[17585]

5190. The Chamber notes that it took notice of Adjudicated Facts 1689 to 1691 in relation to the killings at the Jadar River, which read as follows:

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17580 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2757–2760.

17581 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2757–2760, 2784–2789, 2799–2800, 2824.

17582 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2766–2767. Egbers testified that while at Nova Kasaba, he saw between 20 and 30 Bosnian Muslim men and boys—a couple of whom were injured—being detained in a small building located on the school grounds, in front of the headquarters. Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2774–2775. Throughout the evening of 13 July, Egbers heard shots in the environs of the headquarters; however, the next morning, he saw that the detainees were still alive. Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2775. Two of the detainees were subsequently taken outside of the building to be used as human shields against Bosnian Muslims firing at the headquarters. Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2775.

17583 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2776, 2778–2779, 2824. The Chamber notes that Beara denied being present in Bratunac and Zvornik on 13 and 14 July 1995, and, as he did during the *Popović et al.* case, maintained that he was in Belgrade during those days. *See* Ljubiša Beara, T. 45803 (22 January 2014). However, in light of the overwhelming evidence before the Chamber establishing Beara's ubiquitous presence in the Zvornik area as set out further below, as well as the fact that such presence bore directly upon Beara's criminal responsibility for the events discussed below as established in the *Popović et al.* case, which was still pending before the Appeals Chamber at the time that Beara testified, the Chamber does not find Beara's testimony regarding his whereabouts on 13 and 14 July credible. Egbers described the man he identified as Beara "as a tall man with grey hair but with an atmosphere of a colonel. He was in a camouflage suit wearing a colonel's ranking". Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2776. The Chamber notes that Egbers's identification of Beara was extensively challenged during cross-examination in the *Popović et al.* case. *See* Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2819–2831. In light of the evidence before the Chamber about the presence of Beara in Bratunac in the morning of 14 July 1995, the Chamber is satisfied that the individual referred to by Egbers was indeed Beara. *See* Srbislav Davidović, T. 24364 (9 February 2012); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9230–9231; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 42, 44.

17584 Vincentius Egbers, P331 (Transcript from *Prosecutor v. Popović et al.*), T. 2778–2780.

17585 Indictment, Scheduled Killing Incident E.1.1. In its Final Brief, the Prosecution argues that the killings at the Jadar River represent the "first known organised and systematic execution of Muslim men from Srebrenica". Prosecution Final Brief, Appendix D, para. 49.

> On the morning of 13 July, 16 Bosnian Muslim men who had been captured from the column were transported by bus from the warehouse in Konjević Polje to the Jadar River bank. Amongst them was a 15 year old boy.[17586]
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> After the men got off the bus they were lined up alongside the river. Four Serb soldiers who had escorted them in the bus opened fire with their automatic rifles.[17587]
>
> One of the Bosnian Muslim men survived as he threw himself into the river after he was hit by a bullet.[17588]

5191. The Chamber admitted the transcript of KDZ065's testimony in the *Krstić* and *Popović et al.* cases pursuant to Rule 92 *bis*. KDZ065 testified that he had been moving with the column of men fleeing Srebrenica and, at approximately 3 a.m. on 13 July 1995, surrendered to policemen wearing "slightly multicoloured" dark blue uniforms in the area of Konjević Polje.[17589] After being deprived of his possessions, KDZ065 was taken to a small shed located in an area in front of the elementary school by KW558.[17590] A "couple" of soldiers wearing camouflage uniforms were at the shed guarding two other Bosnian Muslim men whom KDZ065 knew and who had "traces of blows on them".[17591] At around 7 or 9 a.m., KW558 led the three men to be questioned to another house across a meadow.[17592] At the house, four men wearing military camouflage uniforms were sitting around a table, drinking alcohol.[17593] Two of them questioned KDZ065 and the other detainees.[17594]

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17586 Adjudicated Fact 1689.

17587 Adjudicated Fact 1690.

17588 Adjudicated Fact 1691.

17589 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3240–3243, 3245–3247.

17590 KDZ065 identified this policeman and provided detailed information about him. According to KDZ065, KW558 was wearing a one-piece, dark blue camouflage suit, like other policemen in the area. KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3246–3248, 3250, 3254. *See also* Jean-René Ruez, T. 23731–23732 (26 January 2012; P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 42–43. KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3251–3253 (under seal). However, KW558 denied ever knowing KDZ065 and disputed KDZ065's evidence as it concerned him; KW558, D3763 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6519, 6533–6534 (under seal); KW558, T. 40740, 40773–40775, 40782 (3 July 2013); KW558, T. 40740–40746 (3 July 2013) (private session); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6528, 6542–6543, 6547. *See also* D3772 (Witness statement of Mirko Perić dated 1 July 2013) (under seal), para. 22.

17591 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3250, 3254. *See also* KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3252 (under seal).

17592 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3254–3255. KDZ065 identified the house from a photograph he was shown in court. KDZ065, P336 (Transcript from *Prosecutor v. Popović et al.*), T. 3221; P243 (Photograph of houses near Jadar River).

17593 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3255, 3257, 3259. KDZ065 did not see any insignia on the men's uniforms, because their sleeves were rolled up. KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3289.

17594 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3257–3260. During the questioning, KDZ065 and the two other Bosnian Muslim men were given some food, water, and alcohol. KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3257–3258, 3262.

5192. After a "short while", the detainees were taken by KW558 to the communications house of the 6th Company of the Zvornik PJP and put in a room.[17595] A 14–15 year old boy was also brought to the room, questioned, and given some food.[17596] After "a certain amount of time had passed", Rešid Sinanović, Hasan Salihović—a policeman in Srebrenica—, and a third man, were also brought to the room.[17597] A Bosnian Serb man wearing civilian clothes named Mirko[17598] then arrived and said that four of the detainees—including KDZ065 and the boy—should be taken away, while Sinanović and Salihović should stay.[17599]

5193. After leaving the communications house, Mirko took the three Bosnian Muslim men and the boy to a warehouse situated on the banks of the Jadar River, at the cross-roads of Konjević Polje and the bridge leading to Nova Kasaba, which had been an "agricultural chemist" before the war.[17600] Upon arriving at the warehouse, KDZ065 saw yet another Bosnian Serb policeman he knew, Nenad Deronjić, who was with four "colleagues" wearing "military camouflage"

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17595 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3258, 3262–3263; KDZ065, P336 (Transcript from *Prosecutor v. Popović et al.*), T. 3221; P226 (Photograph of a house near Jadar River). While KDZ065 referred to this, the third building he was taken to, as an "empty house", in light of the totality of the evidence before it, the Chamber finds that this building was the communications house of the 6th Company of the Zvornik PJP. *See* KW558, T. 40747 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6524–6527, 6542; D3766 (Photograph of a house); D3767 (Photograph of a house); D3768 (Photograph of houses along a road); D3771 (Photograph of a building); D3765 (Diagram drawn by KW558) (under seal). *See also* para. 5199 where the Chamber discusses in detail the inconsistent evidence admitted in this case in relation to the events at the communications house.

17596 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3263. *See also* Adjudicated Fact 1689. *But see* KW558, D37643 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6534–6535 (under seal).

17597 KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3266 (under seal); KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3263–3264; KDZ065, P335 (Transcript from *Prosecutor v. Popović et al.*), T. 3191; KDZ065, P336 (Transcript from *Prosecutor v. Popović et al.*), T. 3215 (under seal). *See also* D3852 (Witness statement of Mirko Perić dated 1 July 2013), para. 19.

17598 KDZ065 provided detailed information identifying the man referred to as "Mirko". KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3265–3266 (under seal); KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3269. *Cf.* D3852 (Witness statement of Mirko Perić dated 1 July 2013), paras. 13, 26–27 (where Perić confirmed that he had been a policeman in Bratunac and acknowledged his presence in Konjević Polje on 13 July 1995, but denied wearing civilian clothes, adding that he was wearing a blue camouflage police uniform that day).

17599 KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3266–3267 (under seal).

17600 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3264, 3268–3269; KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3265–3268 (under seal); KDZ065, P336 (Transcript from *Prosecutor v. Popović et al.*), T. 3217–3221; P266 (Photograph of Konjević Polje marked by KDZ065). *See also* Jean-René Ruez, T. 23751 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 81. The Chamber notes that Perić denied escorting any detainees to a warehouse in Konjević Polje on 13 July, adding that the only detainee he escorted on that day was Sinanović who he brought to the communications house, after which he returned to the check-point. D3852 (Witness statement of Mirko Perić dated 1 July 2013), paras. 20, 27–28, 30. *See also* Mirko Perić, T. 40793 (3 July 2013). Perić added that he was not aware of the existence of a warehouse; however, upon being presented with two photographs of Konjević Polje, one of which was marked by KDZ065 identifying the warehouse, Perić acknowledged the existence of the building marked by KDZ065 but stated that he had never been inside; Mirko Perić, T. 40796–40802 (3 July 2013); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 81; P266 (Photograph of Konjević Polje marked by KDZ065). The Chamber received evidence of the detention of other Bosnian Muslim men at the warehouse in the evening on 13 July. *See* para. 5168.

uniforms.[17601] The three men and the boy were taken to a room where 12 other Bosnian Muslim men were being kept in their underpants.[17602] The "soldiers", who were carrying automatic weapons, started shouting at the three men and the boy to take their clothes off, which they did; thereafter the men and the boy were lined up against a wall and beaten with "all kinds of things".[17603] A man aged approximately 18 to 20 wearing short blue pants with a belt and a leather holster containing a pistol arrived and asked Nenad Deronjić why he had made the men remove their clothes since they were to be exchanged.[17604] Deronjić rejected the prospect of an exchange, saying that he would "kill them all"; the man in short pants said that if anyone was going to kill them, it would be him.[17605] Later, a thin man with a moustache named "Brko" arrived and told the three men and the boy to put their clothes back on; they were then beaten again.[17606]

5194. Some time before noon,[17607] KDZ065 and the 15 other detainees—including the boy—were put on a bus, and ordered not to sit down.[17608] Four of the uniformed men who had beaten the detainees in the warehouse, including Nenad Deronjić and Brko, were on the bus and carried automatic weapons.[17609] The bus then drove towards Zvornik and travelled for about two kilometres before stopping again at the side of the road.[17610]

5195. The detainees got off the bus and were initially lined up against a fence; then, on Brko's instructions, were led downhill on a path for 15 to 20 metres and lined up alongside the Jadar

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17601 KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3267–3268 (under seal); KDZ065, P335 (Transcript from *Prosecutor v. Popović et al.*), T. 3249–3250 (under seal).

17602 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3269.

17603 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3269–3270, 3272–3274. Mirko started beating KDZ065 when he saw KDZ065 shaking with fear. KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3269.

17604 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3270, 3286.

17605 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3270.

17606 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3270–3271, 3276.

17607 *See* KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3286–3287 (stating that "it all happened before noon"); KDZ065, P336 (Transcript from *Prosecutor v. Popović et al.*), T. 3277 (stating that events took place "sometime around noon").

17608 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3272, 3275. *But see* D3852 (Witness statement of Mirko Perić dated 1 July 2013), para. 31; KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3535. *See also* Mirko Perić, T. 40795–40796 (3 July 2013).

17609 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3272, 3274, 3276. *See also* Momir Nikolić, T. 24665–24666 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. The Chamber notes that KDZ065 identified Nenad Deronjić as part of the "execution squad". KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3287 (under seal); KDZ065, P335 (Transcript from *Prosecutor v. Popović et al.*), T. 3215 (under seal). *But see* Nenad Deronjić, T. 40718–40719 (2 July 2013) (private session); Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8191–8193 (where Deronjić denied being in Konjević Polje on 13 July, having participated in "any atrocities", and being acquainted with KDZ065).

17610 Jean-René Ruez, T. 23751–23753 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 81–82; P4283 (Photograph of Zvornik–Konjević Polje road marked by Jean-René Ruez). *See also* KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3272, 3275.

River.[17611] Brko then ordered the men to get into the river bed.[17612] KDZ065 was positioned third from the left; he recalled waiting for his life to end in silence for approximately 30 seconds while images of his children appeared in his mind.[17613] When the man next to KDZ065 was shot, KDZ065 saw the bullet come through the man's shirt and hit KDZ065 on his left hip.[17614] He threw himself facedown into the river and held his breath for as long as he could.[17615] When KDZ065 raised his head to take a breath, one of the members of the Bosnian Serb Forces noticed and began firing at him; KDZ065 felt the bullets whizzing around his head.[17616] KDZ065 ducked under the water again and pulled himself to the centre of the river but the leather jacket he was wearing puffed up.[17617] The current began to carry him down the river, and when he hit his head on a rock, he turned onto his back.[17618] The members of the Bosnian Serb Forces fired again at KDZ065 who spread out his arms and let the current carry him, until structures began to shelter him from the soldiers' fire.[17619]

5196. Later, KDZ065 took hold of a rock, got out of the river, and dressed the wound on his left side with torn-up bits of his shirt.[17620] He was bleeding heavily, but was able to walk, so he continued through meadows, woods, and villages.[17621] KDZ065 came across ten men coming from Srebrenica and continued with them; at some point, they joined the column of Bosnian Muslim men proceeding in the direction of Nezuk.[17622]

5197. The Chamber notes that the evidence surrounding the events at the communications house, as well as KDZ065's identification of Nenad Deronjić as one of the perpetrators of the killings at the Jadar River, have been highly contested in this case.

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17611 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3275–3276. *See also* Adjudicated Fact 1690; Jean-René Ruez, T. 23752–23753 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 83–84; P4284 (Photograph of Zvornik-Konjević Polje road marked by Jean-René Ruez).

17612 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3276.

17613 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3276–3277.

17614 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3277. KDZ065 was hit on the left side from behind, and the bullet passed by the bone, cutting through some tendons. KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3280. *See also* Adjudicated Fact 1691.

17615 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3277. *See also* Adjudicated Fact 1691.

17616 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3277.

17617 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3277.

17618 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3277.

17619 KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3277–3278.

17620 KDZ065 explained that the exit wound from the bullet was very large and he could see his ligaments through it. KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3278, 3280. KDZ065 was shown a photograph depicting a scar on his body and explained that the scar resulted from the shooting; he then marked the entry and exit wounds. KDZ065, P336 (Transcript from *Prosecutor v. Popović et al.*), T. 3222–3223; P261 (Photograph of KDZ065's wound marked by KDZ065).

17621 KDZ065 testified that the bullet had cut through some tendons so he could not walk properly, but he did not have any broken bones. KDZ065, P336 (Transcript from *Prosecutor v. Krstić*), T. 3277–3278, 3280.

5198. The Prosecution asserts that "[a] significant body of reliable evidence corroborates KDZ065's evidence".[17623] On the other hand, the Accused argues that the evidence on the Jadar River killings comes from only one witness, namely KDZ065, whose testimony was admitted pursuant to Rule 92 *bis*, and alleges that untested evidence, in and of itself, cannot lead to a conviction.[17624] Additionally, the Accused claims that KDZ065's evidence is unsupported by any physical or forensic evidence and is contradicted by the testimony of the three persons who KDZ065 named as being involved in those events.[17625]

5199. As regards the events at the communications house, the Chamber notes first that, contrary to KDZ065's evidence, KW558 testified that he was at the communications house on 13 July when Mirko Perić and Duško Nesković—a police officer from Bratunac—arrived with Sinanović and Salihović;[17626] Sinanović and Salihović stayed at the house for about an hour, until taken away by Momir Nikolić and "another man"—both of whom were wearing dark green military uniforms—in the direction of Bratunac.[17627] KW558 could not remember whether any other Bosnian Muslim men were brought to, or kept in, the communications house on that day.[17628] Nenad Deronjić testified that he heard from KW558 that KW558 was in Konjević Polje with Salihović, and that he gave Salihović some food and cigarettes until someone came and took Salihović away.[17629] Perić testified that, after capturing Sinanović near the Konjević Polje check-point, he brought him to the communications house where he met KW558,[17630] who instructed Perić to leave Sinanović in a

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17622 KDZ065, P336 (Transcript from *Prosecutor v. Popović et al.*), T. 3277–3278. *See* para. 5165.

17623 Prosecution Final Brief, Appendix D, para. 51.

17624 Defence Final Brief, para. 2494.

17625 Defence Final Brief, para. 2495.

17626 KW558 explained that Salihović was a former colleague "who used to work in Srebrenica" and that, while he did not know Sinanović personally, he was introduced by Perić as Perić's superior at the Bratunac SJB before the war; KW558, T. 40746–40747, 40755–40757 (3 July 2013); KW558, D3763 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6528–6529 (under seal); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6529, 6548, 6551, 6554. According to KW558, Sinanović and Salihović looked terribly frightened, so KW558 told them to relax and not to be afraid; the men were then offered breakfast and cigarettes but only Salihović accepted any of it. KW558, T. 40747–40748 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6529–6530, 6548.

17627 KW558, T. 40758–40759 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6530–6532, 6549–6551, 6554. KW558 asserted that he never dreamed that Sinanović and Salihović would be killed and was certain at the time that they would be exchanged. KW558, T. 40758 (3 July 2013).

17628 KW558, 40749–40751 (3 July 2013) (private session), T. 40752 (3 July 2013).

17629 Nenad Deronjić, D3759 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8220–8221 (under seal). Deronjić also confirmed that he graduated with Salihović from the police academy, got their first jobs together at Gradačac, and later worked together in Srebrenica. Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8177, 8219. *See also* KW558, T. 40746–40747 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6536.

17630 D3852 (Witness statement of Mirko Perić dated 1 July 2013), paras. 19–20. Perić testified that he did not escort any other detainees that day other than Sinanović and confirmed that he alone had transported Sinanović to the communications house; he further denied knowing who Duško Nesković was. D3852 (Witness statement of Mirko Perić dated 1 July 2013), para. 28; Mirko Perić, T. 40789–40790, 40797 (3 July 2013).

room, where he saw two other individuals being held.[17631] According to Perić, he then returned to the check-point where he later met with Momir Nikolić and told him where he had earlier taken Sinanović.[17632] KW582 also stated that, while in Konjević Polje on 13 July, Momir Nikolić told him that he had taken "someone who had worked in the MUP earlier on" from Konjević Polje to Bratunac; KW582 understood this person to be Sinanović though he never saw Nikolić with Sinanović.[17633] Momir Nikolić confirmed that while at Konjević Polje on 13 July, he was informed by members of the police that Sinanović had been captured, so he brought Sinanović to Bratunac to be interrogated by Zlatan Čelanović.[17634] Čelanović—who worked as a "desk officer" in the Bratunac Brigade in July 1995—confirmed that Momir Nikolić brought Sinanović to his office on 13 July to be interrogated; Sinanović was questioned for about an hour and was then transferred to the Vuk Karadžić School in Bratunac, together with other Bosnian Muslim detainees.[17635] Srbislav Davidović testified that after being informed on 13 July that Sinanović was in custody at Čelanović's office, as a suspected war criminal, he requested to see Sinanović with whom he met for about an hour.[17636] After the meeting took place, Čelanović informed Davidović that Sinanović would be transferred to the Vuk Karadžić School in the afternoon.[17637]

5200. The Chamber finds that Deronjić, Perić, and KW558 were contradicted with respect to various portions of their evidence which was also marked by evasiveness and a lack of forthrightness. The Chamber further notes that KW558 and Perić contradicted each other as to the events which took place in the communications house. Consequently, the Chamber finds that the evidence of these three witnesses is not reliable, and does not undermine the evidence of KDZ065. Thus, while the evidence provided by the various witnesses who were present at the communications house is not fully consistent, the Chamber is satisfied with KDZ065's recollection

17631 Perić clarified that when taking Sinanović to the room inside the communications house he saw two other individuals; however, since he did not enter the room, he did not know their identity; D3852 (Witness statement of Mirko Perić dated 1 July 2013), paras. 19–20; Mirko Perić, T. 40790 (private session), 40792–40793 (3 July 2013).

17632 D3852 (Witness statement of Mirko Perić dated 1 July 2013), para. 21.

17633 KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3543–3544.

17634 Momir Nikolić, T. 24657–24658 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. *See also* para. 5171. Momir Nikolić explained that, after the interrogation, Čelanović determined Sinanović was not a war criminal; Sinanović was then transported to the Vuk Karadžić School with other Bosnian Muslims who had previously been detained. Momir Nikolić, T. 24658–24659 (14 February 2012).

17635 Zlatan Čelanović, P377 (Transcript from *Prosecutor v Popović et al.*), T. 6626, 6630–6637, 6645–6647, 6657–6658, 6671–6673, 6684, 6697; P171 (Bratunac Brigade interrogation notes, 13 July 1995). The Chamber notes that Čelanović referred to the school as the "Branko Radičević School" but stated that he was unsure of its name; Zlatan Čelanović, P377 (Transcript from *Prosecutor v Popović et al.*), T. 6638–6639, 6690.

17636 Davidović explained that Sinanović was a very good friend, as they had worked together at the Bratunac SJB, and had previously tried to help Sinanović and his family to leave Bratunac. Srbislav Davidović, T. 24387–24388 (9 February 2012); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9219, 9222–9226, 9248–9249.

17637 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9226.

of the events that took place there, particularly in light of his evidence concerning the presence of Sinanović and Salihović, which was corroborated by the other witnesses whose evidence was discussed in the previous paragraph.[17638]

5201. Next, as regards KDZ065's identification of Nenad Deronjić as one of the perpetrators of the killings at the Jadar River, Deronjić testified that despite being deployed with colleagues from the Bratunac SJB at the check-point in Konjević Polje on 11 July 1995, he left the check-point on 12 July for Srebrenica as part of the 2nd Company of the Zvornik PJP, where he stayed for seven or eight days.[17639] The Chamber received evidence as to the whereabouts of Deronjić in July 1995, aimed at proving that he was only deployed to Srebrenica on 21 July and that until then he was deployed with the 2nd Company of the Zvornik PJP, which was engaged in combat activities in the area of Konjević Polje from 12 to 20 July.[17640] However, Deronjić reiterated that he never moved

17638 *See* paras. 5192, 5199. In relation to Sinanović's whereabouts after 13 July 1995, the Chamber received evidence that, in the morning of 14 July, Sinanović was transferred from the Vuk Karadžić School to Zvornik, as part of the convoy of detainees who had been held in various locations within Bratunac the night before. Momir Nikolić, T. 24659–24660 (14 February 2012). *See* paras. 5313, 5316. On 15 July, Sinanović was found wounded, and taken to the sanatorium in Banja Koviljača and, subsequently, to the Loznica Hospital, after having survived—and escaped from—a mass execution near Kozluk. P4393 (Witness statement of Robert Block dated 14 February 2012), paras. 37–41; P4402 (15th Border Battalion report, 16 July 1995); P4403 (VJ General Staff report, 16 July 1995), p. 2; P246 (Letter including medical register from Banja Koviljača, 5 March 2003); P4401 (Article from The Independent entitled "River Killings' Shed Light on Scale of Horror after the Fall of Srebrenica", 25 July 1995). *See also* Richard Butler, T. 27876 (23 April 2012); Robert Block, T. 24920, 24934–24936 (21 February 2012). According to Momir Nikolić, a doctor from the Loznica Hospital recognised Sinanović and informed the Bratunac SJB of his whereabouts, which in turn informed the police in Zvornik; members of the civilian police in Zvornik then took Sinanović from the hospital. Momir Nikolić, T. 24660 (14 February 2012). The Chamber also received evidence that on 15 July, the Zvornik Brigade was informed of Sinanović's whereabouts. P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 72. While the Chamber received no evidence as to what happened to Sinanović after he was removed from the Loznica Hospital, his remains were identified from remains found in the Čančari Road 4 gravesite, which was linked to the Branjevo Military Farm primary gravesite. P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court p. 203 (under seal); P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010). *See* paras. 5458, 5461.

17639 Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8179–8187; D3761 (Excerpt from Srebrenica SJB logbook); P4935 (Report of Zvornik CJB, 12 July 1995); P6431 (Excerpt from Srebrenica SJB work schedule logbook, 12 and 13 July 1995), e-court p. 4 (which may suggest that Deronjić was in Srebrenica on 13 July 1995 but whose original version appears to have been altered). *See also* Nenad Deronjić, T. 40710–40713, 40728–40729 (2 July 2013); Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8182–8184, 8194–8199. Deronjić explained that, upon arriving in Srebrenica on 12 July, he worked on setting up the new SJB, and was deployed at the check-point in the direction of Zeleni Jadar and the check-point near Domavija; occasionally, he also patrolled the town. *See* Nenad Deronjić, T. 40698, 40704 (2 July 2013); D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8186–8191; para. 226. *See also* Nenad Deronjić, T. 40694 (2 July 2013); Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8204–8205.

17640 KDZ065, P335 (Transcript from *Prosecutor v. Krstić*), T. 3287 (under seal); KDZ065, P335 (Transcript from *Prosecutor v. Popović et al.*), T. 3215–3216, 3267–3268, 3272–3273 (under seal); Momir Nikolić, T. 24665–24666 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9; P5136 (Bulletin of daily events of Zvornik CJB, 13-14 July 1995); P6432 (5th Engineering Battalion combat report, 12 July 1995); P247 (5th Engineering Battalion combat report, 14 July 1995), pp. 1–2; P6427 (Order of Zvornik CJB, 15 July 1995); P6428 (Srebrenica SJB dispatch to Zvornik CJB, 16 July 1995); P6429 (Order of Zvornik CJB, 18 July 1995). *See also* P6430 (Decision of RS MUP, 18 June 1996); D3761 (Excerpt from Srebrenica SJB logbook).

from the centre of Srebrenica during the nine days he was deployed there.[17641] KW558 corroborated Deronjić's testimony by stating that, while Deronjić was "occasionally" in Konjević Polje in early July 1995, he had left for Srebrenica by 13 July.[17642] Perić also testified that he never saw Deronjić at the check-point in Konjević Polje during the three or four days he was deployed there around 13 July.[17643] Similarly, KW582 testified that he did not remember seeing Deronjić on 13 July while at the Konjević Polje intersection.[17644] Contrary to the evidence described in this paragraph, Momir Nikolić testified to having seen both Nenad Deronjić and Mirko Perić at the intersection on 13 July 1995.[17645]

5202. The Accused claims that the evidence of KDZ065 and Momir Nikolić to having seen Nenad Deronjić in Konjević Polje on 13 July has been contradicted by the evidence of Deronjić himself, plus that of Perić, KW558, and KW582, as well as by D3761.[17646] On the other hand, the Prosecution claims that Deronjić is not a credible witness and has been contradicted by a number of documents, including D3761, which show that members of Deronjić's unit were on combat duty on 13 July in Konjević Polje, and that Deronjić himself was on duty that day.[17647] Furthermore, according to the Prosecution, none of the evidence presented by KW558, KW582 or Perić contradicts or undermines KDZ065's identification of Deronjić first, because they simply did not see Deronjić on 13 July, and second, because none of them testified to being present at the locations where KDZ065 saw Deronjić.[17648]

5203. The Chamber has already found that the evidence of Deronjić, Perić, and KW558 regarding the events at the communications house cannot be relied upon. The Chamber considers that the

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17641 Nenad Deronjić, T. 40700–40713 (2 July 2013); Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8207–8213, 8223, 8228–8229. *See also* D3115 (witness statement of Branimir Tešić dated 9 March 2013), para. 41.

17642 KW558, T. 40759, 40768–40769 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6536, 6553. According to KW558, on 11 or 12 July 1995, an order arrived from the Zvornik CJB whereby all policemen who had worked in Srebrenica before the war were ordered to return there, to set up a new police station; KW558 assumed that Deronjić followed the order and left Konjević Polje on 11 or 12 July, given that the police station in Srebrenica was established in the afternoon of 12 July. KW558, T. 40759–40761 (3 July 2013); KW558, D3764 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 6536–6538, 6552–6554. *See also* KW558, T. 40760–40763, 40767–40770 (3 July 2013).

17643 Mirko Perić, T. 40788–40789 (3 July 2013); D3852 (Witness statement of Mirko Perić dated 1 July 2013), paras. 22, 29. *But see* Nenad Deronjić, T. 40701–40702 (2 July 2013) (claiming to have seen Perić in Konjević Polje on 11–12 July). *See also* Nenad Deronjić, D3760 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 8218–8219.

17644 KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3534–3535.

17645 Momir Nikolić, T. 24665–24666 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. The Chamber notes the Accused's claim that this corroboration by Momir Nikolić is yet another instance of Nikolić's intentional effort to corroborate the Prosecution's case as a whole, regardless of its accuracy. Defence Final Brief, para. 2496.

17646 Defence Final Brief, para. 2496.

17647 Prosecution Final Brief, Appendix D, para. 52.

17648 Prosecution Final Brief, Appendix D, para. 52.

same logic also applies to their evidence on the presence of Deronjić at Konjević Polje on 13 July and as such, their evidence has not undermined or successfully challenged that of KDZ065. While the Chamber found that KW582's testimony was sufficiently reliable and probative for the purpose of admission under Rule 92 *quater*,[17649] it also finds that the portions thereof which are relevant to this particular issue have not successfully challenged the evidence of KDZ065.

5204. In considering the evidence of KDZ065 on its own, the Chamber notes that KDZ065 first identified Deronjić as one of the perpetrators of the killings at the Jadar River in his 1999 statement, although he had not done so in his earlier statements.[17650] While the Chamber does not find KDZ065's explanations regarding this omission wholly satisfactory, it considers that it neither affects his credibility, nor renders his testimony unreliable as a whole. More specifically, the Chamber accepts KDZ065's identification of Deronjić as one of the perpetrators of the killings. As stated above, KDZ065's evidence that he saw Sinanović and Salihović at the communications house was confirmed by various other witnesses.[17651] Furthermore, the Chamber has heard evidence as to the presence of Bosnian Serb Forces at the Konjević Polje intersection on 13 July, which is consistent with KDZ065's story.[17652] The Chamber has also found no indicia within KDZ065's evidence that would indicate that he falsely identified and incriminated Deronjić. Thus, despite the contradictory evidence received by the Chamber discussed in paragraph 5200 above, and in particular in light of Momir Nikolić's corroboration of KDZ065's identification of Deronjić, the Chamber finds that Nenad Deronjić was present at the Konjević Polje intersection on 13 July 1995, and participated in the killings at the Jadar River.

5205. For the reasons set out above, the Chamber finds that on 13 July 1995, members of the Bosnian Serb Forces—including at least one member of the Bratunac SJB, Nenad Deronjić—executed 15 Bosnian Muslim men in an isolated area on the bank of the Jadar River. The Chamber further finds that a 14 or 15-year old boy was among the 15 Bosnian Muslim males killed.

### (B) Cerska Valley

#### (1) Introduction

5206. The Indictment refers to the killing and subsequent burial on 13 July 1995 of approximately 150 Bosnian Muslim men in an area along a dirt road in the Cerska Valley about three kilometres

17649 *See* Decision on Accused's Motion to Admit Testimony of Witness KW582 pursuant to Rule 92 *quater*, 3 February 2014, paras. 13–15.

17650 KDZ065, P335 (Transcript from *Prosecutor v. Popović et al.*), T. 3215–3216; 3251–3255, 3268–3272 (under seal).

17651 *See* para. 5201.

from Konjević Polje.[17653] In its pre-trial brief, the Prosecution clarified its position that this execution did not take place on 13 July but at some point between 13 and 17 July 1995.[17654] In its final brief, however, the Prosecution asserts that the execution took place on or around 17 July.[17655]

(2) KDZ066

5207. The Chamber admitted the transcript of KDZ066's testimony in the *Krstić* case pursuant to Rule 92 *bis*. KDZ066 testified that on 13 July 1995, he and eight others fleeing from Srebrenica were on a hill between the villages of Krke and Jelah, around 500 metres from the Konjević Polje–Nova Kasaba Road.[17656] Around 2 p.m., while looking towards the Cerska Valley,[17657] KDZ066 saw buses—which he and the others assumed were carrying women and children—going from Konjević Polje in the direction of Nova Kasaba.[17658] KDZ066 then saw another three buses[17659]—which he again assumed were full of people[17660]—leaving Konjević Polje, which turned right off the asphalt road towards Kamenica, crossed a bridge across the Jadar River, and moved uphill in the direction of Cerska.[17661] The buses were followed by an APC "and two other trek vehicles".[17662] One of the vehicles was green and was carrying soldiers in camouflage uniforms.[17663] At some point, all the vehicles turned around a curve into the woods and KDZ066 lost sight of them.[17664]

5208. According to KDZ066, 5 to 15 minutes later, a yellow excavator, with a bucket or a shovel, drove in the same direction.[17665] At the same time, shooting began first with small arms fire, but

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17652 *See* para. 5167.

17653 Indictment, Scheduled Killing Incident E.2.1.

17654 Prosecution Pre-trial Brief, para. 241.

17655 Prosecution Final Brief, Appendix D, para. 145.

17656 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2735–2737, 2741–2743. KDZ066 explained that he made his way to the Dolina hill because he was familiar with the area from before the war. KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2736, 2741–2743.

17657 From the hill, KDZ066 "had a very good view" of the area of Konjević Polje and Nova Kasaba, the road leading to Nova Kasaba, and the field beyond the road. KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2741–2742.

17658 KDZ066 assumed that people were being transported from Potočari. KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737, 2785–2787.

17659 KDZ066 explained that he could not tell what kind of buses they were, or "what company [they] belonged to. There were some letters but I couldn't make them out. I was on the hill, I was far away from the buses". *See* KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2740.

17660 KDZ066 testified that he could not see whether the buses were full of people, but "assumed" that they were. KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2774, 2780.

17661 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737–2738, 2772–2773.

17662 *See* KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737.

17663 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2738–2739.

17664 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737, 2739–2740.

17665 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737, 2740.

the intensity then increased as machine gun fire echoed along the valley.[17666] KDZ066 described the scene as: "very loud [...] there was a lot of noise, very heavy shell fire could be heard".[17667] The shooting lasted 15 to 30 minutes.[17668] When it stopped, the buses—which according to KDZ066 were now empty—drove back followed by the APC, and took the same road in the direction of Konjević Polje.[17669] The excavator drove back along the same road roughly 30 minutes later.[17670]

5209. KDZ066 testified that he remained in the area in and around Cerska until September 1995.[17671] Some time in September, KDZ066 and some individuals he had encountered decided to try to find the site of the shooting on 13 July, by following the road that goes from Cerska to the Konjević Polje intersection.[17672] The group eventually found the gravesite on the left side of the road, "with freshly dug earth over it".[17673] Its crater was approximately 25 steps long and 10 steps wide.[17674] KDZ066 could tell it was the grave by the stench.[17675] Across the road from the gravesite, on the right side of the road, KDZ066 saw the place where the excavator had dug up the earth, as well as traces of the excavator's wheels,[17676] but did not see any bones or bodies.[17677]

5210. The Chamber also heard from Jean-René Ruez that the Cerska gravesite was discovered in 1996 using, among others, on information provided by KDZ066.[17678] Having found the area, Ruez

17666 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737, 2739, 2741.

17667 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2781.

17668 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2739, 2781.

17669 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2739, 2780–2781, 2787.

17670 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2739, 2780.

17671 The Chamber notes that the timeline at this point in KDZ066's evidence is not very clear, but it appears that KDZ066 spent more than four months in the area in and around Cerska, moving through various locations and villages, before crossing into Bosnian Muslim-held territory around mid-November. *See* KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2743, 2748–2750, 2759, 2774–2777, 2788.

17672 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2751–2752.

17673 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2752–2753, 2777.

17674 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2753. KDZ066 was asked to point at the approximate location of the mass grave on a sketch map, and he pointed to the rectangle just below and to the right of Cerska. KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2753; P203 (Map showing mass grave site in Cerska). KDZ066 then identified the location of the mass grave on a series of photo stills put to him. KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2757–2759; P222 (Photographs of a site in Cerska); P209 (Photograph of a mass grave in Cerska Valley).

17675 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2754, 2777.

17676 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2753–2754, 2777.

17677 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2778–2779.

17678 Ruez explained that while visiting the area with his team in 1996 and driving along the valley—and filming the entire journey—based on the information provided by KDZ066, they could not find the gravesite; upon his return, Ruez showed the video to a second eye-witness who was then able to point Ruez and his team to a specific area; it was only during a second trip that Ruez and his team followed the exact location provided by the second eye-witness, probed it, and found the gravesite. Jean-René Ruez, T. 23743–23744, 23746–23749 (27 January 2012). Ruez explained that the second witness told him that when he was crossing barefoot the area during the night on 13 July, he walked on "sticky material that he identified as being a pool of blood" and continued his way towards the top of the valley. Jean-René Ruez, T. 23740–23741 (27 January 2012), T. 23996 (1 February 2012). *See also* P4311 (William Haglund's expert report, entitled "Forensic Investigation of the

used two aerial images from 5 and 27 July 1995 to demonstrate the disturbance at the left side of the road where the bodies had been dumped, as well as the disturbance at the right side of the road where the excavator took the soil to cover the bodies.[17679]

5211. For reasons explained in detail in the following paragraphs, the Chamber finds KDZ066's account of events problematic, casting serious doubts as to his credibility, and is thus not satisfied with the reliability of large portions of his evidence.

5212. First, during his testimony in the *Krstić* case, KDZ066 testified that the killings in the Cerska Valley took place on 13 July 1995.[17680] KDZ066 was unequivocal in this assertion despite the fact that prior to that testimony, he had given two statements where he first claimed that the killings at the Cerska Valley took place on 22 July, and then contended that they occurred on 14 July.[17681] As stated above, KDZ066 testified that, while on a hill, he saw buses which he and the others "assumed" were carrying women and children going from Konjević Polje in the direction of Nova Kasaba and towards the "free territory".[17682] Considering that women and children were indeed being bussed from Potočari on that date,[17683] KDZ066's assumption would lend support to his claim that the events he described took place on 13 July 1995.

5213. Throughout the proceedings, however, the Accused challenged the date provided by KDZ066 as being the date of the killings at the Cerska Valley.[17684] While Ruez corroborated KDZ066's evidence regarding the date, the Chamber notes that his assertion was solely based upon KDZ066's account of events.[17685] However, both Dušan Janc and Richard Butler conceded that

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Cerska Grave Site – Volume I", 15 June 1998), e-court pp. 8, 11 (explaining that, while a preliminary reconnaissance of the Cerska area was conducted in April 1996, the Cerska gravesite was only located by Tribunal investigators, led by Ruez, in a subsequent investigation conducted on 29 May 1996).

17679 Jean-René Ruez, T. 23748–23749 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 68. *See also* P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), p. 3.

17680 *See* KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737 (stating that "on the 13th of July, it was a Thursday, I remember very well. It was about 2.00 in the afternoon [...].") The Chamber notes that 13 July 1995 was indeed a Thursday.

17681 The Chamber notes that KDZ066 gave a first statement to the BiH Ministry of the Interior on 22 November 1995—only a few days after he claimed to have reached Bosnian Muslim-held territory—and that he also gave a second one to a Prosecution investigator a few months later, namely on 17 January 1996. KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2772–2774. The Chamber further notes that KDZ066 failed to explain to the *Krstić* Trial Chamber why he had provided inconsistent dates on these three occasions. *See* KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2772–2774, 2787–2788.

17682 *See* para. 5207.

17683 *See* para. 5102.

17684 *See* T. 23996 (1 February 2012); T. 27043 (28 March 2012); T. 27804–27805 (20 April 2012).

17685 *See* Jean-René Ruez, at T. 23996 (1 February 2012) where he was asked by the Accused whether it was possible that the killings at Cerska occurred on 14 July, to which Ruez replied: "No. From the interview of the witness who was above the hill [...] when he saw the three buses escorted by one APCs in front of and one at the back of this little convoy, and then later saw the excavator entering the valley. This was on 13. [...] So this execution took place on 13 July". *See also* Jean-René Ruez, T. 23741 (27 January 2012).

establishing the exact date of the Cerska Valley killings was problematic.[17686] Further, Richard Haglund also noted that two of the victims buried in the Cerska gravesite were last seen alive after July.[17687] As stated above, even the Prosecution has now acknowledged that the killings at the Cerska Valley did not take place on 13 July but on or around 17 July.[17688] More importantly, and as discussed in detail below, the Chamber has received additional evidence which shows that a number of victims found in the Cerska gravesite were last seen alive on various dates on or after 13 July, including as late as August 1995.[17689] Thus, while the Chamber takes no issue with a witness making a mistake as to the specific date of an event, KDZ066's description of witnessing the transportation of the population out of Potočari—which was no longer possible on or after 17 July—give the Chamber serious reservations as to his credibility.

5214. In addition to the discrepancies as to the date of the events at the Cerska Valley discussed in the previous paragraph, the Chamber finds that other portions of KDZ066's evidence also contain contradictions or inconsistencies. For example, KDZ066 testified that he saw three buses—which he assumed were full of people—leaving Konjević Polje, turning right off the asphalt road towards Kamenica, and moving uphill in the direction of Cerska;[17690] they were followed by at least two other vehicles, one of which was carrying soldiers in camouflage uniforms.[17691] However, KDZ066 failed to explain how, on one hand, he admitted having been so far away from the buses to be able to tell what company the buses belonged to and whether they were full of people or not and, on the other hand, he did not hesitate to say that one of the vehicles following the buses was carrying soldiers in camouflage uniforms.[17692]

5215. The Chamber acknowledges that minor inconsistencies in a particular testimony do not necessarily render it unreliable. However, in the present case, having considered KDZ066's

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17686 *See* Dušan Janc, T. 27043–27044 (28 March 2012); Richard Butler, T. 27805 (20 April 2012). *See also* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), paras. 6.26–6.27; Richard Butler T. 27804–27805 (20 April 2012).

17687 P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), pp. viii, 56–57.

17688 Prosecution Final Brief, Appendix D, para. 145.

17689 *See* para. 5220.

17690 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737–2738, 2772–2773.

17691 KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737–2739.

17692 *See* KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2738–2740 (explaining that he could not tell what kind of buses it was, "what company it belonged to. There were some letters but I couldn't make them out. I was on the hill, I was far away from the buses"), T. 2774, 2780 (testifying that he could not see whether the buses were full of people, but "assumed" they were). Similarly, the Chamber found discrepancies in KDZ066's evidence as to the number and type of vehicles he claims to have seen following the three buses. *See* KDZ066, P337 (Transcript from *Prosecutor v. Krstić*), T. 2737 (stating: "There was an APC following [the buses] and two other trek vehicles."), T. 2738 (stating: "I can describe the APC. I also noticed a trek vehicle that was green in colour."), T. 2739 (only referring to the buses, the excavator, and the APC), and T. 2779–2781 (referring again, in response to the Chamber's questioning, to the vehicles he saw on 13 July without referring to "trek vehicles", but only to the buses, the APC, and the excavator).

evidence on the transportation of the population on 13 July, and the other contradictions and inconsistencies identified in KDZ066's account of events, the Chamber finds that it cannot be satisfied that KDZ066 is credible or that his testimony is reliable. Therefore, the Chamber does not rely on KDZ066's account of events.

(3) Forensic evidence

5216. In addition to KDZ066's evidence, the Chamber received forensic evidence that, between 7 and 18 July 1996, Prosecution investigators and experts from Physicians for Human Rights exhumed a gravesite at the Cerska Valley.[17693] William Haglund, the senior forensic adviser to the Prosecution in 1996,[17694] prepared a report in 1998, based on the evidence collected during the examination and excavation of the gravesite conducted in 1996.[17695]

5217. Haglund testified that the gravesite at Cerska was a primary and undisturbed grave[17696] located on the north side of an embankment along a dirt road; it was 30-metre long and six metre down an incline.[17697] In his report, Haglund explained that the ages of the 150 male victims ranged between 11 and their 50's.[17698] Of the 150 bodies exhumed, 147 were wearing civilian clothes.[17699] Furthermore, a total of 48 ligatures were found in the gravesite,[17700] of which 24 were found

17693 P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), p. 1; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 37. *See also* Adjudicated Fact 1696.

17694 William Haglund, T. 23873 (30 January 2012); P4309 (Dr. William Haglund's *curriculum vitae*).

17695 P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), e-court p. 1.

17696 Haglund explained that a finding that a gravesite is undisturbed can be made based on the fact that the remains are relatively intact and that, in these types of gravesites, decomposition is more accelerated. William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3737–3738. *See* William Haglund, T. 23949 (31 January 2012) (explaining, after being questioned by the Accused on whether there was a possibility of new bodies being added to the gravesite at a later stage, that when examining plant growth on the gravesite, the plants were younger than plants in the surrounding area, but had grown at the same time, which evidenced a single burial).

17697 William Haglund, T. 23887 (30 January 2012); P4310 (Transcript from *Prosecutor v. Krstić*), T. 3733, 3737.

17698 William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3734; P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), pp. viii, 11, 25, 28. *See also* Adjudicated Facts 1698, 1699; Jose Baraybar, P4029 (Transcript from *Prosecutor v. Krstić*), T. 3811; P4036 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 2000", 2 February 2001), p. 5; P4037 (Jose Baraybar's expert report entitled "Calculation of Minimal Number of Individuals Exhumed by ICTY between 1996 and 2001", 4 January 2004), p. 7; Jean-René Ruez, T. 23749–23750 (27 January 2012).

17699 P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), p. 50. *See also* Adjudicated Fact 1700.

17700 P4506 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 2: Lazete 2, Hodžići Road 3, 4 and 5, Petkovci Dam, Liplje 2, Cerska and Zeleni Jadar 5"), pp. 231–232; P4507 (Chart of photographs of blindfolds, ligatures, and location, 16 September 2009); P4509 (Collage of Srebrenica blindfolds, 5 March 2012).

binding the wrists or arms of individuals behind their backs; additionally, one individual was bound by the ankles.[17701]

5218. Regarding the cause and manner of death, Haglund concluded that, of the 150 individuals, 149 died of gunshot wounds, the majority of whom died from multiple gunshot wounds.[17702] With regard to the circumstances of death and burial, Haglund explained that cartridge casings were strewn along the entire length of the far side of the road where the bodies had been deposited.[17703] The cartridges found in the grave itself matched with those found along the road at the gravesite, indicating that the victims in the grave were shot at the gravesite.[17704] Based on this evidence, Haglund concluded that the victims were lined up on the southern side of the road while those who shot them stood across the road, shooting the victims with automatic weapons, in a spraying-type fashion.[17705] As the victims were shot they either fell over the side of the embankment or rolled down, and were superficially covered with soil which had been removed from the roadside opposite

17701 William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3734; P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), p. viii; p. 50; P4506 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 2: Lazete 2, Hodžići Road 3, 4 and 5, Petkovci Dam, Liplje 2, Cerska and Zeleni Jadar 5"), pp. 231–232. *See also* Adjudicated Fact 1701.

17702 The cause of death of one individual was undetermined; William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3734; P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), pp. 51–52. *See also* Jean-René Ruez, T. 23749–23750 (27 January 2012); Adjudicated Fact 1698. The Chamber notes that Dušan Dunjić challenged the methodology used by William Haglund in his report for the Cerska gravesite, by highlighting some of the findings of the San Antonio Committee on Haglund's report. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 3–4. *See* Dušan Dunjić, T. 41785–41787, 41820 (23 July 2013). *See also* Defence Final Brief, para. 2648. However, the Chamber is not satisfied with Dunjić's explanation as to his failure to include a reference in his report to the final conclusions of the Committee, finding that there were no indications of any actual wrong-doing on the part of Haglund nor anything regarding the exhumations that jeopardised their scientific validity. Dušan Dunjić, T. 41813–41818 (23 July 2013). *See also* P4338 (Report of the Oversight Committee (San Antonio) regarding William Haglund, 2 February 1998); William Haglund, T. 23880–23882 (30 January 2012) (acknowledging the findings of the San Antonio Committee). Having assessed the totality of evidence on this issue, the Chamber accepts Haglund's report and the findings therein.

17703 William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3733–3734.

17704 P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), pp. 9–10. *See also* Adjudicated Fact 1703.

17705 William Haglund, T. 23887–23888 (30 January 2012); P4310 (Transcript from *Prosecutor v. Krstić*), T. 3734. *See also* Adjudicated Fact 1697; Jean-René Ruez, T. 23749 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 69.

the burial site using earthmoving equipment.[17706] According to Haglund, all victims were executed at the site.[17707]

5219. Based upon DNA analysis, experts were able to positively identify 144 of the exhumed bodies as persons listed as missing following the take-over of Srebrenica.[17708]

5220. As stated above, the Chamber has received additional evidence which shows that victims found in the Cerska gravesite were last seen alive on various dates on or after 13 July.[17709] This evidence comes primarily from P6705, which, as will be explained in detail below,[17710] contains records of individuals reported to have been missing since the fall of Srebrenica.[17711] According to P6705, approximately one third of the 150 victims exhumed from the Cerska gravesite went missing on or after 18 July 1995, and in various locations within Bratunac municipality, as well as in Baljkovica and Žepa.[17712] While the Chamber acknowledges that the compilation of information

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17706 William Haglund, T. 23888 (30 January 2012), T. 23931–23932 (31 January 2012); P4310 (Transcript from *Prosecutor v. Krstić*), T. 3737. *See also* Adjudicated Fact 1704; Jean-René Ruez, T. 23745–23746, 23749 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 62–64; P4282 (Photograph of Cerska Valley marked by Jean-René Ruez). Haglund added that the soil used was made of small pebbles and was not much piled up on top of the bodies so, when the gravesite was found, a lot of the bodies were partially skeletalised. William Haglund, T. 23888 (30 January 2012); P4310 (Transcript from *Prosecutor v. Krstić*), T. 3738. *See also* William Haglund, T. 23926 (31 January 2012).

17707 P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site – Volume I", 15 June 1998), pp. 10, 56–57.

17708 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court pp. 3, 8 (referring to the identification of 149 individuals from the Cerka gravesite); Dušan Janc, T. 26951–26952, 26956, 26959–26961 (27 March 2012) (where Janc explained that the unique DNA assigned to five of these individuals has not been matched to any missing person and thus these five have actually not been identified); P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 90–98 (under seal). *See* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010). The Chamber notes that Adjudicated Fact 1702, which is based upon Manning's report as admitted in the *Krstić* case, refers to the identification of nine individuals. *See* Adjudicated Fact 1702; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 38, 96, 98. The apparent discrepancy between this fact and the evidence admitted in the present case referring to the identification of 144 individuals can be explained by the fact that in 2001—the year in which the *Krstić* Trial Judgement was issued—the identification process of victims was ongoing.

17709 *See* para. 5213.

17710 *See* paras. 5569–5572.

17711 P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009).

17712 *See e.g.* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 90–98 (under seal) (listing the names of bodies identified at the Cerska gravesite); P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 26, 39, 41, 54, 58, 69, 75, 78, 89, 97, 129, 130, 132, 138, 141, 144, 179, 188, 190, 196, 202, 209.

in P6705 may have suffered from defects and may not be 100% accurate for all individuals,[17713] it considers the information reflected therein reliable for at least a number of those individuals.

5221. The Chamber notes that, save for the general challenges by Dunjić as described above,[17714] the Accused did not challenge the forensic evidence the Chamber received in relation to the Cerska gravesite. In that regard, the Chamber has no reason to doubt the forensic evidence received as to the cause and manner of death of the victims exhumed therein and is satisfied that at least some—but most likely a lot—of them were victims of execution. However, the Chamber has doubts as to the circumstances of death. As stated above, approximately one third of the victims exhumed from the gravesite may have been last seen alive after 17 July 1995 in various locations. The Chamber notes specifically with respect to the 24 individuals whose bodies were found bound by ligatures, that most of them are listed as having disappeared in various locations on different dates, and at least eight of them after 18 July 1995.[17715] This evidence makes it highly unlikely that all of the 150 victims were the subject of a single execution at the Cerska Valley, as described in Haglund's report, or as alleged in the Indictment. The Chamber recalls the evidence that a gravesite had been dug at the Cerska Valley by 27 July 1995;[17716] however, this evidence alone does not assist the Chamber in determining when exactly the killings took place, and whether more bodies were buried in this grave afterwards. Thus, while the Chamber is satisfied that at least some of the bodies exhumed from the Cerska gravesite were victims of execution, the Chamber is unable to make a finding as to how many or when they were killed. The discrepancies in the evidence as to the number of victims and their dates and place of disappearance are substantial and affect almost one third of the 150 victims exhumed from the Cerska gravesite. It is therefore the incident as a whole, as alleged in the Indictment, that is affected.

(4) Conclusion

5222. Consequently, in light of the totality of the evidence as discussed above, the Chamber is not satisfied beyond reasonable doubt that the incident at the Cerska Valley took place, as alleged in the Indictment.

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17713 *See* para. 5571, fn. 19020.

17714 *See* fn. 17702.

17715 *See e.g.* P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 75, 78, 89, 129, 188, 190, 202, 209.

17716 *See* para. 5210.

### (C) Kravica Warehouse

#### (1) Introduction

5223. The Indictment refers to the killing on 13 July 1995 of over 1,000 Bosnian Muslim men in a large warehouse in the village of Kravica. The Indictment alleges that the bodies of the victims were transported to two large mass graves located in the nearby villages of Glogova and Ravnice on 14 July 1995.[17717]

5224. The Kravica Warehouse is a one-storey building within the Kravica agricultural cooperative on the Bratunac–Konjević Polje Road.[17718] It is located on the right hand side in the direction from Konjević Polje towards Bratunac, approximately 700 metres from the Yellow Bridge to the east, and one kilometre from the Sandići Meadow to the west.[17719] The Kravica Warehouse consisted of a bigger room located to the west ("West Room") and a smaller room located to the east ("East Room").[17720]

#### (2) The killings

5225. In the afternoon of 13 July 1995, KDZ063 was ordered to board one of two buses transporting detainees from the Sandići Meadow to the Kravica Warehouse.[17721] Upon arriving, members of the Bosnian Serb Forces ordered the detainees to run out of the buses as quickly as possible and enter the warehouse; KDZ063 entered the East Room.[17722]

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17717 Indictment, Scheduled Killing Incident E.3.1.

17718 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13555, 13559; Jean-René Ruez, T. 23757 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 97–99; P205 (Photograph of Kravica warehouse).

17719 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13555–13557, 13559–13561, 13570–13571; Jean-René Ruez, T. 23757–23758 (27 January 2012), T. 24068 (2 February 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 97–99; P4285 (Aerial image of the Kravica Warehouse marked by Jean-René Ruez). *See* Jean-René Ruez, T. 23778–23779 (27 January 2012); P4289 (Video footage of Kravica Warehouse), at 00:00:40–00:01:08 (showing the distance from the Sandići Meadow to the Kravica Warehouse).

17720 Jean-René Ruez, T. 23759–23760, 23763, 23770 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 100–101, 103, 110, 113; P4289 (Video footage of Kravica Warehouse).

17721 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6978–6983, 6987, 7056. *See also* Adjudicated Fact 1705; KDZ071, T. 28539, 28548 (4 May 2012).

17722 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6987–6989; P262 (Aerial photograph of Kravica warehouse marked by KDZ063); P263 (Aerial photograph of Kravica warehouse marked by KDZ063). *See* Jean-René Ruez, T. 23760–23762 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), p. 110; P4285 (Aerial image of the Kravica Warehouse marked by Jean-René Ruez); P205 (Photograph of Kravica warehouse) (depicting an arrow and a circle pointing at the East Room).

5226. The rest of the Bosnian Muslim men at the Sandići Meadow, including KDZ071, were ordered to line up in a column of four and proceed on foot towards the Kravica Warehouse.[17723] Members of the 3rd Skelani Platoon were ordered to escort the group of detainees to the warehouse, and were assisted by "several lads from Šekovići".[17724] The detainees were surrounded by the uniformed men armed with automatic rifles, who were placed every five metres along the road.[17725] As the detainees reached the Kravica Warehouse, they were ordered to walk past a bus parked in front and to enter the building.[17726] KDZ071 was taken to the West Room.[17727]

5227. Groups of detainees continued to be brought to the warehouse for about two hours, approximately between 3 and 5 p.m.[17728] The detainees were guarded by members of the Bosnian Serb Forces—including members of the 3rd Skelani Platoon and members of the Bratunac Brigade[17729]—wearing green-multi-coloured uniforms.[17730] The members of the 3rd Skelani Platoon formed a semi-circle around the warehouse positioning themselves to the side and behind the building itself.[17731] Other members of the Bosnian Serb Forces walked among the detainees, questioning some of them.[17732] The men were ordered to surrender all valuables and were given

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17723 KDZ071, T. 28538 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7090–7091, 7094, 7112–7113, 7123; D4113 (Witness statement of KW679 dated 23 November 2013), para. 13 (under seal). *See also* Adjudicated Fact 1705.

17724 KW679, T. 44117 (27 November 2013) (closed session); D4113 (Witness statement of KW679 dated 23 November 2013), para. 13 (under seal). KW679 estimated that there were between 300 and 400 detainees in that group. D4113 (Witness statement of KW679 dated 23 November 2013), para. 13 (under seal).

17725 KDZ071 described these men as soldiers in military uniforms. KDZ071, T. 28538 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7113.

17726 KDZ071, T. 28544 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7094, 7102, 7119. *See also* KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1259 (stating that when the bus he had boarded on 13 July drove passed the Kravica Warehouse, he saw about 50 Muslim men with their hands and arms around their neck who looked terrified).

17727 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7101–7104; KDZ071, P5028 (Transcript from *Prosecutor v. Popović et al.*), T. 7127–7128 (under seal); P5030 (Photograph of Kravica warehouse marked by KDZ071); P5031 (Photograph of Kravica warehouse marked by KDZ071); P5032 (Aerial photograph of Kravica warehouse marked by KDZ071); P205 (Photograph of Kravica warehouse) (depicting an arrow pointing to the West Room). *See* Jean-René Ruez, T. 23763 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 103.

17728 KDZ071, T. 28546 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7123; KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6990.

17729 D4113 (Witness statement of KW679 dated 23 November 2013), para. 13 (under seal); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. *See also* P195 (Excerpt from Bratunac Health Centre patient log) (containing an entry listing Miroslav Stanojević, a member of the Red Berets, as injured on 13 July 1995 in Kravica).

17730 One of these men was wearing a blue UN helmet. KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6990–6992. *See* KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9360; KDZ070, P341 (Transcript from *Prosecutor v. Krstić*), T. 1260.

17731 D4113 (Witness statement of KW679 dated 23 November 2013), para. 14 (under seal).

17732 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6991.

water.[17733] Some men were also given cigarettes.[17734] Around 5 p.m. the warehouse became so tightly packed that the detainees almost suffocated.[17735]

5228. Some time after 4:30 p.m., one of the Bosnian Muslim detainees brought to the warehouse took away the rifle of Krsto Dragišević—a member of the 3rd Skelani Platoon—and shot him dead.[17736] Rade Čuturić, a.k.a. "Oficir", the commander of the 2nd Šekovići Detachment,[17737] burned his hand when getting hold of the barrel of Dragišević's rifle and was taken to the Bratunac Health Centre for treatment.[17738] Members of the 3rd Skelani Platoon started shooting at the detainees in response to the killing of Dragišević.[17739]

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17733 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6990–6992, 6995, 7057–7058.

17734 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6990–6991, 6995, 7057.

17735 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6989–6990, 7057; KDZ071, T. 28544–28548 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095; KDZ071, P5028 (Transcript from *Prosecutor v. Popović et al.*), T. 7125 (under seal). The Chamber notes that evidence as to the number of Bosnian Muslim men ultimately held inside the Kravica Warehouse varies; an analysis of this evidence, together with the forensic evidence admitted in this case, is found below. *See* para. 5278.

17736 D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), para. 28; Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13541, 13562, 13578–13579; P195 (Excerpt from Bratunac Health Centre patient log) (which contains an entry listing Krsto Dragišević from the Special Police of Skelani as "deceased?", and the date/place of wounding as 7 p.m. on 13 July 1995 in Kravica). While the "1900 hrs." time included in Dragišević's entry refers to "date [time] of wounding", the Chamber finds that 7 p.m. is the time when Dragišević was brought to the Bratunac Health Centre, which is consistent with KW679's evidence that Dragišević's body was picked up from the Kravica Warehouse by a medical vehicle from Bratunac at approximately 6:30 p.m. D4113 (Witness statement of KW679 dated 23 November 2013), para. 21 (under seal). *See* D4113 (Witness statement of KW679 dated 23 November 2013), paras. 15–19 (under seal).

17737 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13539.

17738 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13561–13562, 13578–13579; P195 (Excerpt from Bratunac Health Centre patient log) (containing an entry stating that Čuturić suffered "burns on the palms of the hands and 2 to 4 fingers" at Kravica at 5:40 p.m. on 13 July 1995). *See* D4113 (Witness statement of KW679 dated 23 November 2013), paras. 15–19 (under seal); D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), paras. 28, 30.

17739 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13563–13565; D4113 (Witness statement of KW679 dated 23 November 2013), para. 20 (under seal). *See* D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), paras. 28, 30; Ljubomir Borovčanin, T. 39423 (6 June 2013), T. 39457 (7 June 2013); P4563 (Statement by KDZ122), p. 4 (under seal). *See also* D4113 (Witness statement of KW679 dated 23 November 2013), paras. 15–19 (under seal); Dane Katanić, T. 38669 (22 May 2013); D3115 (Witness Statement of Branimir Tešić dated 9 March 2013), para. 40; Franc Kos, T. 42406–42407 (1 August 2013); D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 9; Zvonko Bajagić, T. 41210 (10 July 2013); Ljubisav Simić. T. 37308–37309 (16 April 2013); D3398 (Witness Statement of Ljubisav Simić dated 7 April 2013), para. 79; Neđo Nikolić, T. 39818–39819 (12 June 2013); D3690 (Witness Statement of Neđo Nikolić dated 8 June 2013), para. 20; Srbislav Davidović, T. 24413 (9 February 2012); Jovan Nikolić, T. 35498–35499, 35505–35506, 35511–35514, 35516–35517 (14 March 2013); D3126 (Witness Statement of Jovan Nikolić dated 10 March 2013), para. 59; P6201 (Record of interview with Jovan Nikolić, 10 October 2005), p. 5 KDZ480, T. 24224–24225 (7 February 2012) (closed session); KDZ122, T. 26276 (14 March 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7873 (under seal); KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9363–9364, 9530–9531; Zoran Petrović-Piroćanac, P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18797–18800; Momir Nikolić, T. 24873 (16 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. KW679 testified that members of the 3rd Skelani Platoon only shot at the detainees inside the warehouse for a few minutes before the fire stopped; according to KW679, during the approximately two hours that he remained around the warehouse after the first shooting, several soldiers, mostly over 50 years old, wearing different military uniforms and armed with semi-automatic rifles, came into the warehouse and opened fire. D4113 (Witness statement of KW679 dated 23 November 2013), para. 22 (under seal) (stating that he heard one of these men saying that he wanted to

5229. Milenko Pepić—a member of the 2nd Platoon of the 2nd Šekovići Detachment[17740]—who was ordered to stop the traffic on the Bratunac–Konjević Polje Road,[17741] testified that while he was stopping the convoy of buses carrying Bosnian Muslim women, children, and the elderly out of Potočari, he could hear intense shooting coming from the direction of Kravica, which lasted about an hour.[17742] Borovčanin arrived at the warehouse after being informed over his Motorola that something "terrible" happened and that he should go there.[17743] Borovčanin saw a pile of 20 to 30 bodies lying in front of the main door of the warehouse which was at the time closed.[17744] After stopping by the Kravica Warehouse, Borovčanin went to the Bratunac Health Centre to check on Čuturić.[17745]

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avenge his two sons). The Chamber does not find this evidence reliable in light of the fact that KW679's evidence was marked by insincerity and evasiveness.

17740 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13538–13541.

17741 Upon being informed that the column of detainees being held at the Sandići Meadow was moving, Borovčanin ordered Čuturić to stop the traffic on the Bratunac–Konjević Polje Road. P4201 (Updated Srebrenica Trial Video), Part 3, at 00:25:52–00:26:05; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 277; P667 (Zoran Petrović-Pirođanac's video footage), at 00:16:26–00:17:00; Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13559–13560. Čuturić in turn ordered Pepić to stop the convoy of buses carrying Bosnian Muslim women, children, and the elderly out of Potočari. Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13555–13557, 13559, 13595–13596.

17742 Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13560, 13598. According to Pepić, this shooting was different to the one that could constantly be heard around the area, in that it seemed as if fire was being opened from one side alone. Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13560.

17743 D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), paras. 26–27; Ljubomir Borovčanin, T. 39452 (7 June 2013); Zoran Petrović-Pirođanac, T. 28465, 28468–28469 (3 May 2012); P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18797–18798. *See* Jean-René Ruez, T. 23993 (1 February 2012), T. 24105–24106 (2 February 2014).

17744 D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), para. 27; Ljubomir Borovčanin, T. 39425 (6 June 2013), T. 39454–39455 (7 June 2013); Zoran Petrović-Pirođanac, T. 28465–28467 (3 May 2012); P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18798–18799, 18804–18805; P4201 (Updated Srebrenica Trial Video), Part 3, at 00:36:20–00:36:24; P4202 (Written Compilation Booklet: Srebrenica Trial Video), e-court p. 283. *See also* Jean-René Ruez, T. 23774, 23777 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 121–122, 117. The Chamber notes that when Ruez was asked whether the pile of bodies which could be seen lying in front of the warehouse was in fact lying in front of a closed door, he categorically denied this possibility and provided a detailed explanation for his conclusion. However, the Prosecution maintained its position in the *Popović et al.* case in which it agreed that there was indeed a door. Jean-René Ruez, T. 24104–24111 (2 February 2012); P4269 (Panorama image of Kravica warehouse); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 121–123, 125–128; P4340 (Photograph of Kravica warehouse marked by Jean-René Ruez). Petrović-Pirođanac testified that the door to the West Room was closed. Zoran Petrović-Pirođanac, T. 28466–28469 (3 May 2012). The Chamber notes that a number of other witnesses also testified to having seen the pile of bodies outside the Kravica Warehouse at some point in the evening of 13 July 1995. *See* Franc Kos, T. 42403 (1 August 2013); D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 8; KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9360–9361, 9521–9524; KDZ333, T. 24123–24124 (2 February 2012); P4342 (Transcript from *Prosecutor v. Krstić*), T. 3026; P4346 (Photograph of Kravica warehouse marked by KDZ333); Vujadin Popović, T. 43044 (5 November 2013). *See also* P4201 (Updated Srebrenica Trial Video), Part 3, at 00:36:19–00:36:47; Jovan Nikolić, T. 35498, 35500–35502, 35507 (14 March 2013); P6201 (Record of interview with Jovan Nikolić, 10 October 2005) p. 5.

17745 D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), para. 30; Zoran Petrović-Pirođanac, P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18798–18800.

5230. According to KDZ063, some time after arriving at the Kravica Warehouse, the Bosnian Serb soldiers guarding the detainees became agitated and angry.[17746] Shortly after, intense shooting began outside the warehouse, lasting approximately half an hour.[17747] While the shooting was ongoing, the soldiers came in and out of the warehouse and seemed to be in a panic, yelling at the detainees that the Muslims were attacking the soldiers.[17748] The detainees panicked and became frightened as they did not know what was happening outside.[17749] After the first period of shooting ended, two uniformed men entered the East Room and started shooting at the detainees; five to ten soldiers followed and joined in.[17750]

5231. While testifying about the way in which the shooting into the warehouse started, KDZ071 explained that, as the last of the Bosnian Muslim detainees entered the West Room, one man protested to a guard that he had nowhere to sit after which the guard opened fire on him.[17751] Immediately after that, guards started firing on the other detainees.[17752] The Chamber notes that this account differs from KDZ063's account, but finds that this may be due to a number of reasons such as the fact that KDZ071 and KDZ063 were detained in different rooms, the location of each of these witnesses within each room, and the trauma they were undergoing at the time.

5232. As members of the Bosnian Serb Forces entered the warehouse and shot at the detainees with M-84 machine guns and automatic rifles,[17753] gunshots were also fired at the doors and windows from outside.[17754] In addition to the shooting, a number of hand-grenades were thrown in the warehouse through the windows.[17755]

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17746 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6992–6995, 7059, 7064–7065; P333 (Transcript from *Prosecutor v. Popović et al.*), T. 7064–7065 (under seal).

17747 KDZ063 explained that the firing outside of the Kravica Warehouse came from machine-gun and automatic rifles, though he also heard a tank, an anti-aircraft, and a Praga shooting, as well as the detonation of grenades. KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6992–6993, 6995–6996, 7057. *See* KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095.

17748 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6993–6994, 6996–6999.

17749 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6998–6999. *See* KDZ071, T. 28549 (4 May 2012).

17750 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6999, 7060–7061.

17751 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095, 7123.

17752 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095, 7123.

17753 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6995–6996, 6999, 7060–7061; D4113 (Witness statement of KW679 dated 23 November 2013), para. 20 (under seal).

17754 KDZ071, T. 28549 (4 May 2012). *See also* Adjudicated Fact 1706.

17755 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7000. *See also* Adjudicated Fact 1706; Jean-René Ruez, T. 23764–23765, 23767 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 105–107; P6201 (Record of interview with Jovan Nikolić, 10 October 2005), p. 5; D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 9.

5233. Franc Kos—the commander of the 10th Sabotage Detachment's 1st Platoon[17756]—testified that while at the Drina Corps Command in Vlasenica around 6 p.m. on 13 July, his commander, Pelemiš, looked agitated after having talked with Krstić.[17757] Pelemiš then ordered Kos to go to Kravica, together with other members of the 10th Sabotage Detachment.[17758] Upon arriving at the Kravica Warehouse, Pelemiš got out of the car and spoke to five VRS officers.[17759] Kos overheard one of these officers tell Pelemiš: "they made a big mess. We have to bury all this and hide it".[17760] Kos looked both inside the West Room and the East Room, and saw that the floors on both rooms were covered with bodies.[17761] Marko Boškić, one of his colleagues from the detachment, headed towards the warehouse, took two hand-grenades, and threw them inside the East Room where detainees could still be heard murmuring.[17762]

5234. The shooting quieted down as the night fell,[17763] but continued with breaks throughout the night.[17764] By this time, the warehouse was filled with dead bodies.[17765] Moans and shouts from people could be heard during the breaks in the shooting.[17766] Those who tried to escape through the main door or windows were also killed by members of the Bosnian Serb Forces.[17767]

5235. In the morning of 14 July, members of the Bosnian Serb Forces called out for the wounded inside the warehouse to come out, assuring them that they would be picked up by the ICRC and taken to the hospital for treatment.[17768] The wounded came out and were ordered to sing Serb

17756 D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 2. *See also* P232 (Video still of 10th Sabotage Unit Parade) (for a video still of Franc Kos, leader of the 1st Platoon).

17757 Franc Kos, T. 42399–42400 (1 August 2013); D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 7.

17758 Franc Kos, T. 42399–42401 (1 August 2013); D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 7.

17759 While Kos assumed that these men were VRS Main Staff officers from Han Pijesak, as they were driving military jeeps exclusive to brigade and corps commanders, he could not be absolutely certain that they indeed were; Kos was certain, however, that these men were VRS officers. Franc Kos, T. 42401–42402 (1 August 2013).

17760 Franc Kos, T. 42402 (1 August 2013). *See* Franc Kos, T. 42425 (1 August 2013).

17761 Franc Kos, T. 42408–42409 (1 August 2013); P6473 (Sketch drawn by Franc Kos). Kos testified that, at the time, he thought that the men were still alive but sleeping. Franc Kos, T. 42409 (1 August 2013). The Chamber finds this statement unacceptable.

17762 Franc Kos, T. 42409–42410 (1 August 2013); D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 8; P6473 (Sketch drawn by Franc Kos). *Cf.* Franc Kos, T. 42402 (1 August 2013) (stating that he heard the explosions near the warehouse but did not know whether it actually came from inside or from behind).

17763 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095, 7123–7124.

17764 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7000.

17765 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095; Adjudicated Fact 1708.

17766 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7000.

17767 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7001, 7004, 7006; D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 9; Jean-René Ruez, T. 23777 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 127. *See also* Adjudicated Fact 1707.

17768 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7005–7006; KDZ071, T. 28554 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7096. *See also* Adjudicated Fact 1710.

nationalistic songs together for about half an hour, until bursts of fire were heard; no voice was heard thereafter.[17769] The members of the Bosnian Serb Forces continued firing single shots to kill further survivors.[17770] While shooting at the only survivors, the soldiers continued to make derogatory remarks about their "Turkish mother[s]" and their "Islam tribe".[17771]

5236. The Chamber heard evidence from both KDZ063 and KDZ071 that they survived by lying on the floor during the shooting on 13 July.[17772]

5237. KDZ063 was hit on his right leg, close to his knee.[17773] His back was also scraped by a small piece of shrapnel from a grenade that fell three to four metres away from him.[17774] After the night fell, during one of the breaks in shooting, KDZ063 crawled between dead bodies, climbed onto a container inside the East Room, and jumped out through a very narrow window.[17775] As soon as he jumped out he was spotted by Bosnian Serb soldiers who were standing in the cornfield outside the warehouse.[17776] KDZ063 immediately lay down on his stomach—with his head towards the wall—between two of the warehouse's windows.[17777] A member of the Bosnian Serb Forces walked towards KDZ063, pointed a torch light at him, and shot him from a distance of two

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17769 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7006; KDZ071, T. 28554 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7096. *See* Jovan Nikolić, T. 35502, 35507, 35519 (14 March 2013); D3126 (Witness statement of Jovan Nikolić dated 10 March 2013), paras. 55–57; P6201 (Record of interview with Jovan Nikolić, 10 October 2005), pp. 6–8 (testifying that when he went to the Kravica Warehouse in the morning of 14 July, he saw several bodies in front, and witnessed the killing of between 10 and 20 people he did not recognise); Alexandar Tešić, T. 35324–35328 (13 March 2013) (testifying that, while on his way to Zvornik on 14 July 1995, he saw about 200 to 300 dead bodies piled outside the Kravica warehouse). *See also* Adjudicated Fact 1710.

17770 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7006; KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7096–7097.

17771 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7096–7097.

17772 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6999–7000, 7007–7008; KDZ071, T. 28545 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095. The Chamber also heard from KW012 that he survived when a Bosnian Serb soldier who recognised him took him to an adjacent room prior to the start of the shooting; according to KW012, he jumped out of the window when the shooting started and escaped into the woods, where he lived for ten months. KW012, T. 44781–44782, 44787 (9 December 2013). In light of the various contradictions which arose during his *viva voce* testimony, the Chamber does not find KW012's evidence reliable. In addition the Chamber finds that KW012's evidence was marked by insincerity and evasiveness. For these reasons, the Chamber rejects KW012's story as to the events at the Kravica Warehouse.

17773 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7007–7008.

17774 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7000.

17775 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7000–7001. *See* Jean-René Ruez, T. 23771–23773 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 117–119; P4287 (Photograph of a window marked by Jean-René Ruez).

17776 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7003.

17777 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7003; P206 (Photograph of Kravica warehouse); P260 (Photograph of Kravica warehouse marked by KDZ063).

to three metres, wounding him in the right shoulder.[17778] KDZ063 lay on the ground for several hours until the morning, pretending to be dead.[17779]

5238. At some point on 14 July, while still lying on the ground outside the warehouse, KDZ063 crawled towards and through the cornfield; he passed by the bodies of men who had tried to escape before him.[17780] KDZ063 was helped by other Bosnian Muslims he encountered who treated his wounds and, after seven or eight days, made his way to Žepa.[17781]

5239. Similarly, KDZ071 spent the whole day of 14 July lying inside the West Room.[17782] In the evening, however, he decided to sit up and discovered two people doing the same.[17783] After midnight, KDZ071 managed to escape from the West Room with one of the men, through the same door he had originally come in.[17784] While escaping, he heard gunfire coming from the direction of the warehouse.[17785] The two men spent a couple of days walking in the area, until they decided to go in the direction of Žepa, where KDZ071 arrived on 29 July.[17786]

(3) Clean-up

5240. On the evening of 13 July 1995, Borovčanin went to the Bratunac Brigade Command to report on the killings at the Kravica Warehouse, but was told that they had already been informed.[17787] While still at the command, Borovčanin discussed with Miroslav Deronjić the incident at the Kravica Warehouse, including the fact that a number of detainees had been killed.[17788]

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17778 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7004, 7008.

17779 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7004–7005 (further stating that the next morning, a soldier who came to check on KDZ063, did not realise that he was in fact alive).

17780 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7006–7007, 7009.

17781 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7009–7013.

17782 KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7095; KDZ071, P5028 (Transcript from *Prosecutor v. Popović et al.*), T. 7106 (under seal).

17783 The young man told KDZ071 that they could not escape together, but that he would follow him in 15 to 20 minutes; KDZ071 was told to cross the asphalt road and to find a path to the river. KDZ071, T. 28551 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7097–7098.

17784 Upon leaving the warehouse, a soldier asked KDZ071 to stop; KDZ071 lay down as a response but managed to escape nonetheless. KDZ071, T. 28551, 28555 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7098.

17785 KDZ071, T. 28551 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7099.

17786 KDZ071, T. 28556–28558 (4 May 2012); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7099–7100.

17787 D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), paras. 31–33.

17788 Ljubomir Borovčanin, T. 39444 (6 June 2013); D3659 (Witness Statement of Ljubomir Borovčanin dated 30 May 2013), para. 36. *See also* P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 72; Milenko Katanić, T. 24474, 24506 (10 February 2012) (testifying that he had been informed by Deronjić about the killings at the Kravica Warehouse in the evening on 13 July).

5241. Earlier that afternoon, members of the Drina Corps had begun looking for available bulldozers and loading equipment, but were unsuccessful in securing any.[17789] Sometime after 9 p.m., KDZ107 received a phone call asking him to meet Beara at the SDS Office in Bratunac.[17790] KDZ107 met Beara in Deronjić's office with two officers he did not know; Deronjić himself was not present.[17791] Beara asked what kind of machinery and manpower was available, and said it needed to go to Milići, adding that "[d]ead people have to be buried, there will be a lot of dead and they need to be buried".[17792]

5242. At approximately the same time, KDZ480 was called into a small meeting room in the Bratunac SDS Office to meet with Deronjić and two officers he did not know, who were wearing camouflage uniforms.[17793] Deronjić told KDZ480 that there had been an incident at the Kravica Warehouse in which many detainees had been killed, and that they had to be transported to a bauxite mine in Milići, to be buried.[17794] It was ultimately agreed that the two officers would procure vehicles for the transportation of the bodies, and that members of the sanitation unit of the Bratunac Civilian Protection would be sent to the Kravica Warehouse the next morning to load the bodies onto the vehicles.[17795]

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17789 P5290 (Intercept of conversation between Col. Milanović and Palma duty officer, 13 July 1995); P5903 (Intercept of conversation between Col. Milanović and a 2nd Class Warrant Officer, 13 July 1995).

17790 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9362, 9365–9366, 9370, 9434–9435, 9439, 9459–9460. The Chamber notes that KDZ107 was confronted with discrepancies in a number of statements he gave to the Prosecution, and between such prior statements and his testimony in the *Popović et al.* case. *See* KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9393–9396, 9412–9420, 9440–9449. The Chamber is satisfied with KDZ107's explanations as to the apparent discrepancies and accepts his evidence.

17791 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9366, 9433–9434, 9460. The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July. *See* fn. 17583.

17792 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9367–9369, 9484–9485; KDZ107, P344 (Transcript from *Prosecutor v. Popović et al.*), T. 9400 (under seal). *See* P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 34 (noting a conversation between Jovan Mitrović—then president of the Zvornik Municipal Assembly—and Beara about the use of a flat-bed trailer for the transportation of a bulldozer to Bratunac). *See also* Adjudicated Fact 1712.

17793 KDZ480, T. 24224 (7 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7873, 7900–7901 (under seal). KDZ480 testified that the two officers were very arrogant in their behavior. KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7878, 7900–7901 (under seal).

17794 KDZ480, T. 24224–24225 (7 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7873–7874 (under seal). *See also* Adjudicated Fact 1712. *But see* Jovan Nikolić, T. 35520–35522 (14 March 2013); D3126 (Witness statement of Jovan Nikolić dated 10 March 2013), paras. 58–59; and P6201 (Record of interview with Jovan Nikolić, 10 October 2005), p. 7 (where Jovan Nikolić testified that he informed Deronjić and other municipal authorities about the killings at Kravica in the morning of 14 July and that only then the cleaning-up operation began). *See also* Ljubisav Simić, T. 37291–37292 (16 April 2013). [REDACTED].

17795 KDZ480, T. 24224–24225 (7 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7873–7874, 7888 (under seal). The Chamber heard evidence that, at the level of the Bratunac municipality, the president of the Municipal Executive Board was the commander of, and could issue orders to, the Civilian Protection Unit. [REDACTED]. An employee of the Ministry of Defence served as chief of staff of the Civilian Protection, and other staff members were assigned to carry out other tasks such as sanitation or "*asanacija*", medical aid, and fire fighting. [REDACTED]. A workers' obligation unit was

5243. Some time between 1 and 2 a.m. on 14 July 1995, KDZ107 received a second phone call asking him to return to the SDS Office to receive further instructions.[17796] There, Beara ordered KDZ107 to accompany an MP member who would show him the location where a grave was to be dug the next morning to bury the dead.[17797] The two men drove between five and ten minutes until arriving at Glogova, where the MP member showed KDZ107 the exact place where a pit was to be dug.[17798]

5244. At around the same time, KDZ480 was called again to report to the SDS Office to meet with Deronjić, Momir Nikolić, and the two officers he had earlier met.[17799] KDZ480 was informed that the director of the bauxite mine in Milići had forbidden the burial of bodies at that location.[17800] Deronjić then instructed that some of the members of the sanitation unit of the Bratunac Civilian Protection should be sent to Glogova in the morning to help in the digging of a large gravesite, while other members should be sent to the Kravica Warehouse, together with the unit's skip excavator, loader, and tractor.[17801] The two officers agreed to provide additional machinery for the digging up of the grave.[17802]

5245. Around 9:30 a.m., Srbislav Davidović received a call to report to the SDS Office, where Beara and two uniformed officers were present.[17803] The two officers asked Davidović whether

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directly attached to the municipality and was engaged throughout the war in various logistical tasks; this unit had a tractor, a Lada vehicle, a funeral hearse, and additional power tools. [REDACTED]. The unit for "*asanacija*" or sanitation of terrain was attached to the Rad Utilities Company and was only engaged "from time to time" in the transportation of wounded soldiers from different hospitals and the burial of bodies of those killed—soldiers, civilians and enemy soldiers—in individual and mass graves. [REDACTED]. The sanitation unit had a FAP heavy-duty vehicle, a tractor, a refuse disposal vehicle, and a small skip for digging. [REDACTED]. Dragan Mirković was the commander of the sanitation unit in addition of being a member of the Civilian Protection staff and the head of the utilities company. [REDACTED].

17796 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9369.

17797 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9369–9370, 9485–9486; P344 (Transcript from *Prosecutor v. Popović et al.*), T. 9400–9401 (under seal).

17798 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9485–9488.

17799 KDZ480, T. 24225 (7 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7876, 7901–7902 (under seal).

17800 KDZ480, T. 24226 (7 February 2012) (closed session); T. 24261 (8 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7876–7877 (under seal).

17801 KDZ480, T. 24224–24227 (7 February 2012) (closed session); T. 24261 (8 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7876–7877 (under seal).

17802 KDZ480, T. 24226–24227 (7 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7876–7877 (under seal).

17803 Srbislav Davidović, T. 24364 (9 February 2012); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9230–9231. Davidović testified that Beara was sitting in one office and the two officers were sitting in a second office. Beara remained in the first office but directed Davidović to the second office; Davidović did not talk to Beara about what had been discussed with the two officers. Davidović also testified that he did not know who the two officers were, but was sure that they were not members of the Bratunac Brigade; he recalled that one of them was a colonel and the other one was a lieutenant-colonel. Srbislav Davidović, T. 24365 (9 February 2012); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9231, 9233–9234, 9252. The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July. *See* fn. 17583.

there was any construction equipment for digging and loading in Bratunac municipality.[17804] It was agreed that the ULT loader from the local brick company would be placed at their disposal.[17805] Davidović then called Nedo Nikolić—the director of the brick factory—to tell him that "the army" would come and ask for an excavator.[17806]

5246. An excavator was used to remove the bodies from the Kravica Warehouse; in order to facilitate its entry into the warehouse, a section of the wall above the door had to be broken.[17807] Soldiers used a water tank in the front of the warehouse to wash the blood off the asphalt.[17808] Additionally, dead bodies were covered with hay.[17809]

5247. Between 11 a.m. and noon on 14 July, an alcoholic drink was brought to the two drivers from the Bratunac Brigade who were in charge of taking the bodies out of the building and who were operating the large ULT loader.[17810] Also present at the warehouse were a small skip loader owned by the Rad Utilities Company and two orange trucks owned by the Sase construction company.[17811] Momir Nikolić was at Kravica at the time, and appeared to be supervising how the

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17804 Srbislav Davidović, T. 24364 (9 February 2012); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9232. Davidović testified that he was not told what the machinery would be used for; however, since he had already been informed about the killings at the Kravica Warehouse the day before, he assumed it was needed "for sanitation and evacuation of persons that had been executed within Kravica". Srbislav Davidović, T. 24365 (9 February 2012); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9235–9238, 9253.

17805 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9232. The Chamber notes that in the *Popović et al.* case, Davidović was confronted with the fact that, while giving a prior statement to the Prosecution, he had not mentioned the meetings involving Beara on 14 July or the use of equipment for burials. Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9253–9256. The Chamber is satisfied with Davidović's explanation and finds this evidence consistent with other evidence in this case. The Chamber therefore finds that this meeting with Beara indeed took place in the morning of 14 July 1995.

17806 Nedo Nikolić, T. 39816–39817 (12 June 2013). *See* D3690 (Witness statement of Nedo Nikolić dated 8 June 2013), para. 13. *See also* Nedo Nikolić, T. 39826 (12 June 2013). Later that day, men from the Bratunac Brigade MP picked up the excavator from the brick factory. Nedo Nikolić, T. 39816–39817 (12 June 2013).

17807 KDZ480, T. 24264–24265 (8 February 2012) (closed session); P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7879–7880, 7908–7909 (under seal); Jean-René Ruez, T. 23774, 23776–23777 (27 January 2012) (referring to the destruction of the door of the warehouse for the bulldozer to be able to enter and collect the bodies, and its subsequent reconstruction); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 122–126. *See* KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 7006 (stating that while lying under the window outside of the warehouse, he heard excavators gathering the corpses); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7124 (stating that he heard heavy machinery around noon); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7097 (stating that on 14 July, while still inside the West Room, he could hear commands coming from outside like "park the loader"); KDZ071, P5028 (Transcript from *Prosecutor v. Popović et al.*), T. 7107 (under seal). *See also* Adjudicated Fact 1711; Jean-René Ruez, T. 23779 (27 January 2012), T. 24104 (2 February 2012); P4289 (Video footage of Kravica Warehouse), at 00:03:16–00:03:22.

17808 KDZ071, T. 28555 (4 May 2012). *See* KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7097. *See also* Adjudicated Fact 1711; P6201 (Record of interview with Jovan Nikolić, 10 October 2005), p. 8.

17809 KDZ071, T. 28551 (4 May 2012); KDZ071, P5028 (Transcript from *Prosecutor v. Popović et al.*), T. 7106–7107 (under seal); KDZ071, P5029 (Transcript from *Prosecutor v. Popović et al.*), T. 7097; Vujadin Popović, T. 43059–43060 (6 November 2013). *See* Milenko Pepić, P373 (Transcript from *Prosecutor v. Popović et al.*), T. 13573.

17810 [REDACTED]. *See also* Adjudicated Fact 1715.

17811 KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7908–7909 (under seal).

work was coming along.[17812] The work at the Kravica Warehouse continued until 16 July.[17813] KDZ107 testified that he went to the Kravica Warehouse three to five days after the killings took place when he was in charge of the people who came with two cisterns to wash the enclosed area where people had been killed.[17814]

(4) Burials at Glogova

5248. People from the Rad Utilities Company and staff of the sanitation unit of the Bratunac Civilian Protection arrived at Glogova to dig a grave in the morning of 14 July 1995.[17815] Upon being informed that the ULT loader originally brought to Glogova from the brick factory was unable to dig three or four graves, Beara requested that a backhoe excavator which belonged to the Zvornik Brigade be sent to Glogova.[17816] This backhoe excavator was ultimately used to complete the task.[17817]

5249. Towards the evening of 14 July, a few trucks with bodies arrived at Glogova, but it was only in the following days that trucks with bodies started arriving in large numbers.[17818] The staff from the Rad Utilities Company and the Bratunac Civilian Protection dug four pits at Glogova, and transported and buried between 400 and 500 bodies in three days.[17819] The Chamber heard that other bodies were subsequently buried at Glogova.[17820] The Chamber received evidence that members of both the Bratunac and the Zvornik Brigades participated in the burials at Glogova.[17821]

(5) Reburials in secondary gravesites

5250. As will be discussed in detail below, between September and October 1995, the VRS conducted an operation to exhume and rebury in secondary gravesites the bodies of Bosnian

17812 KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7909–7910 (under seal).

17813 KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević Jokić*), T. 7912 (under seal). *See* Adjudicated Fact 1713.

17814 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9409–9411.

17815 According to KDZ107, it was about 9 a.m.. KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9370–9371, 9535; KDZ107, P344 (Transcript from *Prosecutor v. Popović et al.*), T. 9402 (under seal); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7879, 7912–7913 (under seal).

17816 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9371–9372, 9387–9388; KDZ107, P344 (Transcript from *Prosecutor v. Popović et al.*), T. 9550–9553 (under seal); KDZ480, T. 24221 (7 February 2012) (closed session).

17817 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9371–9372, 9387–9388; KDZ107, P344 (Transcript from *Prosecutor v. Popović et al.*), T. 9550–9553 (under seal); KDZ480, T. 24221 (7 February 2012) (closed session).

17818 KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9372.

17819 [REDACTED]. *See also* Adjudicated Fact 1713.

17820 [REDACTED].

17821 P169 (Bratunac Brigade Military Police log, 30 June–21 July 1995), e-court p. 18; KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T.3575–3576 (showing that on 19 July 1995, Bratunac Brigade MP patrols provided security to public utility workers carrying out work at Glogova); Adjudicated Facts 1714, 1716.

Muslim men buried at various primary gravesites in July 1995.[17822] Specifically, over the course of several nights in September or October 1995, the bodies which had initially been buried in the Glogova gravesites were transported and reburied in secondary mass graves at Zeleni Jadar, Budak, Blječeva, and Zalažje.[17823]

(6) Forensic evidence

(a) Kravica Warehouse

5251. Forensic examination of the Kravica Warehouse conducted in September 1996 revealed evidence of human blood, bones, and tissue adhering to the walls, floor and ceiling, as well as damage caused by arms, grenades and explosives.[17824] Similarly, shell casings, dentures, and human bone fragments were found mingled with rubbish just in front of the warehouse.[17825] Hand-grenade handles were also found around the warehouse.[17826]

(b) Glogova and secondary gravesites

(i) Glogova

5252. Aerial images reveal that the Glogova gravesites were first dug between 17 and 27 July 1995, and that the gravesites were disturbed on or before 30 October 1995, as indicated by disturbed earth and the presence of a front loader.[17827] Between 1999 and 2001, two primary disturbed gravesites were found on either side of a dirt road off the Konjević Polje–Bratunac Road, near the village of Glogova, approximately eight kilometres from the Kravica Warehouse.[17828] The

17822 *See* Section IV.C.1.g.v: Reburial operation.

17823 *See* Section IV.C.1.g.v.A: The reburials from the Bratunac area. *See also* Dean Manning, T. 25830–25831 (6 March 2012); P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), pp. 10–15; Jean-René Ruez, T. 23860, 23863–23864 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 257–259.

17824 P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), p. 18; Dean Manning, T. 25803 (6 March 2012); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), p. 5, Annex A, pp. 4–7.

17825 Jean-René Ruez, T. 23769–23770 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 112; P4286 (Photograph of shell casings marked by Jean-René Ruez).

17826 Jean-René Ruez, T. 23764–23767 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 105–108.

17827 Jean-René Ruez, T. 23863 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 257. *See also* P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), pp. 4–8.

17828 P4033 (Jose Baraybar's expert report entitled "Report on Excavations at Glogova 2, BiH 1999–2001"), p. 3; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 11; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 13; P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), pp. 4–5; Dean Manning, T. 25830

dirt road traversed a slope running north to south: the area south of the road was labelled Glogova 1, while that to the north was labelled Glogova 2.[17829]

5253. The primary exhumation of Glogova 2—which consisted of eight sub-gravesites—was conducted between 11 September and 22 October 1999 by a Tribunal exhumation team under the direction of Jose Pablo Baraybar.[17830] The exhumation of Glogova 1—which consisted of six sub-gravesites—was conducted between 7 August and 20 October 2000 by a Tribunal exhumation team under the direction of Richard Wright.[17831] The remains found in both Glogova 1 and Glogova 2 were then examined by a team of pathologists under the direction of John Clark.[17832]

5254. The manner in which the bodies were found, the lack of shell casings, and the presence of foreign soil show that the victims did not die at the site but were brought to the graves and dumped therein.[17833] Various items from the Kravica Warehouse, including portions of the door, were

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(6 March 2012). Glogova 1 is less than 400 metres from the command post of the 1st Infantry Battalion of the Bratunac Brigade. Adjudicated Fact 1726.

17829 P4033 (Jose Baraybar's expert report entitled "Report on Excavations at Glogova 2, BiH 1999–2001"), p. 3.

17830 P4033 (Jose Baraybar's expert report entitled "Report on Excavations at Glogova 2, BiH 1999–2001"), p. 3; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 12. *See* Jose Baraybar, T. 22343–22344 (2 December 2011); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 19. The Chamber notes that Dušan Dunjić challenged the methodology followed by Baraybar in his reports, including the one prepared for the Glogova gravesites. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 42–47. Having assessed the totality of evidence, the Chamber accepts Baraybar's report and the findings therein.

17831 P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), p. 2; Richard Wright, T. 22265–22267 (1 December 2011); P4004 (Photograph of exhumation site at Glogova marked by Richard Wright); P4005 (Sketch of grave sites at Glogova marked by Richard Wright). *See also* P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 13; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 11; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 13. *See* Adjudicated Fact 1723.

17832 John Clark, T. 22693 (10 January 2012); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 29; P4102 (Dr. John Clark's *curriculum vitae*). The Chamber notes that Dušan Dunjić challenged the methodology followed by Clark in his report for the Glogova gravesite, including how he reached his conclusions as to the cause of death of victims, without carrying out further analysis on the "mechanism of injury", and basing such conclusions on a number of assumptions. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 48; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 5–8. Having assessed the totality of evidence on this issue, the Chamber accepts Clark's report and the findings therein.

17833 Richard Wright, T. 22303–22306 (1 December 2011); P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), p. 15. The Chamber notes that Dušan Dunjić challenged the reliability of the findings made by Wright in his report for the Glogova gravesite. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 16. Wright was also challenged with the hypothesis that bodies found at Glogova 1 had a different degree of decomposition

found amongst the bodies at Glogova 1 and Glogova 2 thus showing a direct physical link between the gravesites and the warehouse.[17834] Furthermore, an analysis of three watches found on victims wrists at Glogova 2, led the expert to assume that the bodies were disposed of "about or after" 13 July.[17835]

5255. The forensic evidence reviewed by the Chamber shows that all of the victims exhumed at the Glogova gravesites were males,[17836] with established ages ranging from as young as 12 to 75,[17837] and most of the bodies exhumed from the Glogova gravesites presented gunshot injuries.[17838] Shrapnel injuries were also present in 21% of the bodies, and pieces of grenade and shrapnel were retrieved from the gravesite.[17839] 12 victims exhumed from one of the sub-graves at Glogova 1 were bound with ligatures, and each of those was killed by a gunshot to the head.[17840]

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and thus were brought from different locations at different times, but denied this conclusion, stating that he saw nothing indicating that there had been several events behind the killings. Richard Wright, T. 22306–22308, 22312 (1 December 2011). *See also* Dušan Dunjić, T. 41746–41747 (22 July 2013). Having assessed the totality of evidence on this issue, the Chamber accepts Wright's report and the findings therein.

17834 Dean Manning, T. 25829–25831 (6 March 2012); Richard Wright, T. 22269–22270 (1 December 2011) (in relation to Glogova 1); P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), pp. 2, 18–19 (in relation to Glogova 1); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 13 (in relation to Glogova 1); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 11 (in relation to Glogova 1 and Glogova 2). *See also* Jean-René Ruez, T. 24104 (2 February 2012); Adjudicated Fact 1721.

17835 P4033 (Jose Baraybar's expert report entitled "Report on Excavations at Glogova 2, BiH 1999–2001"), p. 20.

17836 It was not possible to determine the sex of two of the bodies at Glogova 1 because of their young age and injuries; however, all bodies found at Glogova 2 were identified as male. P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 13, 19, 22; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3933, 3938–3939. *See also* Adjudicated Fact 1719.

17837 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 22.

17838 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 15, 17, 20, 22; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3934. *See also* Adjudicated Fact 1720.

17839 P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), pp. 2, 16; Richard Wright, T. 22270–22272, 22310–22311 (1 December 2011); P4007 (Photograph of Exhumation site at Glogova marked by Richard Wright); P4008 (Photograph of exhumed body marked by Richard Wright); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 16, 22; John Clark, T. 22700 (10 January 2012), T. 22729 (11 January 2012). *See* Dean Manning, T. 25856 (6 March 2012); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 13–14. *See also* Adjudicated Fact 1722. The Chamber notes Dunjić's claim that this finding would support the fact that the victims did not die in an execution, but that such injuries are instead a reflection of armed conflicts between two warring parties; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 12–13. As explained in detail in Section IV.C.1.h.B.2: Cause and manner of death, having assessed the totality of evidence on this issue, the Chamber accepts Wright and Clark's reports and the findings therein.

17840 P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), p. 16; Richard Wright, T. 22322–22323 (1 December 2011); P4105 (John

5256. Almost all sub-graves at Glogova showed evidence of "robbing", or that bodies were removed by machinery, thus leaving a few dismembered parts of the bodies behind.[17841]

5257. The Accused argues in his final brief that the Glogova gravesite was a "mixed grave" which contained not only victims from the Kravica Warehouse incident but from other killing incidents related to the fall of Srebrenica, as well as victims who had died years earlier.[17842] The Prosecution acknowledges that a number of bodies found in the Glogova gravesites were brought from places other than the Kravica Warehouse.[17843] The Prosecution explains that this number includes at least 80 victims executed in Bratunac, including at the Vuk Karadžić School,[17844] plus approximately 100 individuals who cannot be determined beyond reasonable doubt to have been executed.[17845]

5258. As of 13 January 2012, DNA analysis led to the identification of 226 bodies from Glogova 1 and 171 from Glogova 2, as persons listed as missing following the take-over of Srebrenica.[17846] However, Dušan Janc clarified that not all of these 397 individuals can be linked to the killings at the Kravica Warehouse, since bodies which cannot be linked to this execution site were brought to Glogova, namely at least 80 victims executed in Bratunac, plus approximately 100 bodies brought

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Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 14; P4507 (Chart of photographs of blindfolds, ligatures, and location). *See also* Adjudicated Fact 1725.

17841 P4033 (Jose Baraybar's expert report entitled "Report on Excavations at Glogova 2, BiH 1999–2001"), pp. 3–4, 18; P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), pp. 5, 9, 16; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3933–3934. Wright explained that the term "robbed" was used in the archaeological way to mean that things had been taken away from a specific area. Richard Wright, T. 22250 (1 December 2011). Wright and his team found dismembered parts of bodies at Glogova 1, which they took as evidence that some bodies had been dug up and moved. Richard Wright, T. 22267–22269, 22311 (1 December 2011); P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001), p. 5. Baraybar testified that five of the eight sub-gravesites at Glogova 2 has been robbed and concluded that the bodies had been moved due to the presence of foreign soil and multiple fractures of the bones, presumably due to large-scale machinery. Jose Baraybar, T. 22409–22410 (2 December 2011). *See* P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 13.

17842 Defence Final Brief, paras. 2597, 2601.

17843 Prosecution Final Brief, Appendix D, paras. 64, 171; Prosecution Closing Argument, T. 47795 (30 September 2014).

17844 Prosecution Final Brief, Appendix D, paras. 64, 171.

17845 The Prosecution explains that this number includes 10 to 15 bodies retrieved from Konjević Polje, six to seven bodies from Potočari, and a 'truckload' from along the Bratunac-Konjević Polje Road. Prosecution Final Brief, Appendix D, paras. 64, 171. This number also includes the bodies of 12 individuals who are recorded as having been returned from Serbia and whose remains were also found at Glogova; although executed, their deaths were not charged in this case. Prosecution Final Brief, Appendix D, para. 171, fn. 716.

17846 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 12; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 148–168 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010). For a detailed analysis of the methodology followed by Janc in making DNA connections, *see* paras. 5586–5589.

from other locations.[17847] This is consistent with other evidence received by the Chamber that bodies collected from various places, including the Konjević Polje intersection, the Konjević Polje–Bratunac Road, Potočari, the areas of Rađno Buljek, Kamenica, and Pobuđe, and around the Vuk Karadžić School in Bratunac, were brought to Glogova to be buried.[17848]

5259. Further, after reviewing P6705, the Chamber has found that victims whose bodies were found in the Glogova gravesites were last seen alive on and after 14 July 1995.[17849] According to this document, roughly one in five bodies found in Glogova 1 and Glogova 2 were reported as having been last seen alive after 13 July,[17850] the date of the Kravica Warehouse incident. Because the bodies in Glogova 1 and 2 were later reburied in various secondary gravesites,[17851] the Chamber will discuss the minimum and maximum possible number of Kravica-related victims in all of these sites at the end of this section.[17852]

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17847 D1975 (Dušan Janc's corrigendum to report entitled "Update to Summary of Forensic Evidence - Exhumation on the Graves Related to Srebrenica –March 2009", 9 April 2009); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012, e-court p. 40.

17848 KDZ107, P345 (Transcript from *Prosecutor v. Popović*), T. 9372, 9388–9389, 9392–9393, 9538–9539, 9544 (stating that, while a number of bodies collected from the Konjević Polje intersection, the Konjević Polje–Bratunac Road, and outside the Vuk Karadžić School were brought to Glogova to be buried, he assumed most of the people buried in Glogova were killed at the Kravica Warehouse because the truck owned by the Rad Utilities Company, which is the one used to transport the bodies to Glogova, came from the direction of Kravica); KDZ480, T. 24221 (7 February 2012) (closed session); KDZ480, T. 24261, 24263, 24279–24280 (8 February 2012) (closed session); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7883–7884, 7920, 7923–7925 (under seal) (explaining that between 40 and 50 bodies collected from the Vuk Karadžić School on 14 July, seven or eight bodies collected at Potočari on 16 or 17 July, six to eight bodies collected at the premises of the "11th of march company", and a few others collected from the zinc workshop and private homes, were brought to Glogova); P407 (Witness statement of Desmir Đukanović dated 20 March 2007), paras. 5–6, P408 (Witness statement of Desmir Đukanović dated 23 March 2007, paras. 7, 10 and P406 (Desmir Đukanović's evidence in BiH state court), pp. 1–4 (testifying that he and his colleagues collected approximately 60 bodies from the Vuk Karadžić School and the surrounding area, which were then transported to the Glogova gravesite); Adjudicated Fact 1686 (in relation to the transportation of bodies from the Vuk Karadžić School). KDZ480 further added that there was an order that all the corpses found should be brought to the freshly dug up gravesite in Glogova. KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7925 (under seal). *See* Jean-René Ruez, T. 23863 (30 January 2012), T. 24041 (1 February 2012).

17849 *See* paras. 5569–5573 for a detailed analysis of the methodology followed by Tabeau in compiling P6705.

17850 Specifically, approximately 21% of bodies identified from Glogova 1, and 19% of bodies identified from Glogova 2 were reported as having been last seen alive after 13 July 1995. *See e.g.* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 148–168 (under seal) (listing the names of bodies identified in Glogova 1 and 2); P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 20, 35, 64, 114, 121.

17851 *See* para. 5260.

17852 *See* paras. 5280–5283.

(ii) Secondary gravesites

5260. The Zeleni Jadar gravesites, which consisted of seven secondary mass gravesites along the Zeleni Jadar Road,[17853] were discovered in 1998.[17854] Aerial images indicate that earth was disturbed at six locations along the Zeleni Jadar Road between 24 August and 23 October 1995, and that the reburials at these secondary graves were completed in late October 1995.[17855] The gravesites were numbered Zeleni Jadar 1 through 6, with an additional gravesite, labelled 1A, examined at a later stage due to its location within a heavily mined area.[17856] While the examination and probing at Zeleni Jadar 1 through 4 was conducted by a Tribunal team of experts, the responsibility for exhuming the gravesites was handed over to the BiH government in 2001.[17857] Teams of Tribunal experts conducted the examination and exhumation of both Zeleni Jadar 5 and Zeleni Jadar 6.[17858]

5261. The Chamber notes that out of all the secondary gravesites associated with the Glogova gravesites, it only received forensic evidence in relation to Zeleni Jadar 5 and 6. The exhumation of Zeleni Jadar 5 was conducted between 1 and 21 October 1998 by a team under the direction of Richard Wright.[17859] The exhumation of Zeleni Jadar 6 was conducted between 25 July and 13 August 2001 by a team under the direction of Jose Pablo Baraybar.[17860] The remains found at

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17853 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 12.

17854 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 11).

17855 Dean Manning, T. 25832–25835 (6 March 2012); P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), pp. 20–30.

17856 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 7; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 12; Dean Manning, T. 25832–25835 (6 March 2012); P4510 (Aerial photograph of Zeleni Jadar marked by Dean Manning); P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), pp. 21–22.

17857 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court pp. 26–28; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 11–12. In relation to Zeleni Jadar 2, investigators found evidence that bodies had been removed from such gravesite and moved to an unknown location or an unknown tertiary gravesite. P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 12; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 11.

17858 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 12; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court pp. 28–29.

17859 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 12; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 12, 24. *See also* Richard Wright, T. 22269 (1 December 2011); Adjudicated Fact 1727.

17860 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 29.

Zeleni Jadar 5 were then examined by a team of pathologists under the direction of Christopher Lawrence, while the remains at Zeleni Jadar 6 were examined by a team of pathologists under the direction of John Clark.[17861]

5262. The forensic evidence reviewed by the Chamber in relation to both Zeleni Jadar 5 and Zeleni Jadar 6 shows that all of the bodies where sex could be determined were male.[17862] Approximately 25% of those were 25 years old or younger.[17863] Most of the bodies exhumed presented gunshot injuries.[17864] No bodies had been blindfolded, but two had ligatures.[17865]

5263. Various artefacts from the Kravica Warehouse, such as barbed wire, motorcar parts, bricks, tiles, china, and bunches of hay were collected from the Zeleni Jadar gravesites.[17866] Specifically, motorcar parts and barbed wire found at Zeleni Jadar 5 mixed up with bodies were determined to be similar objects to those found at Glogova 1, which in turn were similar to those found at the Kravica Warehouse.[17867] Bullets and cartridge casings were also found in Zeleni Jadar 5.[17868] Furthermore, pollen and soil profiles taken from Glogova 2 sub-gravesites were identical to those

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17861 Christopher Lawrence, T. 22447 (8 December 2011); P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zeleni Jadar Site 5, October 1998", 17 June 1999), p. 30; Christopher Lawrence, P4051 (*Transcript from Prosecutor v. Krstić*), T. 3978–3980; P4064 (Chart of primary and secondary graves); John Clark, T. 22693 (10 January 2012); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 29; P4102 (Dr. John Clark's *curriculum vitae*).

17862 P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zeleni Jadar Site 5, October 1998", 17 June 1999), pp. 2, 9; P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 23, 27. *See also* Adjudicated Fact 1728.

17863 P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zeleni Jadar Site 5, October 1998", 17 June 1999), pp. 2, 9; P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 23, 27.

17864 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 24–27; P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zeleni Jadar Site 5, October 1998", 17 June 1999), pp. 2, 9–10, 12–13. *See also* Adjudicated Fact 1728.

17865 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 12, 84.

17866 Richard Wright, T. 22269 (1 December 2011); P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 25–26; Dean Manning, T. 25829–25831 (6 March 2012); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 13; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 84. *See* Jean-René Ruez, T. 23860 (30 January 2012).

17867 Dean Manning, T. 25830–25831 (6 March 2012); Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 4021–4023; P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zeleni Jadar Site 5, October 1998", 17 June 1999), pp. 12–13; Richard Wright, T. 22269–22270 (1 December 2011).

17868 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 86.

of Zeleni Jadar 5.[17869] Blast damage and pieces of shrapnel similar to those found at Glogova were found in bodies at the Zeleni Jadar gravesites.[17870]

5264. Furthermore, some DNA profiles were isolated from remains found in both Glogova and the Zeleni Jadar gravesites; each of these connections demonstrates that the remains of the same individual were found in more than one gravesite. The remains of 20 individuals were found in both Glogova 1 and one of the Zeleni Jadar gravesites 1A, 1B, 2, 3, or 4; 14 individuals with remains in Glogova 1 and Zeleni Jadar 5; three individuals' remains were found in Glogova 1 and Zeleni Jadar 6; and one individual's remains were found in Glogova 2 and Zeleni Jadar 5.[17871] Similarly, DNA from a broken tooth found at the entrance of the Kravica Warehouse was matched to remains found at Zeleni Jadar 2.[17872] Consequently, the Chamber finds that bodies were taken from the Glogova 1 and Glogova 2 gravesites to the secondary gravesites of Zeleni Jadar.

5265. As of 13 January 2012, DNA analysis led to the identification of 445 victims from the Zeleni Jadar gravesites as persons listed as missing following the take-over of Srebrenica: 22 from Zeleni Jadar 1A; 22 from Zeleni Jadar 1B; 19 from Zeleni Jadar 2; 30 from Zeleni Jadar 3; 64 from Zeleni Jadar 4; 166 from Zeleni Jadar 5; and 122 from Zeleni Jadar 6.[17873] However, according to P6705, just over one fifth of the bodies found in all the Zeleni Jadar gravesites were reported as

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17869 P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), pp. 3–4, 8; P4033 (Jose Baraybar's expert report entitled "Report on Excavations at Glogova 2, BiH 1999–2001"), p. 20.

17870 John Clark, T. 22729 (11 January 2012); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 25–27; P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zeleni Jadar Site 5, October 1998", 17 June 1999), pp. 12–13. The Chamber notes that Lawrence was extensively questioned about his findings on shrapnel injuries found at bodies at Zeleni Jadar 5, in order to make him accept that those victims had indeed died in combat operations, and not in a mass execution. *See* Christopher Lawrence, T. 22505–22508 (8 December 2011); Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 4024–4025. Given the evidence by survivors of the killings at the Kravica Warehouse that grenades were thrown inside the warehouse, the Chamber finds this evidence on shrapnel injuries to be consistent with the evidence as described above.

17871 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 49; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 353–380 (under seal).

17872 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 27, 85, 87.

17873 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 4, 26–29; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 353–380 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010). For a detailed analysis of the methodology followed by Janc in making DNA connections, *see* paras. 5586–5589.

having been last seen alive after 13 July 1995.[17874] As stated above, the minimum and maximum possible number of Kravica-related victims in all of these sites will be discussed at the end of this section.[17875]

5266. The secondary gravesites of Budak 1, Budak 2, Blječeva 1, Blječeva 2, Blječeva 3, and Zalažje were discovered and exhumed from 2004 to 2009 by the BiHCMP.[17876]

5267. The Chamber received evidence of DNA-based connections between these secondary gravesites and the two Glogova gravesites, as well as between the various secondary gravesites.[17877] Specifically, 12 DNA connections were found between Glogova 2 and Blječeva 1; 26 between Glogova 2 and Blječeva 2; 14 between Glogova 1 and Blječeva 3; three between Glogova 1 and Budak 1; 12 between Glogova 1 and Budak 2, and eight between Glogova 1 and Zalažje 1.[17878] Consequently, the Chamber finds that bodies were taken from the Glogova 1 and Glogova 2 gravesites to the secondary gravesites of Budak, Blječeva, and Zalažje.

5268. As of 13 January 2012, DNA analysis led to the identification of 326 victims from the Budak, Blječeva, and Zalažje gravesites as persons listed as missing following the take-over of Srebrenica: 54 from Budak 1; 49 from Budak 2; 47 from Blječeva 1;[17879] 81 from Blječeva 2;

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17874 Specifically, approximately 25% of the bodies identified from Zeleni Jadar 1A and 1B, 21% from Zeleni Jadar 2, 23% from Zeleni Jadar 3, 27% from Zeleni Jadar 4, 17% from Zeleni Jadar 5, and 20% from Zeleni Jadar 6 were listed as having been seen after 13 July 1995. *See e.g.* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 353–380 (under seal) (listing the names of bodies identified in Zeleni Jadar 1A through 6); P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 27, 30, 34, 40, 54, 61, 74, 96, 106–107, 118, 125, 155, 170–171, 192, 199, 213, 216.

17875 *See* paras. 5280–5283.

17876 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court pp. 29–32.

17877 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 29, 49–50, 85–87. The Chamber notes Dunjić's challenge that not all of the individual bodies found in Glogova 1 and 2 could be linked to the secondary gravesites by DNA connections. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 13, 23. However, Dunjić admitted that this assertion was not supported by ballistic, soil, or material evidence on his part. Dušan Dunjić, T. 41883–41890 (24 July 2013). As explained in detail in Section IV.C.1.h: Forensic, demographic, and DNA evidence, and having assessed the totality of the evidence on this issue, the Chamber is satisfied that the reports generated by Janc and by the ICMP on the basis of the DNA analysis can be relied upon for the purposes of the present Judgement.

17878 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 49, 85, 87.

17879 The Chamber finds that the Blječeva 1 gravesite was a mixed grave and contained remains which were unconnected with the fall of Srebrenica. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 30–32; Dušan Janc, T. 27016–27017 (27 March 2012); D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of

65 from Blječeva 3; and 30 from Zalažje.[17880] However, according to P6705, just over one fifth of the bodies identified from Budak, just over one tenth of the bodies identified from Blječeva, and one fifth of the bodies identified in Zalažje were reported as having been seen alive after 13 July 1995.[17881] As stated above, the minimum and maximum possible number of Kravica-related victims in all of these sites will be discussed at the end of this section.[17882]

(iii) Ravnice

5269. The gravesite of Ravnice—which encompasses the sub-gravesites of Ravnice 1 and Ravnice 2—is located along a dirt roadway leading to the village of Adžici from the Konjević Polje–Bratunac Road, and is close to Glogova.[17883] There is no evidence that this gravesite was disturbed.[17884] Ravnice 1 was partially exhumed in August 2000 by a Tribunal exhumations team

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Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 13, 36–37; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 27 August 2009), p. 20; Dušan Dunjić, T. 41746–41748 (22 July 2013). *See also* Defence Final Brief, paras. 2597, 2671. According to Janc, Blječeva 1 contained remains of victims from an incident in Bratunac in 1992; however, in reaching the total number of Srebrenica victims identified from remains found in that gravesite, Janc did not count those victims who had died in 1992. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 30; Dušan Janc, T. 27016–27017 (27 March 2012). *See also* Accused Closing Argument, T. 48024 (2 October 2014). The Chamber compared Janc's list of Blječeva 1 victims to the data on P6705 and is satisfied that the 47 individuals identified by Janc from remains at Blječeva 1 are indeed victims from the fall of Srebrenica. *See* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 381–383 (under seal); P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009). However, as explained in detail below, the Chamber acknowledges that not all of these 47 victims were killed at the Kravica Warehouse. *See* paras. 5280–5283.

17880 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 4, 29–32; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 381–403 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010).

17881 Specifically, 35% of the bodies identified from Budak 1, 8% from Budak 2, 11% from Blječeva 1, 13% from Blječeva 2, 8% from Blječeva 3, and 20% from Zalažje were listed as having been seen after 13 July 1995. *See e.g.* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 381–403 (under seal) (listing the names of bodies identified in each of these gravesites); P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 16–17, 25–26, 35, 58, 85, 91, 114, 121, 124, 131, 176, 186, 203.

17882 *See* paras. 5280–5283.

17883 P4502 (Dean Manning's Report entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 11; P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003), e-court p. 3.

17884 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 11.

under the direction of Fredi Peccerelli.[17885] Ravnice 2 was exhumed in July and August 2001 by members of the BiHCMP and the ICMP, and monitored by members of the Tribunal.[17886] The remains found at both Ravnice 1 and 2 were examined by a team of pathologists under the direction of John Clark.[17887]

5270. The Chamber did not receive eye-witness evidence as to the burial of bodies at Ravnice. The only evidence received by the Chamber with respect to the exhumation of the Ravnice gravesite comes from Dean Manning, who was present at the gravesite during the exhumation process carried out by Peccerelli and his team, and from Clark, who referred to the exhumation process in his pathology report.[17888]

5271. According to Clark, the Ravnice gravesite was very different to the gravesites at Glogova, in that a number of bodies lay scattered on the surface rather than buried in the ground.[17889] The bodies appear to have been dumped down a steep wooded embankment from the roadway, across a wide area.[17890] After the first group of bodies was covered with soil, another dump occurred; there was no attempt to cover these additional bodies with dirt so they were left on the surface of the slope.[17891] Many of these bodies were caught at the base of trees and on a fence running along the slope.[17892]

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17885 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 6; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 11. *See* Fredi Peccerelli, T. 22736 (11 January 2012).

17886 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 6; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 13.

17887 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 6, 29.

17888 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 1; Dean Manning, T. 25802–25803, 25805, 25829 (6 March 2012); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 4–5, 11. *See also* P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003), pp. 2, 8–9; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 13.

17889 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 6.

17890 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 6; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 4, 11; P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003), p. 2; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 12.

17891 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 4, 11; P4503 (Dean Manning's Report,

5272. Clark further explained that the remains found in the gravesite were broken up with parts missing, and individual body parts were much more numerous than whole bodies.[17893] Civilian clothing was present on most of the bodies, along with personal belongings, and no bodies were found with military attire.[17894] No ligatures or blindfolds were found.[17895] Because the bodies were exposed to the open air, they had been skeletonised, with no soft tissue surviving, and their bones showed weathering and decay.[17896]

5273. Based on the pathology examination, Clark concluded that all of the victims exhumed at Ravnice were male.[17897] At least 14 of these individuals were 17 years old or younger.[17898] In relation to the cause and manner of death, Clark stated that the vast majority of the victims presented multiple gunshot injuries to the head, trunk, and legs, primarily from high velocity rifles, and there was no convincing evidence of serious injuries from shrapnel from grenades or other projectiles.[17899] Clark was not able to make a finding on the distance from which the shots were fired.[17900]

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entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003), p. 2.

17892 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 4, 11; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 12.

17893 Clark explained that 175 bodies and 324 parts of bodies were scattered throughout the gravesite. P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 6, 10–11.

17894 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 6, 11.

17895 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 11; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 11; P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003), pp. 8–9.

17896 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 6.

17897 It was not possible to determine the sex of five of the bodies because of their young age or because of damage to the skeleton. P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 6, 11.

17898 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 6.

17899 Only ten of the men died from a single shot to the head. P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 7–8, 11. The Chamber notes Dunjić's challenges to Clark's findings in relation to the Ravnice gravesites. *See* D3896 (Dušan Dunjić's expert report entitled "Forensic Analysis of Exhumation Reports from the Bišina Site and Documents Relating to the Update to the Summary of Forensic Evidence from Graves in the Srebrenica Area", April 2009), pp. 193–210; Dušan Dunjić, T. 41862–41864 (24 July 2013). Having assessed the totality of evidence, the Chamber accepts Clark's report and the findings therein.

17900 P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 8, 11.

5274. Items from the Kravica Warehouse were collected from the Ravnice gravesites which, according to Manning, indicated a linkage between the gravesite and the Kravica Warehouse.[17901] Furthermore, personal identification documents found at the warehouse were linked to two individuals who were identified by DNA analysis in Ravnice 2.[17902]

5275. As of 13 January 2012, DNA analysis led to the identification of 32 victims from Ravnice 1 and 174 victims from Ravnice 2 as persons listed as missing following the take-over of Srebrenica.[17903]

5276. Despite the fact that there is no eyewitness evidence as to the burials at Ravnice, the Chamber finds, in light of the location of the gravesite and the forensic evidence admitted in this case, that this gravesite is linked to the killings at the Kravica Warehouse on 13 July 1995. However, P6705 demonstrates that nearly one third of the bodies found in Ravnice 1 and nearly one fifth of the bodies found in Ravnice 2, totalling 43 individuals, were reported as having been last seen alive on and after 14 July 1995.[17904] This evidence strongly suggests that some bodies found in the Ravnice gravesites were brought from a site or sites other than the Kravica Warehouse.[17905] Considering this, the Chamber cannot find beyond reasonable doubt the exact number of Kravica

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17901 Among these items was a piece of painted polystyrene foam found at Ravnice 2, which was identical to foam lettering located on the north face of the Kravica Warehouse, above an entrance doorway. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 13; Dean Manning, T. 25829–25831 (6 March 2012).

17902 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 13.

17903 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 14; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 169–179 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010).

17904 *See e.g.* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 169–179 (under seal) (listing the names of bodies identified in Ravnice 1 and 2); P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 13, 17, 19, 22, 23, 30, 32, 43, 46, 47, 53, 58, 59, 65, 78, 84, 94, 118, 122, 123, 125, 142, 153, 154, 156, 168, 178, 191, 206, 208.

17905 Unlike the gravesites at Glogova and the Kravica-related secondary graves, neither party has provided evidence suggesting that bodies found in Ravnice were brought from locations other than the Kravica Warehouse incident. *See* D1975 (Dušan Janc's corrigendum to report entitled "Update to Summary of Forensic Evidence - Exhumation on the Graves Related to Srebrenica –March 2009", 9 April 2009) (acknowledging that not all of the bodies in Glogova and the related secondary gravesites were brought from the Kravica Warehouse); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), p. 40 (providing that, "[a]lthough most of these 1374 identified individuals [from all Kravica-related graves] must still be directly connected with the Kravica Warehouse execution point, it is impossible to provide the exact number.") (citations omitted).

Warehouse victims found in Ravnice 1 and Ravnice 2. The Chamber will discuss the number of Kravica-related victims in the Ravnice gravesites at the end of this section.[17906]

(7) Total number of Kravica Warehouse victims

5277. According to Janc, as of 13 January 2012, DNA analysis led to the identification 1,374 victims listed as persons missing following the take-over of Srebrenica, who are connected to the various gravesites associated with the killings at the Kravica Warehouse.[17907] While Janc considered that most of these 1,374 victims can be connected to the Kravica Warehouse killing incident, he found it impossible to provide an exact number.[17908] Accordingly, the Prosecution acknowledges in its final brief that some of these 1,374 victims were not killed at the Kravica Warehouse, but estimates that at least 1,200 individuals of those detained at the Sandići Meadow on 13 July 1995 were killed at the warehouse.[17909]

5278. The Chamber heard conflicting evidence as to the number of Bosnian Muslim men held inside the Kravica Warehouse before the execution took place. For example, KDZ063 estimated that there were between 2,500 and 3,000 men in the warehouse after the last detainee came in.[17910] KDZ071 testified hearing from other men detained at the warehouse that there were 2,000 men inside.[17911] By contrast, Franc Kos testified that there could not have been more than 150 people inside the Kravica Warehouse.[17912] Further, Adjudicated Fact 1705 refers to between 1,000 and 1,500 Bosnian Muslim men being bussed or marched to the Kravica Warehouse after their

17906 *See* paras. 5284–5285.

17907 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 40–41. The Chamber notes Dunjić's challenges to Janc's total number of victims identified as killed during the incident at the Kravica Warehouse, and his claims that this number is not accurate and reliable. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 23; Dušan Dunjić, T. 41744–41748 (22 July 2013).

17908 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 40; D1975 (Dušan Janc's corrigendum to report entitled "Update to Summary of Forensic Evidence - Exhumation on the Graves Related to Srebrenica –March 2009", 9 April 2009). *See also* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 11–12 (referring to D1975).

17909 Prosecution Final Brief, Appendix D, paras. 64, 171. The Chamber considers that the Prosecution arrived at this number by subtracting the approximately 180 individuals brought to Glogova from other sites from the total number of victims identified in all Kravica-related graves.

17910 KDZ063, P334 (Transcript from *Prosecutor v. Popović et al.*), T. 6990.

17911 KDZ071 acknowledged however that he himself did not count the number of detainees. KDZ071, T. 28539 (4 May 2012).

17912 D3927 (Witness Statement of Franc Kos dated 26 July 2013), p. 9. The Chamber finds this estimate unacceptable.

detention at the Sandići Meadow;[17913] and Adjudicated Fact 1709 refers to approximately 1,000 Bosnian Muslim men being executed at the Kravica Warehouse.[17914]

5279. Given the connections between Glogova and the secondary gravesites,[17915] as well as the uniqueness of the Ravnice gravesites,[17916] the Chamber will discuss the total number of Kravica Warehouse victims found in these gravesites separately in the following paragraphs.

(a) Glogova and secondary gravesites

5280. According to Janc, as of 13 January 2012, DNA analysis led to the identification of 1,168 individuals found in Glogova and the related secondary gravesites as persons missing following the take-over of Srebrenica.[17917] However, as discussed above, the Chamber has heard evidence that bodies from incidents or sites other than the Kravica Warehouse were also brought to Glogova—namely, approximately 80 victims executed in Bratunac, plus approximately 100 bodies brought from other locations—and were subject to reburial in secondary graves.[17918]

5281. Additionally, as noted above, P6705 shows that just over one fifth—or 235—of the victims whose bodies were found in Glogova and the related secondary gravesites were reported as having been seen alive on or after 14 July 1995.[17919] The Chamber finds it unlikely that these victims were killed at the Kravica Warehouse incident, in light of the fact that the killings at the Kravica Warehouse took place on 13 July 1995.

5282. While the Chamber considers that some of these 235 individuals who were reported to have been seen alive on or after 14 July 1995 likely overlap with the approximately 180 individuals who were brought to Glogova from sites or incidents other than the Kravica Warehouse, the degree to which the two groups overlap cannot be determined beyond reasonable doubt. Therefore, in order to reach the minimum number of Kravica Warehouse victims found in Glogova and the related secondary gravesites, the Chamber has deducted both groups from the total of 1,168 bodies, leading

17913 *See* Adjudicated Fact 1705.

17914 *See* Adjudicated Fact 1709.

17915 *See* paras. 5264–5265.

17916 *See* paras. 5271–5274.

17917 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 40–41 (listing the total number of individuals identified as missing after the takeover from Srebrenica from each Kravica-related gravesite).

17918 D1975 (Dušan Janc's corrigendum to report entitled "Update to Summary of Forensic Evidence - Exhumation on the Graves Related to Srebrenica –March 2009", 9 April 2009); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012, e-court p. 40. *See also* paras. 5257–5258, 5507.

17919 *See* paras. 5259, 5265, 5268.

to a minimum of 753 victims.[17920] Further, the maximum number of possible Kravica Warehouse victims found in Glogova and the related secondary gravesites can be reached by deducting those 235 individuals who were reported to have been seen last on or after 14 July 1995, as well as the approximately 80 individuals killed at the Vuk Karadžić School, from the total of 1,168 bodies, leading to a maximum total of 853 victims.[17921]

5283. Therefore, the Chamber finds that a minimum of 753 individuals and a maximum of 853 individuals found in Glogova and the related secondary gravesites were executed at the Kravica Warehouse incident.

(b) Ravnice gravesites

5284. As noted above, some bodies found in the Ravnice gravesites were brought from a site or sites other than the Kravica Warehouse, making it impossible for the Chamber to find the exact number of Kravica Warehouse victims found in Ravnice 1 and 2.[17922] However, the Chamber is satisfied that at least the two individuals recovered from Ravnice whose identification documents were found at the Kravica Warehouse were executed therein.[17923] Furthermore, in finding the maximum number of Kravica Warehouse victims found in Ravnice 1 and 2, the Chamber has excluded those 43 individuals who were reported as having been seen alive on or after 14 July,[17924] leading to a maximum of 163 victims.

5285. Consequently, the Chamber finds that a minimum of 2 individuals and a maximum of 163 individuals found in the Ravnice gravesites were executed at the Kravica Warehouse incident.

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17920 Based on the witness testimony presented above, and the dates of disappearance of the bodies found in Glogova and the related secondary graves, the Chamber considers that the number of bodies brought to Glogova from other sites or incidents cannot have exceeded 415 individuals, equivalent to the 235 individuals reported as having been seen last alive on or after 14 July 1995 plus those approximately 180 individuals who the Prosecution itself accepts to have been brought from other sites or incidents. *See* paras. 5257, 5259.

17921 The Chamber considers that it is possible that the approximately 100 individuals brought to Glogova from Konjević Polje, Potočari, and the Bratunac–Konjević Polje Road, including the 12 individuals who are recorded as having been returned from Serbia and whose remains were also found at Glogova, are included in the group of individuals who were reported seen alive on or after 14 July 1995, while the approximately 80 bodies of individuals killed at the Vuk Karadžić School cannot have been, since most of those killings took place during the nights of 12 and 13 July. *See* para. 5258. Thus, while the maximum possible number of Kravica Warehouse victims excludes only the 235 individuals seen on or after 14 July, the Chamber must also exclude the approximately 80 individuals killed at the Vuk Karadzić School from the total.

17922 *See* para. 5276.

17923 *See* para. 5274.

17924 While 206 individuals in total were exhumed from the Ravnice gravesites, 43 of these individuals were listed in P6705 as having disappeared after 13 July, and therefore cannot be considered as having been executed at the Kravica Warehouse incident. *See* para. 5276. While it is not certain that the remaining 163 individuals were all executed at the Kravica Warehouse, the Chamber finds that an indeterminable proportion—and possibly the entirety—of this group were executed at the Kravica Warehouse.

(c) Conclusion

5286. For all these reasons, the Chamber finds that, on 13 July 1995, between 755 and 1,016 Bosnian Muslim men were killed by members of the Bosnian Serb Forces at the Kravica Warehouse.

(D) Sandići Meadow

5287. The Indictment refers to the killing on 13 July 1995, after dark, of approximately 15 Bosnian Muslim men who were detained at Sandići Meadow and summarily executed in an area near Sandići.[17925]

5288. In the early evening on 13 July 1995, most of the Bosnian Muslim men who had previously been detained at the Sandići Meadow had been taken away, but 10 to 15 men were left behind.[17926] Several members of the Jahorina Recruits asked the Deputy Commander of the 1st Company's 4th Platoon, a man by the name of "Aleksa", when the next bus would come to pick up the detainees.[17927] Aleksa told the recruits that no more buses would come, and that they had to "get rid of them, shoot them".[17928]

5289. KDZ084 and two of his colleagues refused to comply with the order.[17929] However, the remaining two agreed to shoot the Bosnian Muslim men together with a few other recruits who later volunteered, and took the detainees away.[17930] Aleksa and the recruits who had volunteered to kill the detainees subsequently returned to the road near the Sandići Meadow where KDZ084 had remained.[17931] KDZ084 did not witness the execution but rather heard the shots.[17932] However,

17925 Indictment, Scheduled Incident E.4.1.

17926 KDZ084, T. 27340 (11 April 2012) (closed session); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14830, 14883 (under seal). *See* para. 5180.

17927 KDZ084, T. 27341–27342 (11 April 2012) (closed session); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14830–14832, 14883 (under seal). KDZ084 testified that Aleksa was the deputy of a man named Goran, and added that Aleksa was already at the Sandići Meadow when he and his colleagues arrived there. *See* KDZ084, T. 27357 (11 April 2012) (closed session); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14791, 14797, 14801, 14831, 14886, 14906–14907 (under seal).

17928 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14830–14831, 14884 (under seal); KDZ084, T. 27341–27342 (11 April 2012) (closed session).

17929 KDZ084, T. 27343 (11 April 2012) (closed session); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14833 (under seal). KDZ084 was kept in a solitary cell for one night, without food, as punishment for refusing to kill the detainees. KDZ084, T. 27345 (11 April 2012) (closed session); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*, T. 14833–14834 (under seal).

17930 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14832–14833, 14884–14885 (under seal). One of those involved in the executions was a Jahorina Recruit known as "Crnogorac", who came from Kupreš, Montenegro; Crnogorac stated that he had participated in the killings as revenge for the killing of his family by Bosnian Muslims in Kupreš. [REDACTED]. *See also* P6378 (List of conviction verdicts of BiH Court against members of RS MUP Special Police Brigade).

17931 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14832 (under seal).

17932 KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14832, 14884–14885 (under seal).

KDZ084 talked to one of his colleagues who volunteered to kill the detainees, who told him that some had been killed while going up towards the meadow, with a shot in the head, and that the rest were executed with a burst of fire.[17933]

5290. The BiHCMP exhumed a gravesite near the Sandići Meadow between 14 and 21 June 2004.[17934] 17 individuals who had been reported missing after the fall of Srebrenica were identified, based upon DNA analysis, from the human remains located at the gravesite.[17935] However, given the lack of evidence as to the location of the gravesite and the manner in which the 17 individuals were killed, the Chamber is unable to find the connection of this mass grave to the killings at the Sandići Meadow, as charged in the Indictment.

5291. Nevertheless, based on the account of KDZ084, the Chamber finds that, on 13 July 1995, approximately 10 to 15 Bosnian Muslim men from Srebrenica were killed at the Sandići Meadow by members of the Bosnian Serb Forces.

*v. Bratunac town*

(A) Detention of Bosnian Muslim men

5292. As stated above, starting on the afternoon of 12 July and throughout 13 July 1995, the Bosnian Muslim men who had been separated from the women, children, and the elderly and detained in the White House at Potočari were transported to Bratunac town.[17936] On 13 July, Bosnian Muslim men from the column who were held at the various detention sites along the

[17933] KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14833–14834 (under seal). KDZ084 did not see the bodies of those killed nor did he know what happened to them. KDZ084, T. 27344 (11 April 2012) (closed session); KDZ084, P4904 (Transcript from *Prosecutor v. Popović et al.*), T. 14834, 14886 (under seal). *See also* Jean-René Ruez, T. 24031 (1 February 2012) (stating that "we also know from witness testimonies that those at the end of the 13 who had no transportation to go to Bratunac were killed at the location where they were"); Richard Butler, T. 27768 (20 April 2012) (stating that "I am aware of one case at Sandići where apparently after all the buses and trucks stopped there were still some prisoners and they were summarily executed at that site").

[17934] P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court pp. 4, 33. *See also* D3896 (Dušan Dunjić's expert report entitled "Forensic Analysis of Exhumation Reports from the Bišina Site and Documents Relating to the Update to the Summary of Forensic Evidence from Graves in the Srebrenica Area", April 2009), pp. 45–65.

[17935] P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court pp. 4, 33; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court p. 410 (under seal); P4642 (ICMP list of identified Srebrenica victims, 15 December 2011) (under seal); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011), p. 6; P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010). *See also* P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009); P5916 (2012 ICMP updated list of Srebrenica missing).

Bratunac–Konjević Polje–Milići Road after having surrendered to, or having been captured by, members of the Bosnian Serb Forces were also transported to Bratunac town.[17937]

5293. Bosnian Muslim men transported to Bratunac town were detained in the Vuk Karadžić School[17938] and the hangar located behind it.[17939] Detainees were also held aboard 80 to 120 buses and trucks parked on the streets of Bratunac town,[17940] at sites including outside the Vuk Karadžić School complex,[17941] the MUP Headquarters,[17942] the municipal building,[17943] the Bratunac

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17936 *See* para. 5117.

17937 *See* Momir Nikolić, T. 24672–24673 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 887–889, 897–898, 907–908; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 663, 665; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1397–1398; KDZ333, T. 24147 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3027–3028. *See also* Adjudicated Fact 1625; para. 5292.

17938 Momir Nikolić, T. 24644, 24659, 24673 (14 February 2012); Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1179, 1260; Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6653; P257 (Aerial photograph of Bratunac marked by Zlatan Čelanović); Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9218; Srbislav Davidović, T. 24420 (9 February 2012); Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17934; KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3551–3553; D4293 (Aerial photograph of Bratunac town marked by KW582) (under seal); P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 79. *See also* Adjudicated Facts 1668, 1669; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 918–919; Jean-René Ruez, T. 23781–23784 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 129–130, 282.

17939 Momir Nikolić, T. 24673 (14 February 2012); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17315–17316, 17318, 17384; KDZ039, T. 21938 (24 November 2011). *See* Adjudicated Fact 1674. *See also* Jean-René Ruez, T. 23719–23720 (26 January 2012), T. 23781–23784 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 21, 23, 129–130, 282. The Chamber notes that KDZ039 provided inconsistent evidence about the location of the hangar in relation to the Vuk Karadžić School complex. *See* KDZ039, T. 21939 (24 November 2011) (testifying that the hangar he was detained in was not close to the school); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17318, 17330 (testifying that the hangar was behind the school). Having reviewed the evidence in its entirety, however, the Chamber is satisfied that KDZ039 was detained in the hangar behind the Vuk Karadžić School.

17940 Momir Nikolić, T. 24672–24673 (14 February 2012); Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6638, 6640, 6652; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9807; D3118 (Witness statement of Aleksandar Tešić dated 10 March 2013), para. 41; P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 79–80. *See also* Adjudicated Facts 1668, 1685; Jean-René Ruez, T. 23781–23784 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 129, 131, 282.

17941 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 908, 923–924; P267 (Sketch of Bratunac marked by Mevludin Orić); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3028–3029; Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6652; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9808; D3115 (Witness statement of Branimir Tešić dated 9 March 2013), para. 37; P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 80. *See also* Adjudicated Fact 1682; Jean-René Ruez, T. 23719–23720 (26 January 2012), T. 23781–23784 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 129–131, 282; P4290 (Aerial image of Bratunac marked by Jean-René Ruez) .

17942 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9809. *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 282.

17943 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9212–9215; Srbislav Davidović, T. 24437 (9 February 2012); KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9494, 9513; Aleksandar Tešić, T. 35312–35313 (13 March 2013); Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9809. *See also* Jean-René Ruez, T. 23781–23784 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 282.

stadium,[17944] and the Vihor Company Garages.[17945] Throughout these locations, the Bosnian Muslim detainees were guarded by members of the Bratunac Brigade MP,[17946] assisted by members of the MUP.[17947]

5294. The detainees were held in cramped conditions at the various locations.[17948] For example, approximately 400 people were detained in the hangar, which was so crowded that the detainees could not walk.[17949] The detainees in the hangar complained to the men guarding them that they would suffocate due to the lack of space and air, but were threatened that they would be killed if they did not keep silent.[17950] Similarly, between 150 to 200 detainees were held in one of the classrooms at the Vuk Karadžić School, and there was not enough space for everyone to sit down.[17951] Further, Bosnian Muslim detainees held on the buses parked outside the Vihor Company Garages had to sit on top of one another because of the number of people crammed into

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17944 Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6641–6642, 6652; Momir Nikolić, T. 24672–24673 (14 February 2012); P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 79–80. *See also* Jean-René Ruez, T. 23781–23784 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 129, 282; P4290 (Aerial image of Bratunac marked by Jean-René Ruez).

17945 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 663–665; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1398–1399; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3371. The Chamber notes that KDZ069 was not aware of his location during his detention in Bratunac; however, noting the similarities between the circumstances surrounding the transportation of KDZ064 and KDZ069 from the Sandići Meadow, detention in Bratunac, and departure to Zvornik, the Chamber is satisfied that KDZ069 was detained in a truck outside the Vihor Company Garages. *See also* Jean-René Ruez, T. 23781–23782 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 129, 282; P408 (Witness statement of Desimir Đukanović dated 23 March 2007), para. 8.

17946 Momir Nikolić, T. 24674–24675 (14 February 2012) (testifying that the security at the Vuk Karadžić School was provided, amongst others, by members of the MP Platoon); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), pp. 6–7 (stating that it was decided at the meeting between himself, Beara, Deronjić, and Vasić that elements of the Bratunac Brigade MP would provide security in Bratunac town); Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9804, 9807–9808 (testifying that, following Momir Nikolić's instructions, he and other members of the MP Platoon guarded the Vuk Karadžić School, as well as the buses parked outside the school and on the streets of Bratunac town); Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17934 (testifying further that members of the MP escorted buses carrying Bosnian Muslim men to the Vuk Karadžić school on 13 July), T. 17935–17936; Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6689–6690; Branimir Tešić T. 35245 (12 March 2013). *See also* Adjudicated Facts 1670, 1685.

17947 Momir Nikolić, T. 24674 (14 February 2012) (testifying that members of the Bratunac SJB provided security for the Vuk Karadžić School, and that detainees in the other facilities around Bratunac town were guarded mainly by police from various units, including members of the Bratunac SJB, PJPs, and civilian police). *See also* Adjudicated Fact 1670; Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6645, 6647; Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9213; Srbislav Davidović, T. 24411 (9 February 2012); Ljubisav Simić, T. 37289 (16 April 2013); KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9494, 9526–9527; P4563 (Statement by KDZ122), p. 4 (under seal).

17948 *See e.g.* D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1222; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17316, 17319; D1949 (Interview with KDZ039, 31 March 1996), p. 3; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1397–1399; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3027.

17949 KDZ039, T. 21939 (24 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17316; D1949 (Interview with KDZ039, 31 March 1996), p. 3.

17950 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17319. *See also* Adjudicated Fact 1675.

each vehicle.[17952] KDZ069, who was detained on a bus at this location, testified that the detainees were pressed so tightly together that his body was numb.[17953]

5295. As detainees were forced to enter both the Vuk Karadžić School and the hangar behind the school, they were ordered to leave their belongings outside, including any food that they had brought with them.[17954] Inside, they were deprived of food.[17955] While some of the detainees held on buses parked around town were given food, it was not nearly enough.[17956] Similarly, water was provided at the various detention facilities but it was not sufficient.[17957]

5296. Bosnian Muslim detainees held at the various locations in Bratunac town were constantly beaten by members of the Bosnian Serb Forces.[17958] The sound of detainees groaning and screaming, bursts of machine gunfire, and blunt blows could be heard coming from the areas in which detainees were held.[17959] Men were frequently taken away by members of the Bosnian Serb

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17951 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1222.

17952 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1398–1399. *See also* KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 666.

17953 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1399.

17954 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1179–1180, 1252, 1259; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17326.

17955 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1189–1190; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17319, 17326; D1947 (Statement of KDZ039 to Tuzla SDB, 25 July 1995), p. 1. *See also* D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9.

17956 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 919; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 668. *See also* D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9848.

17957 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1189–1190; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17319, 17326; D1947 (Statement of KDZ039 to Tuzla SDB, 25 July 1995), p. 1; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 919; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1399; KDZ333, T. 24150 (2 February 2012); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 668; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9848; Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9213; Srbislav Davidović, T. 24411–24412 (9 February 2012). *See also* Adjudicated Facts 1668, 1671; D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 9. When detainees on the buses outside the Vihor Company Garages asked for water, the members of the Bosnian Serb Forces ordered them to be quiet and hit the sides of the bus with their rifles. KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1399.

17958 *See e.g.* Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1180, 1222, 1252; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320–17321, 17323, 17387; D1949 (Interview with KDZ039, 31 March 1996), p. 3; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 666; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 914, 1070. *See also* Adjudicated Fact 1673.

17959 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1187, 1222; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 664, 667, 810–811; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 911, 913, 918–919; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320; KDZ039, T. 21944 (24 November 2011); D1949 (Interview with KDZ039, 31 March 1996), p. 2; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3029; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9811–9812, 9851. *See also* Adjudicated Facts 1673, 1676.

Forces and did not return.[17960] On at least one occasion, members of the Bosnian Serb Forces brought beaten up detainees back into the hangar behind the Vuk Karadžić School and threatened the other detainees that this would be their fate too.[17961] Some men had to hold detainees who were badly beaten due to the lack of space.[17962] At the Vuk Karadžić School detainees had to be escorted to the toilet, and were beaten with rifle butts as they made their way there.[17963] Later, the detainees were too afraid to go to the toilet, so they urinated where they were.[17964]

(B) Killings

(1) Vuk Karadžić School

5297. The Indictment refers to the killing of 50 or more Bosnian Muslim men inside and outside the Vuk Karadžić School and in the surrounding area, from approximately 10 p.m. on 12 July until the morning of 15 July 1995.[17965]

5298. Beginning on or about 10 p.m. on the night of 12 July 1995, members of the Bosnian Serb Forces entered the hangar behind the Vuk Karadžić School with flashlights, calling out for detainees from various villages to identify themselves.[17966] Few detainees responded.[17967] Members of the Bosnian Serb Forces then selected people at random with their flashlights, and ordered them to get up and leave.[17968] When these detainees asked if they needed to take a bag with them, they were told that they would not need anything anymore.[17969] Blunt blows, screaming, moaning, and the sound of throats being slit could be heard coming from outside the hangar.[17970]

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17960 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3029; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 915–919; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 811; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1187–1188, 1252. *See also* Adjudicated Facts 1672, 1673.

17961 D1949 (Interview with KDZ039, 31 March 1996), p. 2 (testifying that when the members of the Bosnian Serb Forces brought the badly beaten detainees back into the hangar, they told the other detainees, "you will all be beaten like this"); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et* al.), T. 17320–17321; D1947 (Statement of KDZ039 to Tuzla SDB, 25 July 1995), p. 2. *See also* Adjudicated Fact 1677.

17962 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17321–17322; D1949 (Interview with KDZ039, 31 March 1996), pp. 2–3. *See also* Adjudicated Fact 1678.

17963 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1188–1189.

17964 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1189.

17965 Indictment, Scheduled Incident E.15.1.

17966 KDZ039, T. 21946–21947 (24 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17319; D1949 (Interview with KDZ039, 31 March 1996), p. 2. *See* Adjudicated Fact 1676.

17967 KDZ039, T. 21946–21947 (24 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17319; D1949 (Interview with KDZ039, 31 March 1996), p. 2. *See* Adjudicated Fact 1676.

17968 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320; KDZ039, T. 21947 (24 November 2011); D1949 (Interview with KDZ039, 31 March 1996), p. 2. *See* Adjudicated Fact 1676.

17969 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320.

17970 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320; KDZ039, T. 21944 (24 November 2011); D1949 (Interview with KDZ039, 31 March 1996), p. 2. *See also* Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9811–9812.

According to KDZ039, who was detained inside, approximately 40 men were selected and removed from the hangar in this way during that first night.[17971] Most of the detainees taken out of the hangar did not return.[17972] However, on a few occasions, wounded detainees were brought back and some of them died overnight.[17973]

5299. On the morning of 13 July, detainees were made to carry those who had died overnight out of the hangar.[17974] Ten detainees were then forced to load the bodies onto trucks and these men never returned.[17975] That morning, detainees returning from the toilet next to the hangar were taken aside and killed.[17976] On the way to the toilet, KDZ039 observed members of the Bosnian Serb Forces beating a detainee to death with an iron bar and an axe.[17977] In the afternoon, a second group of trucks arrived to take away the dead bodies.[17978] Again, ten detainees were ordered to load the bodies, and they were never seen again.[17979]

5300. The situation at the Vuk Karadžić School was no better than that of the hangar. Detainees were also frequently removed from the school by members of the Bosnian Serb Forces and did not return.[17980] The sound of detainees groaning and screaming outside the school was constant.[17981] While Ahmo Hasić was detained at the school, he saw six or seven men taken out of his room; they

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17971 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320, 17324. KDZ039 testified that he saw a man he knew, Hamed Efendić, taken out of the hangar, and then he heard a shot and someone saying "he's dead. Drag him off." KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17321. The body of Hamed Efendić was exhumed from the Zeleni Jadar 5 secondary gravesite. *See* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court p. 370 (under seal).

17972 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320; KDZ039, T. 21944 (24 November 2011); D1949 (Interview with KDZ039, 31 March 1996), p. 2.

17973 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17320–17321; D1949 (Interview with KDZ039, 31 March 1996), pp. 2–3. *See* Adjudicated Facts 1677, 1678.

17974 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17322. *See* Adjudicated Fact 1679. KDZ039 was told by those who took the bodies out, that a pile of bodies could be seen behind the hangar. KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17322.

17975 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17322; D1949 (Interview with KDZ039, 31 March 1996), p. 3. *See* Adjudicated Fact 1679.

17976 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17322–17323; D1949 (Interview with KDZ039, 31 March 1996), p. 3. *See* Adjudicated Fact 1681.

17977 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17323; KDZ039, T. 21943 (24 November 2011); D1949 (Interview with KDZ039, 31 March 1996), p. 3.

17978 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17324; D1949 (Interview with KDZ039, 31 March 1996), p. 3. *See* Adjudicated Fact 1680. KDZ039 testified to having seen Mladić at the hangar that afternoon. KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17324–17325.

17979 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17324. *See* Adjudicated Fact 1680.

17980 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1186–1188, 1223, 1252. *See* Adjudicated Fact 1672. The Accused concedes in his final brief that several tens of victims died as a result of killings in Bratunac town, including at the Vuk Karadžić School, but claims that these incidents were personal revenge killings. *See* Defence Final Brief, para. 2568.

17981 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1180, 1186–1187, 1222–1223. *See also* Adjudicated Facts 1673, 1684; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 918–919; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9811–9812.

never returned.[17982] At one point, a detainee was brutally beaten by a policeman on the head and shoulders—first with a hose and then with an automatic rifle—until he was covered in blood.[17983] The detainee was then called outside by the same policeman; thereafter, screams and moans were heard and the detainee never returned.[17984]

5301. During the night of 13 July, detainees were also removed from the buses parked outside the Vuk Karadžić School by members of the Bosnian Serb Forces and taken to the school building.[17985] Detainees on the buses heard screaming and gunfire, and many of the men who were taken off the buses did not return.[17986] A Bosnian Serb man named "Ilija" boarded the buses and called out the names of detainees.[17987] With the assistance of two unknown individuals, Ilija took detainees from the buses to the school on several occasions that night; those men were not seen again.[17988]

5302. Members of the Bratunac public utility company and the Bratunac Civilian Protection unit were involved in the collection of bodies from the Vuk Karadžić School and surrounding area, starting on 14 July.[17989] Between 40 and 50 bodies were scattered across multiple classrooms on the ground and first floors.[17990] Classrooms were riddled with bullet holes, and blood everywhere.[17991] Đukanović estimated that he and his colleagues collected between 23 and 28 bodies from the Vuk Karadžić School, and between 27 and 33 bodies from the surrounding area.[17992] The bodies collected from the Vuk Karadžić School and surrounding area were loaded on to trucks and transported to the Glogova gravesites.[17993] Following the collection and

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17982 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1187. According to Hasić, detainees were taken out of the room every couple of hours. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1187–1188.

17983 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1180, 1222, 1260. *See* Adjudicated Fact 1673.

17984 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1180, 1222. *See* Adjudicated Facts 1673, 1684.

17985 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 915–919; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3029. *See* Adjudicated Fact 1683.

17986 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 915–919; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3029. *See also* Adjudicated Facts 1683, 1684; Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9811–9812.

17987 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 915, 918.

17988 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 915–919.

17989 [REDACTED]; P290 (Aerial photograph of Bratunac marked by KDZ107); P408 (Witness statement of Desimir Đukanović dated 23 March 2007), para. 5.

17990 [REDACTED].

17991 [REDACTED].

17992 P407 (Witness statement of Desimir Đukanović dated 20 March 2007), para. 5; P406 (Desimir Đukanović's evidence in BiH state court), pp. 1–4. *See also* Milenko Katanić, T. 24545 (10 February 2012).

17993 KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7920 (under seal); KDZ480, T. 24261, 24267–24268 (8 February 2012) (closed session); P407 (Witness statement of Desimir Đukanović dated 20 March 2007), para. 6; P408 (Witness statement of Desimir Đukanović dated 23 March 2007, paras. 5, 7; P406 (Desimir Đukanović's evidence in BiH state court), p. 3; KDZ107, P345 (Transcript from *Prosecutor v. Popović et al.*), T. 9372, 9390–9391, 9544. *See also* Adjudicated Fact 1686; Zoran Petrović-Pirođanac, P376 (Transcript

transportation of the bodies, between 20 and 30 women were assigned by the Bratunac municipality to clean the Vuk Karadžić School.[17994]

5303. Based on the above, the Chamber finds that at least 50 Bosnian Muslim men were killed by members of the Bosnian Serb Forces between 12 and 14 July 1995 inside the Vuk Karadžić School and in the surrounding area.

(2) Killing of mentally challenged man

5304. The Indictment refers to the killing on the evening of 13 July 1995 of a mentally challenged Bosnian Muslim man who was taken off a bus parked in front of the entrance of the Vuk Karadžić School in Bratunac and summarily executed.[17995]

5305. During the night of 13 July 1995, a mentally challenged man detained in one of the buses parked outside the Vuk Karadžić School fell asleep despite being told by members of the Bosnian Serb Forces not to do so.[17996] A military policeman boarded the bus and hit him on the shoulder.[17997] The man was woken suddenly and accidentally hit the policeman.[17998] The policeman cursed the man, while two other military policemen dragged him off the bus in the direction of the school.[17999] After the man was removed from the bus, Mevludin Orić, who was also on the bus, heard a short burst of gunfire, a scream, and someone saying "drag him into the school".[18000] The man was not seen again.[18001]

5306. The Chamber finds that on the evening of 13 July 1995, this mentally challenged man was killed by members of the Bosnian Serb Forces at the Vuk Karadžić School.

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from *Prosecutor v. Popović et al.*), T. 18813, 18816–18818; D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 39. *See* para. 5257.

17994 KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7883–7884 (under seal); KDZ480, T. 24270–24271, (8 February 2012) (closed session). *See also* Adjudicated Fact 1687.

17995 Indictment, Scheduled Incident E.15.3. The Chamber notes that the Prosecution refers to this man as "mentally retarded" in the Indictment and "mentally ill" in its final brief. *See* Prosecution Final Brief, Appendix D, para. 95.

17996 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 911. In relation to the man's mental state, Orić testified that the detainees sitting next to him who probably knew him said that he was not entirely normal and that he was "crazy". Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 911, 1072. *See* Adjudicated Fact 1688.

17997 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 911.

17998 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 911–912, 1071–1072. *See* Adjudicated Fact 1688.

17999 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 911–913, 1072. *See* Adjudicated Fact 1688. Orić added that the man struggled with the policemen, holding on to the seat of the bus so he had to be literally taken off; he physically resisted as they took him to the school. Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 912–913.

18000 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 911–914, 1072–1073.

18001 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 913, 1072. *See* Adjudicated Fact 1688.

### f. Zvornik

#### *i. Introduction*

5307. As the Chamber has previously described, Zvornik is a municipality in eastern BiH, located on the Drina River, which marks the boundary between BiH and Serbia.[18002]

5308. In July 1995, the area of responsibility of the Zvornik Brigade stretched along the west bank of the Drina River, from the mouth of the Drinjaca tributary in the south, to Pilica in the north.[18003] It covered the most northern part of the Drina Corps' defence, including Kozluk, Zvornik, and Snagovo.[18004] The Chamber recalls that the Zvornik Brigade headquarters, known as the Standard Barracks, was situated in Karakaj, about two kilometres north of Zvornik, along the Konjević Polje–Zvornik–Bijeljina Road, which followed the Drina River.[18005] The Zvornik Brigade IKM was located in the village of Kitovnice, approximately 15 kilometres from the Standard Barracks, in the direction of Orahovac.[18006]

#### *ii. Lead-up to the events in Zvornik*

##### (1) Preparations in Bratunac between 13 and 14 July

5309. On the evening of 13 July at approximately 7 p.m., Drago Nikolić called Dragan Obrenović at the Standard Barracks and told him that Popović had just telephoned to inform him that a large number of Bosnian Muslims who were being detained in Bratunac would be transferred to Zvornik to be shot.[18007] Drago Nikolić then reported that Popović had said the order came from Mladić, and that "everyone, including Pandurević was aware of [it]."[18008] Popović told Drago Nikolić that he would send someone to brief him in person and give him additional information.[18009] Drago Nikolić then asked Obrenović to be relieved from his duties at the IKM, and requested the assistance of the Zvornik Brigade MP Company to be able to carry out the task given to him.[18010] Obrenović agreed to relieve Nikolić and to send five military policemen and Miomir Jasikovac, the

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18002 *See* para. 1228.

18003 P4941 (Srebrenica court binder containing maps), e-court p. 6; P4091 (Map of Srebrenica and Zvornik).

18004 P4941 (Srebrenica court binder containing maps), e-court p. 6.

18005 *See* para. 198; P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 248.

18006 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11013; P4564 (Map of Zvornik Brigade operations region) (the IKM is marked with number 4).

18007 [REDACTED]. *But see* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 40 (stating that he only heard of the assignment from Beara the following morning).

18008 [REDACTED]. Nikolić also told Obrenović that Beara and Popović were in charge of the assignment. [REDACTED].

18009 [REDACTED].

18010 [REDACTED].

Commander of the Zvornik Brigade MP Company,[18011] in order to assist him.[18012] Jasikovac arrived at the Standard Barracks at approximately 8 p.m., and was ordered by Obrenović to gather five or six of his men and await further orders from Drago Nikolić.[18013]

5310. Momir Nikolić testified that he met with Beara in Bratunac town on the evening of 13 July, and was ordered to meet with Drago Nikolić and convey the decision that detainees in Bratunac were to be transferred to the Zvornik Brigade area of responsibility, and that Drago had to prepare facilities and security for the transfer and detention of these men.[18014] Momir Nikolić understood from this exchange that the detainees would be executed in Zvornik municipality.[18015] As instructed, Momir Nikolić then drove to Zvornik and conveyed the order to Drago Nikolić.[18016] Drago Nikolić replied that he would inform his command.[18017] Momir Nikolić returned to Bratunac town at around midnight and reported to Beara at the Hotel Fontana.[18018]

5311. At 8:10 p.m., Deronjić spoke to the Accused via an intermediary and informed him that there were 2,000 detainees in Bratunac and that more were expected to arrive during the night.[18019] The conversation unfolded as follows:

: I'm waiting for a call to President Karadžić. Is he there?
B: Yes.
: Hello! Just a minute, the duty officer will answer now, Mr. President.
B: Hello! I have Deronjić on line.
: Deronjić, speak up.
D: Hello! Yes. I can hear you.
: Deronjić, the President is asking how many thousands?
D: About two for the time being.
: Two, Mr. President. (heard in the background)
D: But there'll be more during the night.

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18011 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11012, 11116; D2266 (Nada Stojanović's interview with OTP), pp. 5–6; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6440, 6479–6481 (under seal). *See also* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 7.7.

18012 [REDACTED]; P4582 (Zvornik Brigade IKM Operations Duty logbook, July–October 1995), p. 6.

18013 [REDACTED].

18014 Momir Nikolić, T. 24666–24669, 24679 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10. The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July, as discussed in fn. 17583.

18015 Momir Nikolić, T. 24668–24669 (14 February 2012).

18016 Momir Nikolić, T. 24670–24671 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10.

18017 Momir Nikolić, T. 24671 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10.

18018 Momir Nikolić, T. 24672, 24676 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10.

18019 P6692 (Intercept of conversation between Radovan Karadžić, his intermediary, and Miroslav Deronjić, 13 July 1995), p. 1. The Accused acknowledges that this telephone call took place, and that Deronjić informed him of the large number of detainees in Bratunac. *See* Defence Final Brief, confidential, paras. 2537, 3025–3026. *See also* KDZ126, T. 26400–26404 (15 March 2012).

[...]
D: Can you hear me, President?
: The President can't hear you, Deronjić, this is the intermediary.
D: I have about two thousand here now by [...]
: Deronjić, the President says: "All the goods must be placed inside the warehouses before twelve tomorrow."
D: Right.
: Deronjić, not in the warehouses over there, but somewhere else.
D: Understood.
: Goodbye.[18020]

5312. Soon after reporting to Beara at Hotel Fontana, Momir Nikolić drove him to the Bratunac SDS Office to meet with Deronjić and Vasić.[18021] At the meeting, Beara and Deronjić argued about where to kill the detainees; it was already openly agreed that the detainees would be executed.[18022] Despite Beara's orders earlier that day to prepare facilities and security for the transfer of detainees to Zvornik, Beara insisted that he had instructions from "his boss" that the detainees should remain in Bratunac.[18023] Deronjić replied that he did not want anyone to be killed in Bratunac and that he had received instructions from the Accused that all of the Bosnian Muslim men being detained in Bratunac should be transferred to Zvornik.[18024] Eventually, Beara and Deronjić reached an agreement to transfer the detainees to the area of responsibility of the Zvornik Brigade in the

18020 P6692 (Intercept of conversation between Radovan Karadžić, his intermediary, and Miroslav Deronjić, 13 July 1995), p. 1. *See* KDZ126, T. 26400–26403 (15 March 2012) (noting that he recorded this conversation).

18021 Momir Nikolić, T. 24676 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10. *See also* P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 85–87 (stating that Beara was present at the Bratunac SDS Office on 13 July), 95 (referring to the presence of Vasić and Momir Nikolić at the SDS Office that day); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7875–7876 (under seal).

18022 Momir Nikolić, T. 24677–24678 (14 February 2012). *See also* P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 84 (stating that Deronjć told him he had a very unpleasant conversation with Beara regarding the Bosnian Muslim prisoners and the location where they would be imprisoned) and 93 (stating that Deronjić told him that Beara was searching for a location "probably to kill the prisoners" in Bratunac and that the Accused assisted Deronjić by lending his support to the idea of relocating the detainees so that they were not killed in Bratunac). Momir Nikolić testified that after driving Beara to the Bratunac SDS office, he waited in the reception area next to Deronjić's office where he could hear the entire meeting. Momir Nikolić, T. 24676–24677 (14 February 2012). The Accused challenges Momir Nikolić's evidence on this meeting as unreliable and unacceptable without corroboration. *See* Defence Final Brief, paras. 3039–3040. Having assessed Momir Nikolić's evidence, the Chamber is satisfied of the truthfulness and reliability of his account of the meeting between Beara, Vasić, and Deronjić.

18023 Momir Nikolić, T. 24677, 24679–24680 (14 February 2012). Momir Nikolić acknowledged that Beara's conduct in this meeting was contrary to his earlier order to inform Drago Nikolić that detainees were to be transferred to Zvornik, but testified that "especially on the 13th, [decisions] changed rapidly. So first you would receive one order and half an hour later the order was amended, you would receive a different order, and that was the situation that prevailed in Bratunac at the time, and in particular on the 13th when there were many problems". Momir Nikolić, T. 24677–24680 (14 February 2012).

18024 Momir Nikolić, T. 24677–24679 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10. *See also* Srbislav Davidović, T. 24415–24416, 24452–24453 (9 February 2012); Milenko Katanić, T. 24496 (10 February 2012); P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 91–93.

following days.[18025] After the meeting, Momir Nikolić went to the Bratunac Brigade Command and informed Blagojević and other personnel of the plan.[18026]

(2) Transportation of detainees from Bratunac to Zvornik

5313. The transportation of detainees from the Bratunac area to Zvornik began on the night of 13 July.[18027] The Bosnian Muslim men detained at the hangar behind the Vuk Karadžić School were forced to board six buses which departed in the direction of Zvornik.[18028] Momir Nikolić saw buses "full of people" heading in the direction of Zvornik at around midnight.[18029]

5314. Early on the morning of 14 July, Beara and Popović drove to the Standard Barracks to meet with Drago Nikolić.[18030] After the meeting, Beara ordered Popović to organise a convoy to transport the detainees from Bratunac to the buildings in Zvornik which had been designated for their detention.[18031] Drago Nikolić ordered his driver, Milorad Birčaković, to drive him to Hotel Vidikovac, located two kilometres from Zvornik.[18032] Meanwhile, Popović and Beara returned to the Bratunac Brigade Command where Beara ordered Momir Nikolić to help form the convoy.[18033]

5315. Soon after, Popović started forming the convoy with Momir Nikolić's assistance.[18034] Two members of the Bratunac Brigade MP were ordered to assist with the escort of detainees to Zvornik, by driving an APC that had been seized from DutchBat and parking it at the edge of Bratunac town.[18035] Throughout the morning, vehicles from various sites in and around Bratunac

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18025 Momir Nikolić, T. 24678 (14 February 2012). *See also* P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 91–93.

18026 Momir Nikolić, T. 24680–24681 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10.

18027 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17327–17328; Momir Nikolić, T. 24671–24672 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10. *See also* Jean-René Ruez, T. 23784–23785 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 132.

18028 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17327–17328.

18029 Momir Nikolić, T. 24671 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 10. Kovač also acknowledged being at the Hotel Vidikovac that evening and seeing buses in Zvornik transporting detainees from Srebrenica. Tomislav Kovač, T. 42776–42778 (1 November 2013); D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 126.

18030 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11013–11015. *See also* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 41. The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July, as discussed in fn. 17583.

18031 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 42. *See also* P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 91; Adjudicated Fact 1749.

18032 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11011, 11017.

18033 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 44.

18034 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 45.

18035 KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3557–3561, 3677–3678; Mile Petrović, T. 45553 (17 January 2014); Momir Nikolić, T. 24681–24682 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 11.

town were driven towards the edge of town where the APC was waiting.[18036] Detainees on some vehicles waited for several hours for the entire convoy to assemble.[18037] By the end of this process, a column was formed which consisted of between 30 and 50 buses and some trucks, and was approximately one to one and a half kilometres in length.[18038]

5316. The convoy left Bratunac for Zvornik around noon, heading in the direction of Konjević Polje, with Popović in the Golf leading the way, followed by the APC.[18039] The convoy was escorted by the same members of the Bratunac Brigade MP and MUP who had guarded the detention facilities in Bratunac in the preceding days, as well as by other members of the Bosnian Serb Forces.[18040] It took between an hour and an hour and a half for the first part of the convoy to reach Hotel Vidikovac.[18041] At this time, Drago Nikolić, Birčaković, and Mane Đurić were at the hotel.[18042] Shortly after the convoy arrived, Drago Nikolić ordered Birčaković to board the first bus.[18043] Escorted by Popović, the first part of the convoy went on to the Orahovac School.[18044]

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18036 *See* KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3561; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 934; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1399; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 674.

18037 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 934 (testifying that the detainees were told that they were waiting for UNPROFOR to come); KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1399; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 674–675 (testifying that he heard "them" shouting: "We're waiting for the UNPROFOR."). *See also* KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3560–3561, 3678.

18038 Momir Nikolić, T. 24681 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 11; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 45–46; Mane Đurić, T. 35082 (7 March 2013). *See also* Adjudicated Fact 1747; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 675–676.

18039 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 47; Vujadin Popović, T. 43059 (6 November 2013); Momir Nikolić, T. 24681 (14 February 2012); KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3561; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1400–1401; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 935, 940–941; P268 (Map of BiH marked by Mevludin Orić); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 675–676. *See also* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3029–3031; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2961–2962; Adjudicated Fact 1748.

18040 Momir Nikolić, T. 24681–24682 (14 February 2012); Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11019, 11085, 11122, 11149–11150, 11154; P169 (Bratunac Brigade Military Police log, 30 June–21 July 1995), p. 14. *See also* KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6446, 6449, 6475–6476; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3031; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2962; Adjudicated Facts 1751, 1752.

18041 KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3678–3679; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11017–11018; Mane Đurić, T. 35041, 35081–35082 (7 March 2013). *See also* Momir Nikolić, T. 24670 (14 February 2012). Birčaković testified that he saw between five and ten buses arrive at the Hotel Vidikovac at around 8:30 or 9 a.m.. Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11017–11018. The Chamber notes that the Prosecution relies on Birčaković's evidence and several other witnesses in relation to the time that the convoy left Bratunac and subsequently reached the Hotel Vidikovac. *See* Prosecution Final Brief, Appendix D, p. 34, fns. 376, 382. Given the significant body of credible evidence suggesting that the convoy reached the Hotel Vidikovac in the early afternoon, the Chamber finds that the events which Birčaković refers to occurred later in the day. This inaccuracy aside, the Chamber is satisfied that Birčaković's evidence was reliable and of probative value, and therefore had no difficulty in relying upon it.

18042 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11017–11018; Mane Đurić, T. 35041 (7 March 2013).

18043 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11019–11020, 11054–11055.

The movement of the convoy from Hotel Vidikovac continued throughout the day; other vehicles went to the Petkovci School,[18045] Ročević School,[18046] and Kula School in Pilica.[18047]

*iii. Detentions and Killings*

(1) Orahovac School and field near Orahovac

(a) Introduction

5317. The Indictment refers to the killing on or about 14 July 1995 of two Bosnian Muslim detainees who were held at the school in Orahovac; the two detainees were removed from the school and summarily executed by rifle fire.[18048] The Indictment also refers to the killing on 14 July 1995 of approximately 1,000 Bosnian Muslim men who were detained at the school in Orahovac, blindfolded, transported to a nearby field by truck, and summarily executed. According to the Indictment, the bodies of the victims were buried in mass graves at the execution site on 14 and 15 July 1995.[18049]

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18044 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 49–50; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11019–11020, 11054–11055; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6446, 6449, 6468–6469. *See also* Adjudicated Facts 1755, 1769; KDZ039, T. 21958 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 937; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 677, 679, 759–760; KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3563–3564, 3679–3680. *See* para. 5320.

18045 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1401–1402; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3337; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2962–2964. *See also* Adjudicated Fact 1790. *See* para. 5358.

18046 *See* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 41, 52; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17948, 17950–17951, 17998. *See* para. 5385.

18047 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1192–1193, 1223, 1291–1292; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3030–3032; KDZ333, T. 24124–24125, 24151 (2 February 2012); P4347 (Photograph of Kula School marked by KDZ333); Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10221–10223. *See* para. 5417. The Chamber notes that Ahmo Hasić testified that he arrived at Pilica on 15 July. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1193, 1227. However, having compared Hasić's evidence with the totality of evidence received by the Chamber in relation to this killing incident, as discussed in Section C.1.f.iii.4: Kula School and Pilica Cultural Centre, the Chamber considers that Hasić arrived at Kula School on 14 July. The Chamber heard evidence that the vehicles heading to Kula School stopped near Pilica for between an hour and an hour and a half; while they were stopped, a Bosnian Muslim detainee who had been standing in the aisle of one of the buses appeared to lie down; when he did not move again, the other detainees discovered that he had died, and his body was put on the side of the road. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1191–1192, 1291. Another detainee got permission to leave the bus in order to urinate and, when he attempted to flee, the Serb soldiers "cut him down with a burst of gunfire". Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1191–1192, 1272–1274. Hasić testified that he did not see the man being killed, but was told by other detainees standing in front of the bus that he was killed. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1273–1274. This killing is not charged in the Indictment.

18048 Indictment, Scheduled Incident E.6.1.

18049 Indictment, Scheduled Incident E.6.2.

5318. The village of Orahovac is located northwest of Zvornik,[18050] within the area of responsibility of the 4th Battalion of the Zvornik Brigade.[18051] The Orahovac School, also known as Grbavci School,[18052] is located near Orahovac, on the main road towards Križevići, approximately 12 kilometres away from the Standard Barracks in Karakaj.[18053] The Orahovac School complex is composed of a main building, a gymnasium connected to the main building by a corridor, and a large playground located between the gymnasium and the main road.[18054]

(b) Detention at the Orahovac School and killing of two men

5319. A detachment of the Zvornik Brigade MP Company was sent to the Orahovac School on the night of 13 July; its members were told by Jasikovac that they were to provide security for detainees who were expected to arrive at the school.[18055] Once at the school, the detachment followed Jasikovac's orders, and started making the necessary preparations.[18056] At some point on 14 July, other members of the Zvornik Brigade—including members of the 4th Battalion—were also present at the school.[18057]

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18050 P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 132; P4091 (Map of Srebrenica and Zvornik); P3187 (Map of Zvornik municipality).

18051 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 7.6. *See* Adjudicated Fact 1753.

18052 Jean-René Ruez, T. 23788 (27 January 2012). *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 133.

18053 KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6445 (under seal); P3187 (Map of Zvornik municipality). *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 132, 133; P212 (Photograph of Orahovac school).

18054 Jean-René Ruez, T. 23787–23788 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), p. 133; P4291 (Aerial image of Orahovac school marked by Jean-René Ruez); P4293 (Video footage of Orahovac School).

18055 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6446; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6444–6445, 6447, 6479–6480 (under seal); P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 7.8. *See also* P6191 (Excerpt from tactical intercepts notebook), p. 2 (referring to a request "to send security for Orahovac"); P4948 (Zvornik Brigade Military Police attendance roster, July 1995); D2266 (Nada Stojanović's interview with OTP), pp. 11–12; P4563 (Statement by KDZ122), p. 1 (under seal); Adjudicated Facts 1754, 1771. The Prosecution claims that the Zvornik Brigade MP attendance roster for 14 July 1995 was altered to conceal the presence and involvement of MPs in the murder operation at Orahovac. *See* Prosecution Final Brief, Appendix D, confidential, fn. 400; Richard Butler, T. 27562–27564 (18 April 2012). According to the Prosecution, this is consistent with other alterations made with respect to other execution sites. *See* Prosecution Final Brief, Appendix D, confidential, fn. 499 (referring to the altering of the roster for 15 July to conceal the presence of MP members at Ročević School). *See also* fn. 18368. The Chamber has reviewed the relevant entries of the duty roster and has found indicia of an apparent alteration. Thus, in light of the evidence demonstrating that members of the Zvornik Brigade's MP Company were present at the Orahovac School on 14 July, and the fact that attempts were also made to conceal the unit's presence at the Ročević School on 15 July, the Chamber finds that the attendance roster was indeed altered in an attempt to conceal the presence of members of the Zvornik Brigade MP Company at the Orahovac School on 14 July 1995.

18056 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6446–6447.

18057 Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10334–10335, 10382–10383; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6448–6449; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11020–11021, 11123–11124; KDZ122, T. 26120 (12 March 2012) (closed session); P4563 (Statement by KDZ122), pp. 2, 5 (under seal). *See also* Adjudicated Fact 1770; D2266 (Nada

5320. Around 2 a.m., a convoy of four to six buses carrying approximately 300 men, which had set out earlier from Bratunac, arrived at the Orahovac School.[18058] Buses continued arriving from Bratunac into the early afternoon of 14 July.[18059] At least one of these convoys was led by an UNPROFOR APC driven by VRS soldiers.[18060] Members of the civilian police wearing blue uniforms were on some of the buses together with the detainees.[18061]

5321. As the buses arrived, they pulled over in the playground in front of the school.[18062] Upon disembarking, the detainees were ordered to run to the gymnasium.[18063] They were escorted by the policemen who had been on the buses with them.[18064] The gymnasium was guarded by members of the Zvornik Brigade MP at both of its entrances.[18065] The detainees had to leave their belongings outside.[18066]

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Stojanović's interview with OTP), p. 25. The Chamber received evidence that reinforcements from the Zvornik Brigade's 4th Battalion were sent to the school at the request of Trbić, Drago Nikolić's deputy. P4563 (Statement by KDZ122), p. 5 (under seal). *See* KDZ122, T. 26120 (12 March 2012) (closed session).

18058 KDZ039, T. 21958 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17325, 17327–17328, 17332, 17358. *See* para. 5313.

18059 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 944 (testifying that he arrived at the Orahovac School around noon); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 759–760 (testifying that he arrived at the school either in the afternoon or evening, and explaining that "summer days are very long"). *But see* KDZ039, T. 21958 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333, 17363 (testifying that the last detainees arrived the gymnasium around 10 a.m. and that no detainees were brought in the afternoon); Adjudicated Fact 1755 (referring to the arrival to the Orahovac School of 30 vehicles on 14 July). *See also* KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6449, 6468–6469 (referring to the arrival of between 10 and 15 buses at the school on 14 July).

18060 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 934–935, 938; Mile Petrović, T. 45553 (17 January 2014). KDZ064 testified that, upon his arrival at the Orahovac School, he saw an UNPROFOR APC parked in the playground. KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 677, 679, 683.

18061 KDZ407 explained that the policemen were dressed in blue combat overalls, some were armed and some were wearing flak jackets. KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6446, 6449, 6475. He recognised some civilian policemen from Zvornik who were not part of the Zvornik Brigade. KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6476; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), 6481–6482 (under seal). *See also* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 42, 44; Mane Đurić, T. 35051–35053 (7 March 2013); P6191 (Excerpt from tactical intercepts notebook), p. 2 (referring to a request "to send security for Orahovac").

18062 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 677, 684, 686, 848; P770 (Photograph of Orahovac school); P771 (Photograph of Orahovac school).

18063 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 937; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 677; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17328–17329; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6449; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11020. *See also* P772 (Photograph of Orahovac school); P773 (Photograph of the interior of Orahovac school); P774 (Photograph of the interior of Orahovac school); P3944 (Photograph of gymnasium at Orahovac school); Jean-René Ruez, T. 23788 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 134.

18064 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6446, 6449, 6475–6476; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6481 (under seal); Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11086, 11122, 11150–11151, 11154. Between 7 and 15 of these policemen were present at the school. KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6475–6476; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11122–11123.

18065 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6454, 6484; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17346. *See also* Jean-René Ruez, T. 23789 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 135. KDZ064 described these

5322. At some point, a crowd of about 100 hostile locals gathered near the school and made comments that all of the detainees ought to be killed.[18067] Members of the Zvornik Brigade had to control the crowd.[18068]

5323. Once all the detainees had entered, they filled the entire gymnasium.[18069] The Chamber received evidence that anywhere between 500 and 2,500 Bosnian Muslim men were detained at the Orahovac School.[18070] The approximate age range of the detainees at the gymnasium was 15 to 70 years old, but there were also four 10 to 14 years old boys.[18071]

5324. The detainees were ordered to sit with their knees touching their chests, and were told that they would be shot if they did not comply.[18072] There was not enough space for everyone to sit, so some men had to sit on others' laps.[18073] The detainees were sitting so tightly packed that they could not move.[18074] With an outside temperature "well in its 30s",[18075] it was stuffy in the gymnasium and the detainees started to suffocate and faint.[18076] The detainees were not given any

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men as "young lads [...] holding rifles in their hands", adding that when someone addressed them as soldiers they said that they were not soldiers but "Karadžić's Chetniks, Young Chetniks". KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 698. *See* KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28830; KDZ064, T. 1445 (22 April 2010).

18066 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 938–939; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 677; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11029. *See also* Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10336; Adjudicated Fact 1758.

18067 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6448, 6450–6451, 6467–6468. *See also* Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11022.

18068 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6451; Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10337.

18069 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6450. *See also* Adjudicated Fact 1756.

18070 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17337–17338, 17352 (stating that while he had not counted the detainees, he thought there were over 2,500 people inside the gymnasium); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 697–698; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28834–28835 (estimating that there were anywhere between 500 and 1,000 people inside the gymnasium despite not having counted the men); Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 943 (stating that there were over 2,000 detainees in the gymnasium); KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), 6478–6479 (under seal) (stating that there may have been approximately 1,000 detainees at the gymnasium); P6220 (Report on the events in and around Srebrenica between 10 and 19 July 1995, June 2004), p. 15 (stating that there were approximately 1,000 detainees at the school); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 50 (referring to between 400 and 500 detainees); Adjudicated Fact 1757 (referring to between 1,000 and 2,500 men being detained at the school).

18071 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 698. *See also* Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 944; Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10338.

18072 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 943.

18073 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333.

18074 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 696.

18075 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 700.

18076 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 944, 1005; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 700–701; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333. Adjudicated Facts 1759, 1760.

food, but the four boys were allowed to fetch water, although it was not sufficient for everyone.[18077] A bucket served as a toilet.[18078]

5325. At one point, a man stood up and complained to the soldiers guarding the gymnasium, stating that he was suffocating and did not want to stay there any longer.[18079] The soldiers told the man to come out and cool off a bit, ordering the detainees around him to push him out.[18080] As the man went through the entrance door, the soldiers shot and killed him, dragging his body away.[18081] Later, another man commented that the detainees should not be killed; he was then taken out by one of the soldiers guarding the entrance.[18082] As the man was taken out, a rifle shot was heard, followed by moaning and another shot; then there was silence.[18083] Two dead bodies were later seen in the playground of the school.[18084]

5326. People dressed in civilian clothes,[18085] followed later by VRS officers, arrived at the school.[18086] By the early afternoon,[18087] a number of soldiers had gathered on the road in front of the school and in the school's playground.[18088] Drago Nikolić and Sreten Milošević were standing in the schoolyard by the main gate in front of the gymnasium.[18089] Jasikovac,[18090] Popović,[18091]

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18077 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 944–945, 1004–1005; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 700, 704; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6452, 6485. *See also* Adjudicated Fact 1759; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333; Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10338.

18078 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 701.

18079 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 945–946.

18080 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 945–947.

18081 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17333–17334; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 946. *See* Adjudicated Fact 1762. *See also* KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 703, 765 (referring to a man of about 30 years of age who was taken out and shot).

18082 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 703, 765.

18083 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 703, 765.

18084 Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10336.

18085 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 703, 706.

18086 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6487–6488; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 706, 708, 764. *See also* Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 947.

18087 Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10334; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6452.

18088 Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10334–10335; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6452. *See also* KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 682. One of the policemen belonged to the Doboj police. Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10335.

18089 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 53; Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10337–10338, 10361–10362; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11022–11023, 11038–11039, 11124–11125; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6451–6452, 6484; P4563 (Statement by KDZ122), p. 5 (under seal).

Trbić,[18092] Beara,[18093] as well as Lazar Ristić—the Commander of the Zvornik Brigade's 4th Battalion—[18094]were also present at the school premises on the afternoon of 14 July 1995.[18095]

5327. By the afternoon,[18096] one of the officers ordered everyone to "shut up" following which he began instructing the detainees to move out of the gymnasium.[18097] The detainees were told to prepare to be taken to Batković Camp,[18098] and were instructed to face the wall.[18099] After the detainees were lined up, which took 10 to 15 minutes,[18100] they were taken in groups to a small locker room adjacent to the gymnasium, where five or six armed soldiers in camouflage uniform, including a woman, were standing.[18101] The detainees were either blindfolded by another detainee or were given strips of cloth about 15 centimetres wide with which they had to cover their eyes

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18090 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11021, 11124–11125; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6458 (under seal); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 51.

18091 Vujadin Popović, T. 43062–43063 (6 November 2013); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 50, 53; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11024–11025, 11044, 11057–11058, 11082. *See also* Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10337.

18092 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 53; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11021, 11027. *See* P4563 (Statement by KDZ122), p. 5 (under seal).

18093 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 53; D2266 (Nada Stojanović's interview with OTP), pp. 27–28, 39, 43–45. *See also* P4563 (Statement by KDZ122), p. 2 (under seal) (referring to the presence of Beara in Zvornik on 14 July 1995); P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 45 (an entry for 14 July 1995 in the Zvornik Brigade Duty Officers Notebook dated 15:00 hours noting that "Colonel Beara is coming in order to Orovoc Petkovci Roćević Pilica"). The Chamber finds that the entry in the Zvornik Brigade Duty Officers Notebook refers to Orahovac. The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July, as discussed in fn. 17583.

18094 P4563 (Statement by KDZ122), pp. 2, 5 (under seal).

18095 Both KDZ039 and Mevludin Orić testified to also having seen Mladić at the school. KDZ039, T. 21960–21961 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17334, 17381–17382; D1945 (Statement of KDZ039 to Tuzla SJB, 21 July 1995), p. 3; D1947 (Statement of KDZ039 to Tuzla SDB, 25 July 1995), p. 2; D1949 (Interview with KDZ039, 31 March 1996), p. 4; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 995–996, 1003–1004.

18096 *See* Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 958 (testifying that he was taken to the execution field by early afternoon, between 1 and 3 p.m.); KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6487 (testifying that the first group of detainees were taken out of the gymnasium "later in the afternoon"); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 709 (testifying that his turn to leave the gymnasium was sometime in the evening); KDZ039, T. 21972 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17347, 17358 (testifying that he was taken out of the gymnasium at around 8 p.m. when the sun was still shining).

18097 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 703. KDZ064 testified that the man controlling the events was wearing a red beret and was quite young, explaining that, before he arrived, no one was taken out of the gymnasium. KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 704, 709, 764, 767. *See also* KDZ064, T. 1443 (22 April 2010). *But see* KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6485 (testifying that he did not remember anyone being a kind of leader and wearing a red beret).

18098 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 947–948, 1005.

18099 The first four rows of detainees were to stand up, turn right, and face the wall away from the entrance; the next four rows had to do the same thing, facing the other way. KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 703, 764; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 943.

18100 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 764.

themselves.[18102] Some detainees also had their hands tied behind their backs.[18103] The woman then gave each of the detainees water as they left the room.[18104]

5328. As the detainees left the room, they were ordered to board one of the two TAM trucks which were parked close to the entrance of the gymnasium, through a ramp leading to them.[18105] They were loaded in groups of approximately 20 to 40.[18106] Two benches ran along the trucks' sides, which served as seats for some of the detainees.[18107] Some of the detainees took their blindfolds off while on the truck.[18108] When the detainees asked where they were being taken, they were told they were going to a camp in Bijeljina.[18109]

5329. Once full, the two TAM trucks took off from the Orahovac School,[18110] turning right in the direction of Tuzla.[18111] Shortly afterwards, the trucks returned to the school empty.[18112] This same

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18101 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 948–951; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 708–709, 765. *See also* Adjudicated Fact 1764.

18102 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 948–949, 952–953; KDZ064, T. 1443 (22 April 2010); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 708–709, 767; KDZ039, T. 21958 (24 November 2011); KDZ039, T. 21958 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17335, 17358. During a site visit, members of the Prosecution found a large number of pieces of cloth in a rubbish area at the playground of the Orahovac School. Jean-René Ruez, T. 23792–23793 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 140–143.

18103 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6454; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11026.

18104 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 709; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 948–949; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17334–17335; Adjudicated Fact 1764.

18105 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 952–953; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 689, 691, 709–710; KDZ039, T. 21923–21924 (24 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17335; P3941 (Photograph marked by KDZ039) (where KDZ039 indicated the area in which the TAM trucks parked); Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11025–11026, 11037; P3945 (Photograph of Orahovac school). *See also* Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10346, 10395; Jean-René Ruez, T. 23789, 23791 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 135, 140, 144; P4292 (Photograph of Orahovac school marked by Jean-René Ruez).

18106 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 709, 712; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11026. *See also* Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 953.

18107 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 953–954; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 709, 711.

18108 KDZ064, T. 1442 (22 April 2010); Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 955; KDZ039, T. 21924, (24 November 2011); T. 21972 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17335, 17359.

18109 KDZ064, T. 1442–1443 (22 April 2010); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 711.

18110 KDZ039, T. 21924 (24 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17335; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11037.

18111 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6455. *See* Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11026.

18112 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6455.

procedure was repeated until the gymnasium was emptied and it was almost dark.[18113] After the first few trips, Jasikovac ordered Birčaković to follow the trucks in a red Opel Rekord until reaching a water point further down the main road; thereafter he had to return to the school while the trucks turned left and continued up a macadam road.[18114]

5330. Having left at one point earlier that afternoon, Drago Nikolić returned to the Orahovac School just before night fall.[18115] When Ristić went to the school that evening and tried to take away the soldiers sent earlier that day as reinforcements, he was stopped by Drago Nikolić, who said that if the men stayed they would be issued with new uniforms.[18116] Drago Nikolić had also been asking for volunteers to take part in the execution of detainees, and a member of the 4th Battalion volunteered.[18117]

(c) The killings at the field near Orahovac

5331. From the Orahovac School the detainees were taken to two meadows located approximately 800 metres away.[18118] The first meadow was reached by going through an underpass under a railroad track ("First Meadow"); the second one was located closer to the main road leading to the Orahovac School, approximately 300 metres away from the First Meadow ("Second Meadow").[18119]

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18113 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6455; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11025.

18114 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11026–11031, 11036, 11126; P258 (Photograph of Orahovac School and execution sites LZ-01 and LZ-02 marked by Milorad Birčaković); P259 (Photograph of Orahovac School and execution sites LZ-01 and LZ-02 marked by Milorad Birčaković). *See also* Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11050–11053; P173 (Zvornik Brigade vehicle log, 1-31 July 1995), pp. 1–4; KDZ039, T. 21924 (24 November 2011), T. 21959–21960 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17335; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 955. KDZ039 testified that a man in the red car was at the scene supervising the killings, and would wait until all the men were killed, before going away. KDZ039, T. 21959–21960 (28 November 2011). *See also* KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17336 (describing how a soldier in an olive grey uniform riding in the passenger seat of a red car instructed the detainees not to remove their blindfolds).

18115 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11039.

18116 P4563 (Statement by KDZ122), p. 5 (under seal).

18117 P4563 (Statement by KDZ122), p. 5 (under seal). *See* KDZ122, T. 26282 (14 March 2012) (closed session). While driving away from the Orahovac School later that night, Drago Nikolić and Birčaković saw between 40 and 50 bodies lying around, about 50 metres from the water point. Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11038, 11042, 11132.

18118 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 955; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 712; Jean-René Ruez, T. 23795, 23806–23807 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 145; P4299 (Video footage of Orahovac area); P4294 (Aerial image of disturbed earth in Orahovac on 5 and 7 July 1995 marked by Jean-René Ruez). *See also* Adjudicated Facts 1763, 1765.

18119 Jean-René Ruez, T. 23795–23799, 23804 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 147–149, 150–152; P4297 (Aerial image of sites LZ-1 and LZ-2 marked by Jean-René Ruez); KDZ064, P768 (Transcript from *Prosecutor v. Popović et al.*), T. 718 (under seal); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 720, 724; KDZ039, T. 21925–21926

5332. Upon arriving at the meadows, the detainees were ordered to jump off the trucks and line up in rows.[18120] As soon as the trucks departed, bursts of automatic gun fire erupted.[18121] Soldiers also fired at the bodies once they had fallen to the ground to "finish them off".[18122] Further, they cursed the wounded and let them suffer in agony for a while before killing them.[18123] The soldiers also shot at survivors who tried to escape.[18124] Detainees continued to be brought in trucks, ordered to line up, and shot.[18125] The process continued for approximately two hours until it was dark.[18126] Once the First Meadow was full of bodies, the soldiers moved to the Second Meadow, where they continued with the killings.[18127]

5333. Throughout this time, the detainees at the Orahovac School, as well as the soldiers guarding them, could hear bursts of fire coming from the direction in which the trucks had departed;, shortly after, the empty trucks would return to the school.[18128] Following one of these trips, members of the Zvornik Brigade who were escorting the trucks were overheard saying that the detainees had been executed.[18129]

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(24 November 2011), T. 21973 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17336; P3942 (Photo of execution site in Orahovac, annotated by KDZ039). *See also* Adjudicated Fact 1767; P4299 (Video footage of Orahovac area).

18120 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 712; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 955; KDZ039, T. 21959, 21973 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17336. *See* Adjudicated Fact 1766.

18121 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17336; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 712; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28835; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 955–956. *See also* Adjudicated Fact 1763.

18122 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 958; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 712; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28835.

18123 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 957.

18124 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 958; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 722; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28835–28836.

18125 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 713; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 956, 959, 962; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17336–17337. *See also* Adjudicated Fact 1768.

18126 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 713, 715; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 959, 962; KDZ039, T. 21972–21973 (28 November 2011); P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17337.

18127 KDZ064, P768 (Transcript from *Prosecutor v. Popović et al.*), T. 718 (under seal); KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 720, 724. *See also* Adjudicated Fact 1767; Jean-René Ruez, T. 23798, 23801, 23803–23804 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 160–161; P4295 (Photograph of site LZ-2 marked by Jean-René Ruez); P4296 (Photograph of site LZ-1 marked by Jean-René Ruez); P3946 (Photograph of railway line).

18128 KDZ039, T. 21957 (28 November 2011); KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6455; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11037. *See also* Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10350.

18129 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6455–6456.

5334. A small boy survived the execution and was taken to a hospital for treatment by a member of the Zvornik Brigade.[18130] Additionally, Mevludin Orić, KDZ039, and KDZ064 all testified as to how they survived the executions. After falling in and out of consciousness, Orić got out from under the dead bodies.[18131] KDZ039 also managed to get out from under the dead bodies and reached a bush from where he continued watching the killings.[18132] Similarly, KDZ064 managed to crawl and climb onto the railway track.[18133] All escaped the site and reached Bosnian Muslim-held territory days later.[18134]

5335. The Chamber finds that members of the Zvornik Brigade, including at least one member of the 4th Battalion,[18135] participated in the execution of the detainees previously held at the Orahovac School on 14 July 1995.[18136] The Chamber also received evidence that Drago Nikolić had personally taken part in the executions at the Orahovac School.[18137]

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18130 Tanacko Tanić, P368 (Transcript from *Prosecutor v. Popović et al.*), T. 10351–10352 (under seal); Tanacko Tanić, P369 (Transcript from *Prosecutor v. Popović et al.*), T. 10353.

18131 Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 959–964.

18132 KDZ039, T. 21963, 21968 (28 November 2011); KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17338.

18133 KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 722–723, 775; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28835–28836.

18134 KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17339–17341, 17369; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 963–964, 968–970, 996–997; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 723–725, 776; KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28836. Soldiers shot at KDZ064 as he ran away from the site. KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28836; KDZ064, P769 (Transcript from *Prosecutor v. Popović et al.*), T. 723–725, 775–776.

18135 KDZ064, P768 (Transcript from *Prosecutor v. Popović*), T. 634, 715, 717–719, 731–732, 774 (under seal); KDZ064, P769 (Transcript from *Prosecutor v. S. Milošević*), T. 28832, 28836; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11038–11039. *See* Adjudicated Fact 1773. *See also* P4976 (Death certificate of Gojko Simić, 18 August 1995).

18136 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11038–11039; KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6456–6457; Adjudicated Facts 1772, 1773, 1774.

18137 P4563 (Statement by KDZ122), p. 5 (under seal). KDZ446 testified that, while at the Standard Barracks in mid-July 1995, he met an officer whose name was "Drago Nikolić", who had come from a site where people were being killed, and who told KDZ446 that he had shot people himself because others were refusing to do so. KDZ446, P29 (Transcript from *Prosecutor v. S. Milošević*), T. 21041–21043, 21091–21092; KDZ446, P28 (Transcript from *Prosecutor v. S. Milošević*), T. 21093–21096 (under seal). Nikolić was wearing a camouflage uniform which was covered in black soot that he claimed was from when he had to pick up a weapon himself and shoot. KDZ446, T. 21041–21042 (22 May 2003); KDZ228, P324 (Transcript from *Prosecutor v. Popović et al.*), T. 14747, 14758. *See* also KDZ228, P324 (Transcript from *Prosecutor v. Popović et al.*), T. 14747–14748, 14751, 14758, 14762, 14772; KDZ228, P323 (Transcript from *Prosecutor v. Popović et al.*), T. 14981 (under seal) (testifying that he was with KDZ446 at the time but did not hear the conversation between KDZ446 and Drago Nikolić; however, after leaving the Standard Barracks, KDZ446 was worried and depressed that something bad was happening on the left bank of the Drina River); Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11038, 11041–11044 (testifying that after leaving the Orahovac School on 14 July, he and Drago Nikolić went to the Standard Barracks, arriving at approximately 9 p.m.).

(d) Burials

5336. Sometime before noon on 14 July, Cvijetin Ristanović—a member of the Zvornik Brigade Engineering Company[18138]—was ordered by Dragan Jokić—the Chief of Engineering of the Zvornik Brigade[18139]—to take a backhoe excavator "G-700" to Orahovac.[18140] Ristanović and a colleague loaded the excavator onto a truck with a trailer, drove to the Orahovac School where they paused briefly, and continued to the water point less than one kilometre away, where they were ordered to stop and wait.[18141] Approximately an hour later, Ristanović was ordered to unload the excavator.[18142] Slavko Bogičević—a member of the command of the Zvornik Brigade Engineering Company[18143]—then ordered Ristanović to take the excavator to a meadow behind the Živnice–Zvornik railroad underpass, and to dig a pit in an area marked with four wooden poles.[18144] Soldiers were standing around the meadow.[18145] At about 2 p.m., a request from the Zvornik Brigade arrived to release machine operators to assist Popović and Drago Nikolić in the work they were carrying out at the Orahovac School.[18146]

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18138 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5360; P660 (Zvornik Brigade Engineering Company roster, July 1995). Dragan Jevtić was the Commander of the Zvornik Brigade Engineering Company at the time. Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5363; Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14434.

18139 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5364; Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14433.

18140 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5363–5366, 5406–5407; Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13625–13626; P238 (Photograph of an excavator (BGH500)). *See* P174 (Zvornik Brigade vehicle log, 1-31 July 1995) (where a backhoe excavator is recorded as being used by Cvijetin Ristanović on 14 July 1995 for digging trenches in Orahovac). *See also* Adjudicated Fact 1777; P175 (Zvornik Brigade vehicle log, 1-31 July 1995) (where a *Torpedo* excavator is recorded as being used by Cvijetin Ristanović on 14 July 1995 for digging trenches in Orahovac). However, both Ristanović and Lazarević testified that the *Torpedo* machine was not used in Orahovac on 14 and 15 July. Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5396–5399, 5414; Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13627–13630; Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14478. The Chamber received evidence that the Engineering Company did not have this type of equipment but that whenever it needed special equipment it could requisition it from various private companies. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14438. The backhoe excavator belonged to the Zvornik Putevi company. Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5365, 5406.

18141 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5367–5370, 5378–5379, 5407; P659 (Sketches made by Cvijetin Ristanović); Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13619–13621.

18142 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5370, 5407–5408.

18143 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5365.

18144 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5370–5372; Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13621. Ristanović was told that the pit had to be one and a half to two metres deep. Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5372.

18145 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5371.

18146 [REDACTED]. The message was sent to Milan Marić, a desk officer in the operations department of the Zvornik Brigade staff, who was acting—following appointment by Obrenović—as commander of the company deployed in Snagovo at the time. [REDACTED].

5337. While digging the pit, Ristanović was ordered to stop the machine, go back towards the underpass, and stand facing away from the pit, at which point he heard one truck approaching, followed by shouts and bursts of gunfire.[18147] When Ristanović was allowed to return to continue digging, he saw corpses of men wearing civilian clothes, as well as blindfolds.[18148] Ristanović was interrupted on at least one other ocassion by the arrival of trucks and soldiers carrying out the executions.[18149] Sometime in the afternoon, before Ristanović had finished digging the pit, Milovan Miladinović—another member of the Zvornik Brigade Engineering Company—arrived to relieve him and to continue with the digging.[18150] Ristanović stayed in the area until that night when he and Miladinović were picked up and returned to Zvornik, leaving the excavator at the site.[18151]

5338. On 15 July, before noon, Ristanović and Damjan Lazarević—Commander of the Roads and Bridges Platoon of the Zvornik Brigade Engineering Company[18152]—as well as two or three other soldiers, returned to Orahovac to continue with the digging.[18153] Ristanović continued using the backhoe excavator and began digging where a second pit had been marked, closer to the road, but soon after was ordered to move to a third, unmarked area, after a water hose burst in the second location, forcing him to stop the digging.[18154] Meanwhile, a ULT 200 was used by members of the Zvornik public utility company/Civilian Protection[18155] to load bodies and take them to the pits dug by the backhoe excavator.[18156] After finishing digging the gravesite in the afternoon, Ristanović

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18147 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5373–5374, 5379; P659 (Sketches made by Cvijetin Ristanović); Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13622.

18148 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5374–5375.

18149 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5375.

18150 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5375–5377, 5409. *See also* Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13621–13622; Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 960.

18151 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5380–5381.

18152 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14436; Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5363.

18153 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5382–5383; Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14439–14443. *See also* P108 (Extract from Zvornik Brigade Engineering Company logbook, 15 July 1995), p. 1 (recording Damjan Lazarević as the company's duty officer on 15 July 1995); Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14470.

18154 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5385–5386, 5403. *See also* P108 (Extract from Zvornik Brigade logbook, 15 July 1995), p. 1 (recording "work with BGH-700" at Orahovac on 15 July 1995); Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14451.

18155 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14449 (referring to the men loading bodies as workers from the public utility company in Zvornik), T. 14520 (referring to these men as members of the civil protection authorities).

18156 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14446–14451, 14520; Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5387; Cvijetin Ristanović, P351 Transcript from *Prosecutor v. Popović et al.*), T. 13626; P657 (Brochure for a wheel loader (ULT200)); P239 (Photograph of a wheel loader (ULT200)); P108 (Extract from Zvornik Brigade Engineering Company logbook,

loaded the excavator onto the truck, and returned to Zvornik.[18157] The Zvornik Brigade Engineering Company logbook shows that the backhoe excavator and the ULT 200 were used at Orahovac on 16 July 1995.[18158]

5339. Towards the end of September 1995, and as part of the reburial operation to conceal the Srebrenica killings which will be discussed in detail below,[18159] the bodies initially buried at Orahovac were transported away from the site and reburied in the Hodžići Road secondary gravesites, as demonstrated by the forensic evidence discussed in the paragraphs immediately below.

(e) Forensic evidence

5340. Aerial images reveal that the Lažete gravesites—which were composed of the smaller Lažete 1 and larger Lažete 2[18160]—were dug between 5 and 27 July 1995, and that they were disturbed again between 7 and 27 September 1995.[18161] The Lažete gravesites—which are primary but disturbed—are situated close to the village of Orahovac, approximately 800 metres from the Orahovac School.[18162] They are grass covered fields located west of a paved road that runs between

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15 July 1995), p. 1 (recording "work with ULT 220" at Orahovac on 15 July 1995); P176 (Zvornik Brigade vehicle log, 1-31 July 1995) (recording an ULT 220 as being used on 15 July 1995 for digging trenches in Orahovac). *See also* Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5383–5384, 5412; Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T 14469–14471. The ULT truck belonged to the Birać Holding of the aluminium oxide factory. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14446.

18157 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5388–5389. *See also* Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14452.

18158 P108 (Extract from Zvornik Brigade Engineering Company logbook, 15 July 1995), p. 2. One of the survivors of the executions testified to have seen a ULT loader at the site in the evening of 14 July 1995. Mevludin Orić, P350 (Transcript from *Prosecutor v. Popović et al.*), T. 965–967; P240 (Sketch drawn and signed by Mevludin Orić).

18159 *See* Section IV.C.1.g.v: Reburial operation.

18160 The Lažete 2 gravesite was more than twice the size of Lažete 1. Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8468; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 6; Jean-René Ruez, T. 23796–23797 (27 January 2012). *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 147; Adjudicated Fact 1779.

18161 P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), p. 11; Fredy Peccerelli, T. 22744–22745, 22756 (11 January 2012); Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8457, 8474; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), pp. 11, 16; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 6, 9; Jean-René Ruez, T. 23796 (27 January 2012); P4294 (Aerial image of disturbed earth in Orahovac on 5 and 7 July 1995 marked by Jean-René Ruez); P4326 (Photograph of aerial view of Lažete gravesites). *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 146–147, 155; P4139 (Photograph of disturbed earth in Orahovac marked by Fredy Peccerelli); P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court pp. 17–19; Adjudicated Fact 1778.

18162 Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8456–8457; Jean-René Ruez, T. 23795, 23806–23807 (27 January 2012); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence,

the villages of Lažete and Križevići.[18163] A railroad track divides the two Lažete gravesites; Lažete 1 is located at the Second Meadow, adjacent to the main road leading from the Orahovac School alongside a dirt track that passes under the railroad tracks before arriving at the First Meadow, where Lažete 2 is located.[18164]

(i) Lažete 1

5341. Lažete 1 was partially exhumed by a Tribunal exhumation team from 13 July to 8 August 2000 under the direction of Fredy Peccerelli.[18165] The remains found in Lažete 1 were then examined by a team of pathologists under the direction of John Clark.[18166] The Lažete 1 gravesite showed evidence of robbing or removal of bodies by machinery, thus leaving dismembered parts of bodies behind.[18167] Despite this, 130 bodies and approximately 15 body parts were found within the grave.[18168]

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Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 6. *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 145–148.

18163 P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), p. 4; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), p. 4; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 6. *See also* Jean-René Ruez, T. 23795 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 145.

18164 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001),e-court p. 6; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), p. 4; Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8457; Jean-René Ruez, T. 23795–23796 (27 January 2012); William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3742–3743. *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 145, 161; P4327 (Photograph of grave and execution site at LZ-02, 1 April 1996).

18165 Fredy Peccerelli, T. 22736, 22767 (11 January 2012); Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T.8457, 8491–8492; P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), p. 4. *See also* Adjudicated Fact 1780; D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 47–48. The Chamber notes the Accused's challenges to Peccerelli's findings in relation to the Lažete gravesite. *See* Defence Final Brief, paras. 2575–2580, 2583–2588. Having assessed the totality of evidence on this issue, the Chamber accepts Peccerelli's report and the findings therein.

18166 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), pp. 1, 28. *See also* John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3900–3901; P6461 (Autopsy report for Lažete Grave Site, 22 August 2000). The Chamber notes that Dušan Dunjić challenged Clark's findings in his report for the Lažete gravesite. *See* Dušan Dunjić, T. 41836–41839 (23 July 2013). Having assessed the totality of evidence on this issue, the Chamber accepts Clark's report and the findings therein.

18167 P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), pp. 2, 13, 15–18, 21; Fredy Peccerelli, T. 22740–22741 (11 January 2012); Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8460 (testifying that machine tooth marks found on the walls of Lažete 1 supported the conclusion that it was a primary disturbed grave).

18168 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 6 (noting that the bodies of at least 130 individuals were found in the grave). *See* Adjudicated Fact 1781. *See* also P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), pp. 1, 7 (stating that a total of 129 whole or largely complete bodies were recovered from the grave along with 14 body parts);

5342. The forensic evidence reviewed by the Chamber shows that all of the victims whose sex could be determined were male.[18169] The age of the victims ranged from 15 to 85, with the majority being between 30 and 60 years old.[18170] Gunshot injury was determined to be the cause of death for at least 97% of the victims.[18171] Further, 138 blindfolds were uncovered.[18172] Bullet holes were present in several of the blindfolds indicating that men were blindfolded when they were shot.[18173] In addition to these blindfolds, at least two ligatures were recovered during the exhumation and autopsy process.[18174] None of the victims were found wearing military clothing.[18175] Additionally,

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P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), pp. 2, 14, 17; Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T.8460 (noting that 127 bodies were recovered from within the grave and two from within a drainage ditch on the southern border of the gravesite); P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), p. 7 (noting that at least 131 individuals were found in Lažete 1).

18169 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 7 (noting all of the 129 victims were male); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7 (stating that 129 of the bodies were male and the sex of the remaining body could not be determined). *See* Adjudicated Fact 1781.

18170 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 7. *See also* P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7.

18171 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 13; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7. Many of the individuals exhumed from Lažete 1 suffered multiple gunshot wounds from high velocity rifles. P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), pp. 9, 12.

18172 P4507 (Chart of photographs of blindfolds, ligatures, and location); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7. *See* Adjudicated Fact 1782. *See also* P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), p. 22; Fredy Peccerelli, T. 22746–22747 (11 January 2012); P4519 (Photograph of human remains); P4520 (Photograph of human remains); P4521 (Photograph of human remains); P4522 (Autopsy report for Lažete Grave Site, 21 August 2000). The Chamber notes the Accused's claim, supported by Dunjić, that the strips identified as blindfolds found in the Lažete gravesites are more likely "ritual ribbons" wrapped around the head of ABiH soldiers, or carried for religious reasons by soldiers, and thus that these individuals were killed in combat. *See e.g.* Defence Final Brief, paras. 2583–2585; Dean Manning T. 25866–25881 (6 March 2012); D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 19; Dušan Dunjić, T. 41755, 41827–41840 (23 July 2013). *See also* D2189 (Photograph of human remains marked by Dean Manning); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 21–24. Having considered the totality of the evidence, the Chamber accepts Manning's and Peccerelli's reports and the findings therein.

18173 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 8.

18174 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 9; P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), p. 23; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7. *See also* P4509 (Collage of Srebrenica ligatures, 5 March 2012).

18175 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 8.

at least 454 shell cases and at least nine bullets were found in or around the grave.[18176] The heavy concentration of shell cases on the roadway and track surrounding the grave indicates that weapons were fired into the area of the grave from the roadway and track, which is consistent with witness accounts of the executions at Lažete 1.[18177]

5343. As of 13 January 2012, DNA analysis led to the identification of 119 individuals in the Lažete 1 grave as persons listed as missing following the take-over of Srebrenica.[18178]

(ii) Lažete 2

5344. In 1996 and 2000, two exhumations of the Lažete 2 gravesite, uncovering three sub-graves, were carried out.[18179] Between 19 August and 9 September 1996, a joint team from the Prosecution and Physicians for Human Rights, under the direction of William Haglund, exhumed the sub-graves designated Lažete 2A and 2B.[18180] Lažete 2C, an area between sub-graves Lažete 2A and Lažete 2B, was exhumed by a Tribunal team led by Fredy Peccerelli from 2 to 17 August 2000.[18181]

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18176 P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), p. 10; Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8461–8462; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 8.

18177 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 8. *See* para. 5332. *See also* Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8461–8462 (testifying that there was a heavy concentration of shell casings found on the southern edge of the grave, which indicates the shooting occurred there); P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), p. 10.

18178 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 9, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) (under seal), e-court pp. 3, 9, 41, 106–112. *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010).

18179 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 9; P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), p. 2; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), p. 2.

18180 William Haglund, T. 23873–23874 (30 January 2012); P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), pp. x, 2; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 9; P4504 (Dean Manning's Report entitled "Summary of Forensic Evidence -Execution Points and Mass Graves", 16 May 2000), e-court p. 51. *See also* Adjudicated Fact 1784; P4328 (Map of LZ-02); P4339 (Map of LZ-02 marked by William Haglund). The remains found within the Lažete 2A and 2B sub-gravesites were examined by a team of pathologists under the direction of Robert H. Kirschnner. P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), p. xi. The Chamber notes that Dušan Dunjić challenged the methodology used by Haglund in his report for the Lažete 2 gravesite. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and

5345. While Lažete 2A appears to be undisturbed, the Chamber received evidence that sub-gravesites 2B and 2C of Lažete 2 were disturbed, as they showed evidence of robbing or removal of bodies by machinery, thus leaving dismembered parts of bodies behind.[18182]

5346. The forensic evidence reviewed by the Chamber shows that 165 bodies and approximately 100 partial remains were recovered from sub-gravesites Lažete 2A and 2B.[18183] All victims were male, with ages ranging from 13 to 70, the majority of which were between 16 and 45.[18184] None of victims were found wearing military clothing.[18185] Furthermore, at least 104 blindfolds,[18186] as well as one ligature bound around the legs of a victim, were recovered from the Lažete 2A and 2B sub-gravesites.[18187] Evidence suggests that 158 of the 165 individuals died of gunshot wounds from high velocity rifles, while the cause of death for the remaining seven was undetermined.[18188]

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Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 40–42. Having assessed the totality of evidence on this issue, the Chamber accepts Haglund's report and the findings therein.

18181 Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T.8466, 8475; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), p. 4; P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), p. 2; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 9. The remains found within the Lažete 2C sub-gravesite were examined by a team of pathologists under the direction of John Clark. P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), pp. 1, 28.

18182 Fredy Peccerelli P4137 (Transcript from *Prosecutor v. Tolimir*), T.8474; Fredy Peccerelli, T. 22771–22772 (11 January 2012); P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), pp. 16–19; William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3747–3750; William Haglund, T. 23889 (30 January 2012); P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), pp. 51–52, 61–62; P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 14.

18183 P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), pp. ix, 41; William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3750; William Haglund, T. 23889–23890 (30 January 2012); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 8, 51. *See also* P4317 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume II", 15 June 1998); P4318 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume III", 15 June 1998); P4319 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume IV", 15 June 1998); P4320 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume V", 15 June 1998).

18184 P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), pp. x, 41; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 8, 51.

18185 P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), pp. x, 41.

18186 P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), pp. x, 48; William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3750; P4506 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 2: Lazete 2, Hodzici Road 3, 4 and 5, Petkovci Dam, Liplje 2, Cerska and Zeleni Jadar 5"), e-court p. 3; P4507 (Chart of photographs of blindfolds, ligatures, and location), e-court p. 1 (noting that 107 blindfolds were found within Lažete 2A and 2B); P4506 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 2: Lazete 2, Hodzici Road 3, 4 and 5, Petkovci Dam, Liplje 2, Cerska and Zeleni Jadar 5"), e-court p. 3. *See also* Adjudicated Fact 1785.

18187 P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), p. 48; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution

5347. 17 bodies and approximately 26 body parts were recovered from Lažete 2C.[18189] All were males with ages ranging from 17 to 85.[18190] Furthermore, 40 blindfolds,[18191] but no ligatures were found.[18192] None of the victims were found with military clothing.[18193] The evidence suggests that 15 of the victims were killed by gunshot injuries, while the cause of death for the remaining two was undetermined.[18194] Furthermore, approximately 671 shell cases and some bullets were found in or around the grave.[18195] The heavy concentration of shell cases on the east section of the grave indicate that weapons were fired into the area of the grave from the surrounding track.[18196]

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Points and Mass Graves", 16 May 2000), e-court pp. 8, 52; P4509 (Collage of Srebrenica ligatures, 5 March 2012). *See also* Adjudicated Fact 1785.

18188 P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June 1998), pp. 49–50; William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3750; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 8, 52.

18189 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), pp. 1, 14; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 9; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), pp. 2, 13, 20, 22; Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8473.

18190 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), pp. 14, 16.

18191 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7; P4507 (Chart of photographs of blindfolds, ligatures, and location), e-court p. 1. Another 102 strips of cloth, similar to those found at the Orahovac School, were found in a "rubbish" site next to the Lažete 2 gravesite. P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7; Jean-René Ruez, T. 23805–23806 (27 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 163–164; P4298 (Photograph of rubbish site marked by Jean-René Ruez); P4299 (Video footage of Orahovac area). *See also* P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), pp. 22, 25. Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8478 (testifying that there was a systematic placement of blindfolds around the heads of the bodies, and adding that the strips of material found in Lažete 2 were the same as those found in Lažete 1, which links the two gravesites to a single killing incident).

18192 P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 9.

18193 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 14.

18194 P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001), p. 15; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), pp. 9–10; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), p. 10.

18195 P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), p. 10; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 10.

18196 *See* P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), p. 10.

5348. As of 13 January 2012, DNA analysis led to the identification of 189 victims from the three sub-gravesites in Lažete 2 as persons listed as missing following the take-over of Srebrenica.[18197] Four of these individuals were those identified by KDZ039 as being in the same TAM truck as him on the way to the execution site.[18198]

(iii) Hodžići Road secondary gravesites

5349. There are seven known secondary gravesites along the Hodžići road.[18199] While examination and probing at Hodžići Road 1, 2, 6, and 7 was conducted by a Tribunal team of experts, the exhumation of these gravesites was handed over to the BiH Government and conducted between October 2004 and October 2006.[18200] A Tribunal team of experts, led by Richard Wright, conducted the examination and exhumation of Hodžići Road 3 through 5 in June and July 1998.[18201] The remains from Hodžići Road 3 through 5 were then examined by a team of pathologists under the direction of Christopher Lawrence.[18202]

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18197 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 9–10, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) (under seal), e-court pp. 3, 9–10, 41, 113–121. *See* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010). *See also* Adjudicated Fact 1786 (refering to the identification of 21 individuals and which is based upon Manning's report as admitted in the *Krstić* case); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 53, 97. The Chamber notes that the apparent discrepancy between this fact and the evidence admitted in the present case referring to the identification of 189 individuals can be explained by the fact that in 2001—the year in which the *Krstić* Trial Judgement was issued—the identification process of victims was ongoing.

18198 KDZ039, T. 21927 (24 November 2011); D1945 (Statement of KDZ039 to Tuzla SJB, 21 July 1995), p. 2; D1947 (Statement of KDZ039 to Tuzla SDB, 25 July 1995), p. 2; P4996 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009) (under seal), pp. 48, 52, 121, 198; P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010). *See also* paras. 5328–5329, 5332.

18199 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 54; Jean René-Ruez, T. 23865 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 262. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 54, 58, 61; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), pp. 22–23 (noting Hodžići Road 3 was discovered in 1998 by SFOR troops).

18200 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 21–23; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), p. 9.

18201 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), pp. 3, 9; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 21–23. *See also* Dean Manning, T. 25836 (6 March 2012).

18202 P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999); P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999); P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October

5350. The forensic evidence reviewed by the Chamber shows that the majority of victims at Hodžići Road 3, 4, and 5 whose sex could be determined were male.[18203] The majority of the victims were older than 25 years old.[18204] Most of the bodies exhumed presented gunshot injuries.[18205] Furthermore, approximately 90 blindfolds,[18206] and at least one ligature,[18207] were discovered at the three gravesites. No military clothing was found in these gravesites.[18208]

5351. Aerial images show that the Hodžići Road gravesites were created between 7 September and 2 October 1995, which is consistent both with the dates in which the Lažete gravesites were disturbed,[18209] and the dates the bodies were transferred to the Hodžići Road gravesites.[18210]

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1998", 17 June 1999); Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3978–3980; P4064 (Chart of primary and secondary graves); Christopher Lawrence, T. 22447 (8 December 2011).

18203 P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999), pp. 2, 8; P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999), pp. 2, 7; P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999), pp. 2, 8. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 9, 54, 59, 62; Adjudicated Fact 1789.

18204 P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999), pp. 2, 8; P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999), pp. 2, 7; P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999), pp. 2, 8; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 55, 59, 62. *See also* P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), e-court pp. 3–4; P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), p. 8.

18205 P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999), pp. 2–3, 9, 13–15; P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999), pp. 2–3, 8, 13–15; P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999), pp. 2–3, 9–10, 15–16; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 9, 56, 59–60. *See also* Adjudicated Fact 1789.

18206 P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999), pp. 2, 13; P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999) pp. 2, 11; P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999), pp. 2, 13; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 9, 56, 60, 63. *See also* Adjudicated Fact 1789.

18207 P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999), p. 13; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 9, 60. *See also* Adjudicated Fact 1789.

18208 P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999), pp. 2, 15; P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999) pp. 2, 15; P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999), pp. 2, 16.

18209 *See* para. 5340.

18210 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 54, 58, 61; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence,

Further, forensic analysis demonstrated that soil native to the two Lažete gravesites was found in the Hodžići Road secondary graves,[18211] blindfolds identical to those found in the two Lažete gravesites and in a "rubbish" site on the grounds of the Orahovac School were found in the Hodžići Road secondary gravesites,[18212] and pieces of a black water hose discovered during the exhumation of the Lažete gravesites were also found in Hodžići Road 5.[18213] These factors jointly lead to the conclusion that bodies from the Lažete 1 and 2 gravesites were removed and reburied at the Hodžići Road secondary gravesites.

5352. Moreover, DNA-based connections between the Lažete gravesites and the seven Hodžići Road secondary gravesites were found.[18214] KDZ039 identified two individuals he saw in the truck on the way from the Orahovac School to the execution site, and who were later identified in one of the Hodziči Road secondary gravesites.[18215]

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Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 6. *See also* P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court pp. 47–50; Adjudicated Fact 1788.

18211 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), pp. 22–23. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 55 (noting that lumps of limestone not native to the area were found in the Hodžići Road 3 grave and appeared to be imported with the bodies), 59 (noting that conspicuous lumps of foreign soil were found with the bodies in the Hodžići Road 5 gravesite); Jose Baraybar, P4029 (Transcript from *Prosecutor v. Krstić*), T. 3878; Adjudicated Fact 1788.

18212 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 52; Jean-René Ruez, T. 23792 (27 January 2012); P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 7. *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 141–143; Adjudicated Fact 1788.

18213 P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), pp. 2, 12; Fredy Peccerelli, T. 22756–22758 (11 January 2012); Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8469–8470; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), pp. 2, 12; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 6; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), p. 23; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 59. *See also* para. 5338.

18214 The specific connections are as follows: ten individuals with remains in both Lažete 1 and Hodžići Road 5; nine individuals with remains in both Lažete 2 and Hodžići Road 1; five individuals with remains in both Lažete 2 and Hodžići Road 2; three individuals with remains in both Lažete 2 and Hodžići Road 3; two individuals with remains in both Lažete 2 and Hodžići Road 4; three individuals with remains in both Lažete 2 and Hodžići Road 6; and 19 individuals with remains in both Lažete 2 and Hodžići Road 7. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 48, 82, 84. The Chamber notes Dunjić's claim that not all bodies from secondary gravesites can be linked to the primary Lažete gravesite despite the DNA and other forensics links between the sites. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 22–24; D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 13–18. However, considering the totality of evidence the Chamber accepts Janc's report and the findings therein.

18215 KDZ309, T. 21927 (24 November 2011); D1945 (Statement of KDZ039 to Tuzla SJB, 21 July 1995), p. 2; D1947 (Statement of KDZ039 to Tuzla SDB, 25 July 1995), p. 2; P4996 (Ewa Tabeau's expert report entitled

5353. As of 13 January 2012, DNA analysis led to identification of 533 victims from the Hodžići Road gravesites as persons listed as missing following the take-over of Srebrenica: 90 from Hodžići Road 1; 102 from Hodžići Road 2; 40 from Hodžići Road 3; 69 from Hodžići Road 4; 54 from Hodžići Road 5; 67 from Hodžići Road 6; and 111 from Hodžići Road 7.[18216]

(f) Conclusion

5354. For all the reasons discussed above, the Chamber finds that on 14 July 1995, at least two of the Bosnian Muslim men being detained at the Orahovac School were removed from the gymnasium and summarily executed by members of the Bosnian Serb Forces. The Chamber also finds that the remainder of the at least 839[18217] Bosnian Muslim men being detained at the Orahovac School were killed in a field nearby by members of the Bosnian Serb Forces.

(2) Petkovci School and Dam near Petkovci

(a) Introduction

5355. The Indictment refers to the killing on or about 14 July 1995 of some of the approximately 1,000 Bosnian Muslim men detained at Petkovci School.[18218] The Indictment also refers to the killing on or about the evening of 14 July and the morning of 15 July 1995, in an area below the Dam near Petkovci, of the surviving portion of the approximately 1,000 Bosnian Muslim men who were detained at Petkovci School.[18219]

5356. The village of Petkovci is located approximately seven kilometres west from the turn-off on the main Zvornik–Bijeljina road.[18220] Petkovci fell within the area of responsibility of the 6th

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"Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009) (under seal), pp. 66, 118; P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010).

18216 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 4, 21–23, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) (under seal), e-court pp. 4, 21–23, 41, 278–309. *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010).

18217 The Chamber has reached this number by adding the 119 individuals identified from remains in Lažete 1, the 189 individuals identified from remains in the three Lažete 2 sub-gravesites, and the 533 individuals identified from remains in the six Hodžići Road gravesites, and subtracted the two individuals who were killed at the Orahovac School and whose remains may have ended in either of these gravesites. *See* paras. 5343, 5348, 5353.

18218 Indictment, Scheduled Incident E.7.1.

18219 Indictment, Scheduled Incident E.7.2.

18220 The turn-off is located about one kilometre north of the Standard Barracks in Karakaj. P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 166; P3187 (Map of Zvornik municipality). *See also* Jean-René Ruez, T. 23813 (30 January 2012).

Battalion of the Zvornik Brigade.[18221] The Command of the 6th Battalion was stationed in the old school in Petkovci, approximately 600 to 800 metres from the "new" Petkovci School ("Petkovci School").[18222] The Petkovci Dam is located less than two kilometres from the Petkovci School.[18223]

(b) Detention and killings at the Petkovci School

5357. On the morning of 14 July, Marko Milošević—the Deputy Commander of the 6th Battalion—received a phone call from Dragan Jokić—the Duty Officer of the Zvornik Brigade—informing him that Bosnian Muslim detainees would be brought to the Petkovci School and that "security" would be in place.[18224] Captain Ostoja Stanišić, the 6th Battalion's Commander, who was not at the Battalion's Command at the time, was notified of the call by Milošević later that day.[18225]

5358. In the afternoon, buses and trucks carrying approximately 1,000 Bosnian Muslim males who had been previously detained in various sites in and around Bratunac arrived at the Petkovci School.[18226] As the trucks arrived, they pulled over in the playground in front of the school, where many other empty trucks and buses were also parked.[18227] There, sporadic shooting, as well as cursing and yelling, could be heard.[18228] Some of the detainees were forced to remain inside the truck in front of the school for about one hour in unbearable conditions.[18229]

5359. As the detainees got off the trucks, they were ordered to put their hands behind their heads, to sing Serb nationalistic songs, and to walk one by one down some steps until they reached the

18221 P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 7.28.

18222 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11594–11595, 11606, 11673; P250 (Aerial photograph of Petkovci marked by Ostoja Stanišić) (where the Command of the 6th Battalion is marked with number "1" and Petkovci School is marked with number "2").

18223 Jean-René Ruez, T. 23813 (30 January 2012); P4091 (Map of Srebrenica and Zvornik); P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 7.28.

18224 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11600–11601, 11621, 11624.

18225 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11600–11601, 11603, 11702–11703.

18226 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1399–1402; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3337; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2961–2964; P4092 (Panoramic photograph of Petkovci school); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 167. *See also* Adjudicated Fact 1790; para. 5316.

18227 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1401–1402. *See also* KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3337; KDZ045, T. 22636–22637 (10 January 2012); P4097 (Panoramic photograph of Petkovci school marked by KDZ045).

18228 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2964.

18229 People were shouting and screaming for water and to be let out. KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1402.

front of the building; all the while the soldiers were cursing them.[18230] The detainees were also hit and kicked as they ran towards the building.[18231]

5360. Once inside the school, the detainees were ordered to climb the stairs to the first floor and, as they did so, they were made to repeat after a Bosnian Serb soldier: "[t]his is Serbian land and will always remain so" and "Srebrenica has always been Serbian and will continue to be that."[18232] The detainees were then ordered to follow a corridor to the left,[18233] and to enter the various classrooms:[18234] KDZ045 was put in "classroom number 3",[18235] while KDZ069 was placed in one of the last two classrooms.[18236] Other detainees were ordered to enter the classrooms on the ground floor.[18237]

5361. As KDZ045 entered the classroom, he saw two men who were so badly beaten that he initially thought they were dead.[18238] The classrooms became overcrowded, and the conditions inside were very difficult.[18239] The detainees were not allowed to go to the toilet, so almost everyone was soaked with urine.[18240] Despite being very thirsty, the detainees were given very little water.[18241] The rooms were very stuffy and the detainees could not breathe properly, but they

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18230 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1402–1404; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2965, 2972; P213 (Photograph of Petkovci school). *See also* KDZ069, P338 (Transcript from *Prosecutor v. Popović et al.*), T. 3390–3391 (under seal); Jean-René Ruez, T. 23813–23814 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 170.

18231 KDZ045, T. 22637 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2965; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1404–1405; P4097 (Panoramic photograph of Petkovci school marked by KDZ045).

18232 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1403–1405; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3338; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2965–2966; P214 (Photograph of interior of Petkovci school).

18233 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1405. *See* Jean-René Ruez, T. 23814–23815 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 173.

18234 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1405; KDZ045, T. 22638, 22685–22686 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2965–2966, 2973; P4098 (Photograph of interior of Petkovci school marked by KDZ045).

18235 KDZ045, T. 22638 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2966, 2973, 3000; P4093 (Photograph of interior of Petkovci school); P4098 (Photograph of interior of Petkovci school marked by KDZ045).

18236 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1405. *See also* KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3338, 3359; P215 (Photograph of interior of Petkovci school).

18237 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2995, 3001.

18238 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2966.

18239 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1406; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2966. *See also* Adjudicated Fact 1791.

18240 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1406.

18241 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1406. *See also* KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2967; Adjudicated Fact 1791. The detainees clamoured for water but were ordered to be quiet; two detainees were held responsible for the group and threatened to be killed if the group was noisy; despite this warning, nobody kept quiet. KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1407.

were not allowed to open or look out any windows.[18242] A detainee's attempt to open a window was followed by a burst of gunfire, which broke the glass panes and wounded five or six men.[18243] Further, as one detainee tried to look out the window, he was shot and wounded.[18244]

5362. On occasion, soldiers would barge into the classrooms and would demand money from the detainees, threatening to kill them if a certain sum had not been collected in 15 or 20 minutes.[18245] Some detainees gave the money they had managed to hide before; the soldiers then left.[18246] Soldiers also walked into the classrooms and asked whether any detainees were from certain villages close to Srebrenica; those who raised their hands in reply were ordered out of the classroom and never returned.[18247] The detainees who remained inside heard the sounds of beating and moaning in the hallway.[18248] Further, a relative of KDZ045 who left the classroom in search of water, never returned.[18249]

5363. Between 6 and 7 p.m., Ostoja Stanišić received a call from Dragan Jokić instructing him to notify Beara that he was to report to his command.[18250] Jokić told Stanišić that Beara would be somewhere around the Petkovci School.[18251] Stanišić sent Marko Milošević on foot to Petkovci School to convey the order to Beara.[18252] Milošević found Beara—who was with Drago Nikolić at the time—at an intersection close to the school, relayed the message, and returned to the Battalion's Command about 30 minutes later.[18253]

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18242 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1406–1407; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2966–2967.

18243 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1407.

18244 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2967.

18245 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2966–2967; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1407.

18246 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1407.

18247 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1407–1408. *See also* Adjudicated Fact 1792.

18248 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1408. *See also* Adjudicated Fact 1792.

18249 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2967.

18250 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11601, 11604, 11658, 11703–11704.

18251 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11604, 11704. *See also* P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 45 (an entry for 14 July 1995 in the Zvornik Brigade Duty Officers Notebook dated 15:00 hours noting that "Colonel Beara is coming in order to Orovoc Petkovci Roćević Pilica"). The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July, as discussed in fn. 17583.

18252 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11604, 11650.

18253 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11604–11607, 11650; P271 (Aerial photograph of Petkovci marked by Ostoja Stanišić) (where the intersection is marked with an "X").

5364. Starting at dusk, there was shooting around the Petkovci School.[18254] Soldiers called detainees out the classrooms in groups, after which bursts of gunfire were heard.[18255] This lasted until around midnight.[18256]

5365. At some point after midnight, the detainees were taken out of the classrooms in groups of four, and ordered by soldiers to take off their clothes from the waist up, as well as their shoes and socks, and to empty their pockets.[18257] A pile of clothing, footwear, IDs, and documents lay on the corridor's floor.[18258] Soldiers then tied the detainees' hands behind their backs and pushed them into a dark classroom, where other partly undressed men were also tied up.[18259] The detainees were then ordered to exit the school and to get on the back of military trucks.[18260] As the detainees exited the school they saw dead bodies lying in the hallway of the school and outside of the school.[18261]

(c) Killings at the Dam near Petkovci

5366. The detainees boarded the trucks until the trucks were full to the point where the detainees could no longer sit, despite being ordered to do so.[18262] Soldiers shot a burst of fire at the detainees' feet, wounding some of them and forcing others to fall on each other.[18263] The trucks left the Petkovci School and drove for approximately ten minutes along an asphalt road; they then

18254 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1408. *See also* Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11607, 11609, 11678 (stating that, in the evening of 14 July, he could hear isolated shots and short bursts of gunfire coming from the direction of Petkovci School).

18255 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1408; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2967–2968.

18256 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1408. *See* Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11609 (stating that the shots lasted until approximately 1 a.m.).

18257 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1408–1409; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2968, 2970.

18258 KDZ045, T. 22638–22639 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2968; P4098 (Photograph of interior of Petkovci school marked by KDZ045).

18259 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1409–1410; KDZ045, T. 22639 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2969, 3000; P4098 (Photograph of interior of Petkovci school marked by KDZ045).

18260 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1415–1416; KDZ045, T. 22686–22687 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2969–2970, 2974, 3000.

18261 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1415; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3338; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2970.

18262 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1416; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2970.

18263 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1416; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2970–2971.

continued on a bumpy macadam road until they reached a field next to the Petkovci Dam.[18264] As soon as the trucks stopped, the detainees could hear yelling and bursts of fire close by.[18265]

5367. The Zvornik Brigade vehicle log for two TAM trucks records ten journeys in total on 15 July, between Petkovci and the Petkovci Dam.[18266] The Chamber therefore finds that drivers and trucks from the 6th Battalion of the Zvornik Brigade were used to transport the detainees from the Petkovci School to the execution site near the Petkovci Dam.

5368. The detainees were ordered to get off the trucks, five to ten at a time,[18267] while those who remained inside screamed and asked for water.[18268] As KDZ045 disembarked into a field lit by floodlights, he saw that it was covered with dead bodies, their hands bound, and their faces to the ground.[18269] KDZ069 jumped off the truck.[18270] Detainees were ordered to find a spot and to form a row, after which soldiers wearing black balaclavas covering their faces started shooting at the detainees' backs from a distance of seven to ten metres.[18271] The men fell on top of the bodies of those who had been killed before them.[18272] Both KDZ045 and KDZ069 were wounded and pretended to be dead.[18273] As they lay on the ground, they continued to observe other detainees

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18264 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1416–1417; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2971, 2974; Jean-René Ruez, T. 23815–23816 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 180, 182. *See also* Adjudicated Fact 1793. Both KDZ045 and KDZ069 identified the field next to the Dam from a photograph shown to them. KDZ045, T. 22639–22640 (10 January 2012); KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3338; P216 (Photograph of Petkovci dam); P4099 (Panoramic photograph of Petkovci dam marked by KDZ045).

18265 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1417; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2974.

18266 P196 (Zvornik Military Post vehicle work log, 31 July 1995), e-court p. 3; P197 (Zvornik Military Post vehicle work log, 31 July 1995), e-court p. 2. *See* Adjudicated Fact 1796; Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11613–11614 (stating that the two names recorded on the log belonged to drivers from the 6th Battalion), T. 11615 (explaining that the term "Brana" refers to the dam that holds back the red lake), T. 11665–11666. In relation to the TAM 80 truck, Stanišić testified that the truck left for Srebrenica on 15 July in the morning and did not return until 16 July so it was thus impossible for it to also have made the trips to the Petkovci Dam. Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11615–11616, 11659, 11706–11708. The Chamber gives little weight to Stanišić's testimony in this regard given his interest in distancing himself from the events at Petkovci on 15 July 1995.

18267 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1417; KDZ045, T. 22686–22687 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2974–2975. *See also* Adjudicated Fact 1794.

18268 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1418. *See also* Adjudicated Fact 1794.

18269 KDZ045, T. 22639–22640, 22686 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2975, 2984, 2987; P4099 (Panoramic photograph of Petkovci dam marked by KDZ045).

18270 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1418.

18271 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1418; KDZ045, T. 22686 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2975–2976.

18272 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2976; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1418–1419.

18273 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1419; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2976–2977.

being killed around them.[18274] KDZ045 drifted in and out of consciousness, as a man had fallen on him and he did not have much air to breath.[18275]

5369. After the shooting of the detainees was completed, the soldiers checked the bodies to make sure the men were indeed dead.[18276] One of the soldiers kicked KDZ045 and presumed him dead.[18277] A soldier shot an injured man lying next to KDZ069 in the head.[18278] Soldiers also made derogatory comments about some of the victims.[18279]

5370. After lying still for hours amongst the dead, KDZ045 and KDZ069 managed to escape the execution site together and reach a nearby ditch.[18280] In the ditch, KDZ045 helped bandage KDZ069's wound with his own T-shirt.[18281] Heavy fire could still be heard.[18282] KDZ045 and KDZ069 stayed in the ditch until dawn; they then decided to leave the area through the nearby forest.[18283] In the evening of 15 July, the two men managed to reach a macadam road which led them to a burned down village; from there KDZ045 saw the ongoing burial operation at the execution site.[18284] The men then headed in the direction of Karakaj, by following the TV transmitter.[18285] They wandered through Bosnian Serb villages for four days, passing unnoticed

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18274 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1419; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2976–2977.

18275 KDZ045, T. 22687 (10 January 2012); KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2976–2977.

18276 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1419–1420; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2976–2977.

18277 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2976–2977.

18278 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1420. *See also* KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1421; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3336.

18279 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1420–1421. *See also* Adjudicated Fact 1795.

18280 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1421–1422; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3335; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2977–2979; Jean-René Ruez, T. 23817–23819 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 183; P4300 (Photograph of Petkovci Dam marked by Jean-René Ruez). Both KDZ045 and KDZ069 recognised the ditch where they hid, from a photograph shown to them. KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2987–2988; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3339; P217 (Photograph of ditch); P4095 (Photograph of ditch).

18281 KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3335; KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1422; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2979.

18282 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2979.

18283 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1422–1423; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2979.

18284 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2980–2981, 2983–2984, 2987–2988; KDZ045, T. 22687–22688 (10 January 2012). *See also* KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3333; Jean-René Ruez, T. 23818–23820 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 184–185. KDZ069 testified that he was on the ground because of his wounds, so he could not see that well. KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1423.

18285 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2982.

through the lines of the Bosnian Serb troops, until they reached Bosnian Muslim-held territory on 18 July 1995.[18286]

(d) Burials

5371. In the early hours of 15 July, a Caterpillar bulldozer and a ULT 160 loader belonging to the Engineering Company of the Zvornik Brigade collected bodies from the execution site—10 to 15 at a time—and deposited them onto a tractor with a trailer.[18287] When full, the tractor departed in the direction of the Petkovci Dam, returning 15 to 20 minutes later to be refilled.[18288] Throughout this process, floodlights illuminated the execution site.[18289] Shots were also heard during that time.[18290]

5372. Also on that day, pursuant to a request from the Petkovci villagers, Stanišić authorised the use of a TAM truck which belonged to the 6th Battalion to assist with the clean up of bodies from Petkovci School.[18291]

5373. Towards the end of September 1995, and as part of the reburial operation to conceal the Srebrenica killings which will be discussed in detail below,[18292] the bodies initially buried at the gravesite adjacent to the Petkovci Dam were reburied in the Liplje secondary gravesites, as demonstrated by the forensic evidence discussed in the paragraphs immediately below.

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18286 KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1423–1424; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3336; KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2989. Upon reaching Bosnian Muslim-held territory, KDZ069 was taken to a hospital in Sepna but after a day was transferred to the hospital in Tuzla where he was treated for his injuries, which took approximately two to three months to heal. KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1424–1425; KDZ069, P339 (Transcript from *Prosecutor v. Popović et al.*), T. 3339–3340; P223 (Photograph of sole of foot of KDZ069); P224 (Photograph of chest injuries of KDZ069).

18287 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2981, 2983–2984; P108 (Extract from Zvornik Brigade Engineering Company logbook, 15 July 1995), p. 1 (recording "work with ULT" and "work with excavator" at Petkovci on 15 July 1995); Adjudicated Fact 1797. *See also* KDZ069, P339 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 1423. Despite being listed as the duty officer on that day, Damjan Lazarević denied knowing anything about the two entries relating to Petkovci for 15 July 1995 in the Zvornik Brigade Engineering Company Logbook. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14471–14472; P108 (Extract from Zvornik Brigade Engineering Company logbook, 15 July 1995), p. 1. However, the Chamber gives little weight to this, given Lazarević's interest in distancing himself from the events at Petkovci on 15 July.

18288 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2981–2982, 3006–3007. *See also* P4096 (Photograph of Petkovci dam area marked by KDZ045); Jean-René Ruez, T. 23819–23820 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 186; P4301 (Photograph of Petkovci Dam marked by Jean-René Ruez); Adjudicated Fact 1793.

18289 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2984, 2987.

18290 KDZ045, P5910 (Transcript from *Prosecutor v. Krstić*), T. 2981–2982.

18291 Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11610–11613, 11681. *See* P4563 (Statement by KDZ122), pp. 5–6 (under seal).

18292 *See* Section IV.C.1.g.v: Reburial operation.

(e) Forensic evidence

(i) Primary gravesite

5374. A primary gravesite adjacent to the Petkovci Dam was exhumed between 15 and 25 April 1998, by a Tribunal exhumation team under the direction of Richard Wright.[18293] The remains found therein were subsequently examined by a team of pathologists under the direction of Christopher Lawrence.[18294]

5375. Aerial images indicate that the gravesite was first excavated between 5 and 27 July 1995, and that the site was later disturbed between 7 and 27 September 1995.[18295] This gravesite contained grossly disarticulated body parts; the disarticulation was thought to have been caused by the mechanical removal of the bodies during the robbing process.[18296]

5376. Remains of at least 46 individuals were recovered from the gravesite.[18297] Because of the separation of the body parts within the gravesite, 91 body bags were collected.[18298] Due to the substantial damage on the remains and their high degree of decomposition, experts were only able

18293 Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3638; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 8, 20. *See* Adjudicated Fact 1798. *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 10; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 66.

18294 Christopher Lawrence, T. 22446–22447 (8 December 2011); Christopher Lawrence, P4051 (*Transcript from Prosecutor v. Krstić*), T. 3978–3980; P4064 (Chart of primary and secondary graves). *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 10; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 66; P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court p. 25.

18295 Jean-René Ruez, T. 23861 (30 January 2012), T. 23970–23972 (31 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 252; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 65; P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court p. 22. *See also* D2045 (Aerial image of Petkovci Dam on 7 and 27 September 1995 marked by Jean-René Ruez).

18296 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 20–21; Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3653–3656; P4011 (Photograph of exhumation hole); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 66. At the eastern end of the grave, there were traces of a ramp that gave access to the mechanical excavator which was used during the robbing process. P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 21; P4010 (Photograph of exhumation trench).

18297 P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court p. 2.

18298 P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court p. 2.

to determine the sex of 15 of the bodies, all of which were male.[18299] While the cause of death for the majority of remains could not be determined, gunshot wounds identified in remains of nine body bags were deemed "sufficient" or "probably sufficient to cause death".[18300] Further, the analysis of 464 skull fragments and 211 shell casings recovered from the surface of the gravesite, was consistent with a number of individuals being shot in the head.[18301] Finally, one twine ligature was found.[18302]

5377. As of 13 January 2012, DNA analysis led to the identification of 19 bodies from the gravesite adjacent to the Petkovci Dam as persons listed as missing following the take-over of Srebrenica.[18303]

(ii) Liplje secondary gravesites

5378. Four secondary mass gravesites along the Liplje Road—Liplje 1, 2, 3, and 4—were discovered between 1996 and 1998 by a Tribunal team of experts.[18304] A fifth gravesite—Liplje

18299 P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 2, 8. *See* Christopher Lawrence, T. 22456, 22512 (8 December 2011). *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 10, 66; Adjudicated Fact 1799.

18300 P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 2, 8, 20, 22. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 66–67. The Chamber notes that Dušan Dunjić challenged Lawrence's findings in his report for this site in relation to the cause of death. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 118–119. Having assessed the totality of evidence on this issue, the Chamber accepts Lawrence's report and the findings therein.

18301 P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 2, 22; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 10, 66–67; Adjudicated Fact 1799. *See also* Jean-René Ruez, T. 23822–23824 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 187, 190–193.

18302 P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 2, 20; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 67; P4507 (Chart of photographs of blindfolds, ligatures, and location); P4509 (Collage of Srebrenica ligatures, 5 March 2012).

18303 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 10–11, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), Annex D, e-court pp. 129–130 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010); Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3657; P4013 (Photograph of ID recovered from body pocket); P4014 (Excerpt from ICRC Missing Persons list).

18304 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 11; Jean-René Ruez, T. 23865–23866 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 264. *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 24–25.

7—was identified at a later date by the BiHCMP.[18305] Liplje 2 was completely exhumed in August 1995 by a Tribunal team under the direction of Richard Wright.[18306] The remains found at Liplje 2 were then examined by a team of pathologists under the direction of Christopher Lawrence.[18307] While the preliminary examination of Liplje 1, 3, and 4 was conducted by a team of Tribunal experts, the responsibility for exhuming the gravesites—as well as Liplje 7—was that of the BiHCMP.[18308]

5379. The Chamber notes that out of all the secondary gravesites associated with the primary gravesite, it only received forensic evidence in relation to Liplje 2. Liplje 2 was situated approximately 14 kilometres south of the Petkovci Dam.[18309] Aerial images reveal that Liplje 2 was created between 7 September and 2 October 1995.[18310] The forensic evidence reviewed by the Chamber in relation to Liplje 2 shows that all of the bodies where sex could be determined were male.[18311] Only four relatively intact bodies were located at Liplje 2; of these, one had died from gunshot wounds, one from possible gunshot wounds, and two had an undetermined cause of

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18305 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 24.

18306 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 11; Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3658; P4013 (Photograph of ID recovered from body pocket); P4015 (Photograph of exhumation trench at Liplje 2 site). *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 70; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 24; P4020 (Diagram of graves LP 2 and ZJ 5).

18307 Christopher Lawrence, T. 22446–22447 (8 December 2011); P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998", 17 June 1999), p. 35; Christopher Lawrence, P4051 (*Transcript from Prosecutor v. Krstić*), T. 3978–3980; P4064 (Chart of primary and secondary graves). *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 70.

18308 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 11; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence – Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court pp. 24–25. *Cf.* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 102–116.

18309 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 21; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 10, 65.

18310 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 69; P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), ecourt pp. 57–58 (aerial images showing emergence of disturbed earth at Liplje 1 and 2 between 7 September and 2 October 1995), e-court p. 59 (aerial image showing emergence of disturbed earth at Liplje 3 on or before 2 October 1995), e-court pp. 60–61 (aerial images showing emergence of disturbed earth at Liplje 4 between 7 September and 2 October 1995); Adjudicated Fact 1802.

18311 P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998"), e-court pp. 2, 10. *See* Adjudicated Fact 1804. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 10, 70.

death.[18312] While the extensive post mortem tampering with the bodies and the normal process of decomposition precluded the experts from being able to provide a cause of death for the remaining body parts analysed,[18313] injuries in some body parts were consistent with gunshot wounds.[18314] Further, while no definite blindfolds were located, 23 ligatures were found.[18315]

5380. Forensic analysis showed that the bodies removed from the gravesite adjacent to the Petkovci Dam were reburied at Liplje 2.[18316] Specifically, the gravesite contained unweathered limestone boulders and lumps of green clay, which were characteristic of the robbed gravesite adjacent to the Petkovci Dam.[18317] Further, a twine ligature found in Liplje 2 was similar to another found at the gravesite adjacent to the Petkovci Dam.[18318] Moreover, DNA-based connections were found between the gravesite adjacent to the Petkovci Dam and the five Liplje secondary

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18312 P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998"), e-court pp. 2, 8; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 10, 70.

18313 P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998"), e-court pp. 2, 10, 20.

18314 P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998"), e-court pp. 2–3, 12, 20–21; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 70–71. The Chamber notes Dušan Dunjić's extensive challenges to the pathology report for the Liplje 4 gravesite with respect to the findings therein in relation to the cause of death. *See* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 103–125. The Chamber first notes that the original pathology report for Liplje 4 is not in evidence. In any event, while it may have been impossible to determine with certainty the cause of death for each of the remains retrieved from Liplje 4 due to their high degree of decomposition, the Chamber is satisfied that the remains therein had been moved from the gravesite adjacent to the Petkovci Dam. *See* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 49, 82, 84. *See* para. 5512. Therefore the Chamber is satisfied that the remains retrieved from Liplje 4 are linked to this Scheduled Incident and to the events described in this section.

18315 P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998"), e-court pp. 2, 16–17; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 10; P4506 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 2: Lazete 2, Hodzici Road 3, 4 and 5, Petkovci Dam, Liplje 2, Cerska and Zeleni Jadar 5"), e-court pp. 209–232; P4507 (Chart of photographs of blindfolds, ligatures, and location); P4509 (Collage of Srebrenica ligatures, 5 March 2012). *See also* Adjudicated Fact 1806.

18316 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 1; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 10, 65. *See also* Adjudicated Fact 1800.

18317 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 21, 25, 166; Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3658–3659.

18318 P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 2, 20–21; P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998"), e-court p. 17; Jean-René Ruez, T. 23821 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 188–189; P4506 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 2: Lazete 2, Hodzici Road 3, 4 and 5, Petkovci Dam, Liplje 2, Cerska and Zeleni Jadar 5"), pp. 205–206.

gravesites.[18319] DNA-based connections were also found between the various Liplje secondary gravesites themselves.[18320]

5381. As of 13 January 2012, DNA analysis led to the identification of 796 victims from the Liplje gravesites as persons listed as missing following the take-over of Srebrenica: 159 in Liplje 1; 175 in Liplje 2; 57 in Liplje 3; 289 in Liplje 4, and 116 in Liplje 7.[18321]

(f) Conclusion

5382. For all these reasons, the Chamber finds that, on 14 and 15 July 1995, at least 815 Bosnian Muslim men detained at the Petkovci School were killed by the Bosnian Serb Forces. Some were summarily executed by members of the Bosnian Serb Forces while being detained at Petkovci School. The rest were killed in a field nearby the Petkovci Dam.

(3) Ročević School and Drina River near Kozluk

(a) Introduction

5383. The Indictment refers to the killing on or about 14 or 15 July 1995 at Ročević School of some of the approximately 1,000 Bosnian Muslim men detained therein.[18322] The Indictment also refers to the killing on 15 July 1995 of the surviving portion of the approximately 1,000 Bosnian

18319 The specific connections are as follows: four individuals with remains in both the Petkovci Dam and Liplje 1; five individuals with remains in both the Petkovci Dam and Liplje 2; four individuals with remains in both the Petkovci Dam and Liplje 3; 15 individuals with remains in both the Petkovci Dam and Liplje 4; and 7 individuals with remains in both the Petkovci Dam and Liplje 7. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 49, 82, 84. The Chamber notes Dunjić's claim that there is no evidence that all bodies from the Liplje gravesites are connected to the killings at the Petkovci Dam. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 117. Having considered the totality of evidence, the Chamber accepts Janc's report and the findings therein, and finds that the bodies from the Liplje gravesites are linked to this Scheduled Incident and to the events described in this section.

18320 The specific connections are as follows: 11 individuals with remains in both Liplje 1 and Liplje 2; 12 individuals with remains in both Liplje 1 and Liplje 3; two individuals with remains in both Liplje 1 and Liplje 4; one individual with remains in both Liplje 2 and Liplje 4; 12 individuals with remains in both Liplje 2 and Liplje 7; 13 individuals with remains in both Liplje 3 and Liplje 4; and one individual with remains in both Liplje 4 and Liplje 7. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 49, 82, 84.

18321 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 4, 24–25, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), Annex D, e-court pp. 310–353 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010).

18322 Indictment, Scheduled Incident E.8.1.

Muslim men who had been detained at Ročević School, at a site on the bank of the Drina River near Kozluk.[18323]

5384. The village of Kozluk is located off the western bank of the Drina River, less than ten kilometres north of Karakaj along the main Zvornik–Bijeljina Road.[18324] The Ročević School is situated just off the main Zvornik–Bijeljina Road, in the village of Ročević, approximately seven kilometres further north from Kozluk.[18325] In 1995, the Command of the 2nd Battalion of the Zvornik Brigade was located in Malešić, approximately 15 kilometres from Ročević.[18326]

(b) Detention and killings at the Ročević School

5385. On 14 July 1995, buses carrying Bosnian Muslim males who had been previously detained in various sites in and around Bratunac, arrived at the Ročević School.[18327] When Popović arrived at the school in the afternoon, he found Bosnian Muslim detainees inside the school's gymnasium.[18328]

5386. On the evening of 14 July,[18329] five to seven members of the Bratunac Brigade MP set off from Bratunac towards Ročević School.[18330] Upon arriving, they encountered other members of the

18323 Indictment, Scheduled Incident E.8.2.

18324 P3187 (Map of Zvornik municipality); P4308 (Book of photographs and maps prepared by Jean-René Ruez, (22 June 2009), e-court pp. 195, 198. *See also* Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6661–6662 (referring to Kozluk as a settlement).

18325 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12997; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17950; Jean-René Ruez, T. 23826 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 198.

18326 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12930–12931; Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18174, 18180; Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13362.

18327 *See* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 41, 52; Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17948–17951, 17998.

18328 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 52. The Chamber also received evidence that Beara visited the various sites in Zvornik where Bosnian Muslims were being detained on 14 July. *See* P4563 (Statement by KDZ122), p. 2 (under seal) (referring to the presence of Beara in Zvornik on 14 July 1995); P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 45 (an entry for 14 July 1995 at 15:00 hours noting that "Colonel Beara is coming in order to Orovoc Petkovci Roćević Pilica"). The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July discussed in fn. 17583.

18329 Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17948, 17998–17999. Janjić testified that he was not sure whether he left for Zvornik on 14 or 15 July 1995. Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17948, 17961, 17990–17991. However, in light of the evidence described below showing that the Bosnian Muslim detainees had already been transported to the execution site and subsequently killed by the evening of 15 July, the Chamber considers that he and his colleagues went to Ročević on 14 July 1995. *See* paras. 5313, 5316.

18330 Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17948–17949, 17997. *See* Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9756.

Bratunac Brigade[18331] who had been tasked with guarding the Bosnian Muslims detained inside the school building and the adjacent gymnasium.[18332]

5387. Between 8 and 9 p.m. on 14 July,[18333] Srećko Aćimović—the Commander of the Zvornik Brigade's 2nd Battalion[18334]—was informed by the priest and the president of the Ročević local commune that detainees were being held at the Ročević School and were being killed.[18335] Aćimović headed to the school immediately and, upon entering the school yard, heard detainees inside the gymnasium screaming for water and asking to go to the bathroom.[18336] Aćimović also encountered soldiers unknown to him behaving erratically, seemingly under the influence of

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18331 Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17951–17952, 17954. Janjić testified that upon arriving at Ročević School he saw a group of between 10 to 15 soldiers who were members of the "Zenica company", which was part of the Bratunac Brigade. Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17951. These men were members of both the 1st and the 2nd Battalions of the Bratunac Brigade, but they were referred to as "the Zenica people" because they had come from Zenica in 1992. Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17952. Janjić testified that Mirko Janković was also present at Ročević School. Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17951, 17968. *See* Momir Nikolić, T. 24570–24571 (13 February 2012). *See also* Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18053, 18083 (referring to the presence of members of the MP at Ročević School on 15 July, who did not belong to the Zvornik Brigade, but who might have been part of the Bratunac Brigade).

18332 Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17953–17955. *See* KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6461. The members of the Bratunac Brigade MP left in the direction of Bratunac less than half an hour after first arriving at Ročević School, leaving the other soldiers behind. Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17955–17956, 17998–17999. Janković also left around the same time in an unknown direction, driving a UN APC. Mile Janjić, P372 (Transcript from *Prosecutor v. Popović et al.*), T. 17956, 17989–17990.

18333 Aćimović testified that he was not certain that the events described took place on 14 July but that it was mid-July. Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13123–13124. However, in light of the totality of Aćimović's evidence and the timeline of the events described by other witnesses in relation to this killing incident, the Chamber considers that it was indeed 14 July 1995. The Chamber admitted Aćimović's prior testimony in the *Popović et al.* case pursuant to Rule 92 *bis*. The Chamber has analysed Aćimović's testimony in its totality and in the context of other evidence before it. While the Chamber found internal inconsistencies within Aćimović's testimony, as well as between portions of his testimony and other evidence before it, *see e.g.* fns. 18343, 18367, these inconsistencies, in the Chamber's view, arise from his efforts to downplay his own responsibility and involvement in the events at Ročević on 14 and 15 July 1995. The Chamber also finds that Aćimović was not always forthright in his account of events, but this also arises from his efforts to downplay his own responsibility and involvement in the events described in the following paragraphs. The Chamber has taken all of this into consideration and has decided to rely on the uncontested aspects of Aćimović's evidence, as well as on aspects which are corroborated by other accepted evidence, as it has found such evidence to be reliable and of probative value.

18334 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12930–12931; Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18174; Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13362.

18335 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12934–12935, 12941. *But see* Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13366, 13389 (stating that Aćimović had told him that he had learned about the detainees being held at Ročević from his parents). KDZ446 testified that one day, while on a trip to Ročević in mid-July 1995, he saw the school's playground full of buses as well as soldiers; KDZ446 heard bursts of fire and was told by the locals that they were killing people from Srebrenica. KDZ446, P29 (Transcript from *Prosecutor v. S. Milošević*), T. 21040, 21091.

18336 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12935–12937, 13006.

narcotics or alcohol.[18337] Aćimović left approximately half an hour later to inform the Zvornik Brigade about the situation at Ročević School.[18338]

5388. Sometime between 1 and 2 a.m. on 15 July, an encrypted telegram from the Zvornik Brigade Command was received over the phone, with the order to dispatch a platoon of soldiers from the 2nd Battalion to the Ročević School "for the execution of the prisoners".[18339] Once the telegram had been decoded, Aćimović discussed it with two close associates in the 2nd Battalion, namely Vujo Lazarević—the Assistant Battalion Commander for Morale and Religious Affairs—and Mitar Lazarević—the Officer for General Services—, and together decided that no personnel would be assigned to the task.[18340] He then sent a response telegram to the Zvornik Brigade, indicating that the 2nd Battalion did not have any personnel available to execute the detainees.[18341]

5389. According to Aćimović, a second telegram was received with the same content approximately 45 minutes to an hour later.[18342] Aćimović again consulted with his associates, Vujo and Mitar Lazarević, and decided to disobey the order, sending yet another response telegram to the Zvornik Brigade.[18343] Approximately ten minutes later, at around 2.30 a.m., Aćimović received a phone call from Drago Nikolić telling him that the order "had come from above" and that it had to be carried out.[18344] Aćimović refused, yet again, to assign the task to anyone.[18345] Nikolić insisted

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18337 Aćimović tried to communicate with the soldiers in order to obtain information but they refused to talk and a rifle was pointed at him. Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12936. *See also* Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13033 (testifying that he heard that these were guards from Bratunac and Višegrad but acknowledging that he had not heard this from a reliable source); Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13366–13367, 13391.

18338 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12937. *See also* Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12937, 12939–12940, 12943, 13007–13009, 13013–13017, 13139–13140; Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 13136 (under seal); Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13372–13373, 13388.

18339 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12944–12946; Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13374–13375, 13386.

18340 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12943, 12946, 12995, 13011, 13020–13021, 13052, 13122; Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13358–13359, 13362, 13375–13376; Mitar Lazarević, P362 (Transcript from *Prosecutor v. Popović et al.*), T. 13420 (under seal). *See also* Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18180.

18341 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12943, 12946–12947, 13011; Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13376–13377, 13406–13407.

18342 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12947–12948.

18343 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12948–12949, 13122. Mitar Lazarević testified that only one telegram was received from the Zvornik Brigade and only one response refusing to allocate personnel from the 2nd Battalion was sent back. Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13405. The Chamber notes the conflicting evidence between Aćimović and Mitar Lazarević in this regard but finds that these inconsistencies are not sufficient to cast doubt upon the existence of instructions originating from the Zvornik Brigade.

18344 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12949–12950, 13046. *See also* Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13048–13049. Aćimović testified that Vujo and Mitar Lazarević were present when the discussion with Drago Nikolić took place. Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13123.

that Aćimović was to dispatch his men by 7 a.m., around which time they would speak again.[18346] Around 7 or 8 a.m., Drago Nikolić called again and asked Aćimović whether the order had been executed,[18347] adding that, if Aćimović was unable to put a group of men together, Aćimović and his associates should carry out the executions themselves.[18348] Aćimović was then ordered by an angry Drago Nikolić to meet him at the Ročević School at 9 or 10 a.m.[18349]

5390. Aćimović drove to the Ročević School between 9 and 10 a.m. but Drago Nikolić was not there.[18350] Between 15 and 20 VRS MP soldiers were in front of the gymnasium and behind the school.[18351] Aćimović also saw at least a dozen bodies lying on the ground.[18352] Aćimović met Popović in front of the school, and together they walked to an office inside the school.[18353] Popović shouted at Aćimović, asking why he had not brought any soldiers as ordered.[18354] Popović continued putting pressure on Aćimović to get men, and threatened that he would be held responsible for not following the order.[18355] Popović then called the Zvornik Brigade Duty Officer and asked that vehicles, as well as either Trbić or Jasikovac, be sent to Ročević urgently.[18356]

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18345 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12949–12951. *See also* Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13377–13378, 13387–13388, 13392 (testifying that after the reply telegram was sent, he heard Aćimović cursing and quarrelling with an unknown person over the phone).

18346 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12951.

18347 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12951–12952.

18348 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12952–12956.

18349 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12952–12954.

18350 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12957–12958, 13050; Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 13022 (under seal); Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13379. *See also* Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18051–18052, 18089 (stating that he drove Aćimović to Ročević School in the morning of 15 July, arriving between 10 a.m. and noon).

18351 Jović testified that these men were not part of the Zvornik Brigade, but heard that they were part of the Bratunac Brigade. Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18053, 18083.

18352 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12958. *See also* Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18183 (under seal); KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32713–32714; Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13390.

18353 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12957–12958. *See also* Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 13121 (under seal). The Chamber notes that Popović denied being at Ročević School in the morning of 15 July, and claimed instead that he first went to Dragaševac and later to Šekovići. *See* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 58–59; Vujadin Popović, T. 43071–43073 (6 November 2013). However, in light of the totality of evidence before it, the Chamber does not find Popović's alibi credible, and concludes that Popović was in fact present at Ročević School on 15 July.

18354 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12958–12960, 12964–12965.

18355 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12958–12960, 12964–12966; Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 13117 (under seal).

18356 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12965–12966, 12986–12988. *See also* P4563 (Statement by KDZ122), p. 3 (under seal).

5391. Veljko Ivanović—a driver for the 2nd Battalion[18357]—was ordered by Mitar Lazarević to be on duty and to work out of the Standard Barracks for as long as necessary after the fall of Srebrenica.[18358] At around 11:15 a.m. on 15 July, while at the Standard Barracks, an order from Aćimović was conveyed to Ivanović to take three crates of ammunition for automatic rifles to Ročević School.[18359] Ivanović set out towards Ročević driving a Mercedes T 170 belonging to the 2nd Battalion, and arrived soon after.[18360] According to Aćimović, Popović became angry when only a single truck arrived.[18361] Popović then stated that the detainees would have to be killed "somewhere nearby, near the school, and that they should all be killed in Ročević".[18362] He ordered Aćimović to call the drivers of six or seven civilian trucks and to bring them to the school.[18363] Fifteen to 20 minutes later, when Djoko Nikolić—another driver for the 2nd Battalion—arrived in a TAM 2001 truck which could only accommodate about 15 people, Popović again became upset.[18364] According to Aćimović, Dragan Jović—a member of the 2nd Battalion who was present at the school at the time—then offered to secure another vehicle.[18365] Jović testified, however, that it was Aćimović who ordered him to find volunteers to execute the detainees, and to fetch a civilian truck.[18366] Aćimović went to the schoolyard to see whether he could find anybody willing to take part in the killings.[18367]

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18357 Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18174–18175.

18358 Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18175–18176.

18359 Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18176–18179. Ivanović received this order from a man named Panto Pantić, the head of the transport pool at the Standard Barracks. Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18177–18178.

18360 Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18175, 18177; P110 (Zvornik Brigade vehicle log 1-31 July 1995), p. 1 (stating that the drivers of the Mercedes truck were Veljko Ivanović and Vukašin Perić). *See also* Mitar Lazarević, P363 (Transcript from *Prosecutor v. Popović et al.*), T. 13380; Mitar Lazarević, P362 (Transcript from *Prosecutor v. Popović et al.*), T. 13380 (under seal); Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18058.

18361 Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12967–12968, 12983 (under seal).

18362 Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12968–12969 (under seal).

18363 Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12969 (under seal). Aćimović testified that he played some tricks in order not to be able to get in touch with those drivers, and lied to Popović, telling him that the drivers were not available at the time. Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12969 (under seal); Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13104–13105.

18364 Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12970, 12972, 12981, 12985 (under seal).

18365 Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12972, 13094, 13112, 13115–13117 (under seal). *See also* Mitar Lazarević, P362 (Transcript from *Prosecutor v. Popović et al.*), T. 13380–13381 (under seal).

18366 Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18056–18057, 18060–18061, 18083–18084. Jović further added that Aćimović had accompanied him to get the civilian truck after Jović was first unsuccessful. Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18061, 18083.

18367 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12960–12961. The Chamber notes that it received conflicting evidence from Aćimović and Jović as to their participation in securing volunteers to carry out the killings, as well as the trucks and additional drivers. *See* Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12969, 13120–13121 (under seal); Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13105; Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*),

5392. At around 11 a.m. Jasikovac arrived at the Ročević School together with other members of the Zvornik Brigade MP.[18368] Other members of the Zvornik Brigade were also present at the school.[18369] Jasikovac ordered his men to secure the facility and the detainees held there.[18370] Some members of the Zvornik Brigade MP were also ordered to secure the entrance of the school in order to prevent angry Bosnian Serb civilians threatening to harm the detainees from approaching them.[18371] By this time, approximately 1,000 detainees were being held at the school, and a couple of bodies of Bosnian Muslim detainees could still be seen lying outside.[18372]

5393. Around noon on 15 July 1995, KDZ496—who was 15 years old at the time and was wearing civilian clothes[18373]—went towards the asphalt road near his home in Zvornik municipality; there, he encountered a member of the 2nd Battalion who told him to go with him by car to Ročević where Bosnian Muslim men were being held prisoners.[18374] KDZ496 arrived at the Ročević School between 12 and 1 p.m.,[18375] was brought before Popović and Aćimović by one of

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T. 18056–18057, 18060–18061, 18083–18084. The Chamber considers that these inconsistencies are largely due to both Jović and Aćimović's interest in distancing themselves from the events at Ročević on 15 July 1995, and in minimising their own contributions to such events. While the specific role played by Aćimović and Jović is secondary to the events surrounding this Scheduled Incident in light of the case against the Accused, the Chamber finds that both Aćimović and Jović were involved, in one way or another, in securing vehicles and/or volunteers. This involvement has warranted the Chamber's more cautious approach to both witnesses' testimony on other points.

18368 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6460–6461, 6487–6488; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6460, 6489 (under seal); Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11047, 11053–11054 (testifying that he drove Jasikovac to Ročević on 15 July). *But see* Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13091 (testifying that he did not see Jasikovac at Ročevic School, but assuming Jasikovac must have arrived after he had left). *See* Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11028 (testifying that he drove an Opel Rekord); P173 (Zvornik Brigade vehicle log, 1-31 July 1995), pp. 3–4 (where an *Opel Record* is recorded as being used by Milorad Birčaković on 15 July 1995, and used on five journeys from Karakaj to Ročević, carrying four passengers); P4948 (Zvornik Brigade Military Police attendance roster, July 1995). The Prosecution claims that the Zvornik Brigade MP attendance roster for 15 July 1995 was altered to conceal the presence and involvement of MPs in the murder operation at Ročević School. *See* Prosecution Final Brief, Appendix D, confidential, fn. 499. The Chamber has found that the attendance roster was altered to conceal the presence of members of the Zvornik Brigade's MP Company at Orahovac on 14 July 1995. *See* fn. 18055. The Chamber is equally satisfied that efforts were made to conceal the presence of the unit at Ročević School on 15 July 1995.

18369 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6462, 6487–6488; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11047–11049. *See also* KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32704 (under seal); KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32743–32744.

18370 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6461; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6462–6463 (under seal). *See also* Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11137.

18371 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6461–6463, 6487.

18372 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6461–6462; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6479 (under seal). *See also* Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18183 (under seal).

18373 KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32699, 32702, 32723 (under seal).

18374 KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32701; KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32747–32750 (under seal).

18375 KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32701, 32704.

the soldiers guarding the detainees, and presented himself as a volunteer to participate in the executions.[18376]

5394. Aćimović ordered Ivanović and Jović to transport the detainees to the execution site near Kozluk,[18377] and left soon after.[18378] Ivanović, Djoko Nikolić, and Jović were left behind.[18379]

(c) The killings at the Drina River near Kozluk

5395. The transportation of the detainees from the Ročević School by members of the 2nd Battalion—including Jović, Ivanović, Djoko Nikolić, and at least two other soldiers—began at around 2 or 3 p.m., and continued over the course of the afternoon.[18380]

5396. Aćimović ordered Ivanović to reverse the Mercedes T 170 truck close to the door of the school, and planks were placed to serve as a ramp.[18381] The three crates of ammunition that Ivanović had brought earlier from the Standard Barracks were placed inside a passenger vehicle.[18382] The loading of Bosnian Muslim detainees from the school onto the Mercedes truck then began.[18383] The first group of detainees were blindfolded, with their hands and legs bound, but as they were unable to walk along the narrow planks, the ligatures and blindfolds were ultimately

18376 Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 12971, 13118 (under seal); Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 13093.

18377 Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18058–18059; Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18177–18178. *But see* Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 13109–13110 (under seal); Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12988–12989, 13106–13108 (stating that he did not give the order for the transportation of detainees, and adding that when he left the school he did not know whether the boarding and loading of detainees had begun). *See* fn. 18333.

18378 Srećko Aćimović, P343 (Transcript from *Prosecutor v. Popović et al.*), T. 12988–12989. *See also* Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović*, Case No. IT-05-88), T. 18178; Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18219–18220 (under seal).

18379 Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 13109–13110 (under seal).

18380 Dragan Jović, P365 (Transcript from *Prosecutor* v. *Popović et al.*), T. 18059, 18061–18063; Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18181, 18218 (under seal). *See also* KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6464; KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32701, 32704, 32707, 32743. *But see* Srećko Aćimović, P342 (Transcript from *Prosecutor v. Popović et al.*), T. 13118–13119 (under seal). Jović testified that he transported detainees from Ročević to Kozluk two or three times with a truck that could carry approximately ten detainees. Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18061–18062. Ivanović also drove between three and four more times from Ročević School to Kozluk and back. Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18191 (under seal).

18381 Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18177. *See also* Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18058.

18382 Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18182, 18200–18201 (under seal).

18383 Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18177; Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18182 (under seal). *See also* KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6464.

removed.[18384] During the whole process, the detainees appeared "half dead" and exhausted; none of them pleaded for their lives.[18385]

5397. Once the loading of the first batch of detainees was completed, Ivanović and Jović set off in the direction of the execution site,[18386] which was adjacent to the Drina River near the village of Kozluk, less than four kilometres away from Ročević School.[18387] KDZ496 and three to four members of the MP—all of them armed—were also at the back of the truck.[18388] The trucks travelled six kilometres from the school to Kozluk and a further three kilometres to the execution site on a very poorly maintained road.[18389] The trip between Ročević and Kozluk took approximately 20 minutes.[18390]

5398. The trucks progressed as close as possible to the execution site and then reversed into a pre-dug hole.[18391] The detainees were then ordered to jump off the truck and into the hole.[18392] Shooters formed two parallel lines on each side of the hole.[18393] All of the shooters wore multi-coloured uniforms and balaclavas, while some also wore white belts.[18394] The detainees were shot

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18384 Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18182 (under seal). *But see* KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32707, 32741 (stating that the detainees may have been tied up but were not blindfolded).

18385 Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18218 (under seal).

18386 Dragan Jović, P365 (Transcript from Prosecutor v. *Popović et al.*), T. 18058–18060, 18082–18083; Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18182 (under seal); Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18178. Jović testified that, while Ivanović was driving the truck, he was not familiar with the site at Kozluk, thus Jović was ordered to travel with him to show him the location. Dragan Jović, P365 (Transcript from Prosecutor v. *Popović et al.*), T. 18058. *But see* KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32705–32706 (under seal) (stating that the person driving the truck was Jović).

18387 Jean-René Ruez, T. 23824, 23826 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 198–199. *See also* Robert Block, T. 24932–24934 (21 February 2012); P4406 (Map of Kozluk and Branjevo area marked by Robert Block); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 72. The Kozluk execution site was located within the area of responsibility of the Zvornik Brigade. P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 7.53. *See also* Adjudicated Fact 1810.

18388 Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18059–18060, 18083; KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32701–32702; KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32705–32706, 32708 (under seal). Jović testified that these soldiers had assisted in guarding detainees at the school that day but he did not know which unit they belonged to. Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18083.

18389 Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18059, 18061.

18390 KDZ407, P379 (Transcript from *Prosecutor v. Popović et al.*), T. 6464.

18391 Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18059–18060, 18067; KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32701–32702, 32707, 32713.

18392 KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32707, 32713, 32724–32725.

18393 KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32707. KDZ496 testified that there were between 30 to 50 uniformed men on either side of the hole. KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32707, 32756. *But see* Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18190 (under seal) (stating that there were up to eight soldiers at Kozluk).

18394 Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18191, 18195 (under seal); KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32761–32762 (under seal); KDZ496, P387 (Transcript

from both sides as they exited the truck into the pit.[18395] The shooting was carried out in a disorganised and confused fashion to the point that it appeared as if the shooters might end up shooting each other.[18396] Wounded detainees tried to flee by going into the Drina River and grabbing the shrubbery, all the while coming under fire.[18397] A young boy begged for his life to be spared, but was nevertheless killed.[18398]

5399. Once the detainees held inside the school had been taken to the execution site, the loading of the detainees held at the gymnasium began.[18399] By this point, additional members of the VRS, including the MP, had arrived at the execution site at Kozluk.[18400] By dusk, all the detainees had been transported from the Ročević School to the killing site.[18401]

(d) Burials

5400. On the morning of 16 July, Damjan Lazarević was ordered by either Bogičević or Vojkan Sekonjić—the Engineering Company's desk officer[18402]—to go to Kozluk to bury the people who

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from *Prosecutor v. Popović et al.*), T. 32710–32711. According to KDZ496, the soldiers were members of the MP but not from the area. KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32762 (under seal); KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32710–32711, 32743–32744. Jović testified that the soldiers unloading the detainees from the trucks were members of the MP who had previously guarded the detainees at Ročević School. Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18060. Ivanović testified that there were up to eight men who he believed belonged to the 6th Battalion. Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18190–18191, 18193, 18195 (under seal).

18395 KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32702, 32707. *See also* Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18190 (under seal).

18396 Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18222–18224 (under seal). *See* KDZ496, P386 (Transcript from *Prosecutor v. Popović et al.*), T. 32702, 32708–32709, 32727, 32764 (under seal).

18397 Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18189, 18224 (under seal). *See also* Robert Block, T. 24927, 24932–24933 (21 February 2012); P4406 (Map of Kozluk and Branjevo area marked by Robert Block) (referring to locals having told him about the presence of bodies floating down the river around 17 July 1995). *But see* KDZ496, P387 (Transcript from *Prosecutor v. Popović et al.*), T. 32713 (testifying that the hole was very deep, making it impossible for detainees to climb back out and escape). As stated in fn. 17638, Rešid Sinanović survived the execution at Kozluk by jumping into the Drina River, but his remains were later found at the Čančari Road 4 gravesite, which was linked to the Branjevo Military Farm primary gravesite. *See* Robert Block, T. 24932–24936 (21 February 2012). *See also* para. 5461.

18398 Ivanović explained that although the boy was taken off his truck, he had later learned that the boy had also been killed. Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18190 (under seal).

18399 Veljko Ivanović, P383 (Transcript from *Prosecutor v. Popović et al.*), T. 18182 (under seal).

18400 Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18065, 18084.

18401 KDZ407, P379 (Transcript from *Prosecutor v. Popović et* al.), T. 6465, 6490; KDZ407, P378 (Transcript from *Prosecutor v. Popović et al.*), T. 6465 (under seal). *See* Dragan Jović, P365 (Transcript from *Prosecutor v. Popović et al.*), T. 18063 (stating that he transported detainees from 2 or 3 p.m. until 6 or 7 p.m.) *But see* Veljko Ivanović, P384 (Transcript from *Prosecutor v. Popović et al.*), T. 18176, 18179 (testifying that he arrived at Ročević School at around 11 a.m., and that the transportation to the execution site began some time after this and concluded by 2:30 or 3 p.m.).

18402 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14435.

had been executed at that location.[18403] Miloš Mitrović—another member of the Engineering Company—was also ordered to take a small skip excavator to the execution site.[18404]

5401. Lazarević arrived at the execution site at approximately 8 a.m.[18405] He was driven in a TAM 75 truck until the truck could go no further; thereafter he continued on foot.[18406] Upon arriving, there was a strong stench emanating from the bodies decomposing in gravel pits, approximately 20 to 30 metres away from the Drina River.[18407] Pieces of white and green broken glass, which Lazarević believed came from the nearby Vitinka factory, could also be seen in one of the pits.[18408] Three or four masked men wearing uniforms, whom Lazarević did not recognise, were standing in the field.[18409]

5402. Mitrović started burying the bodies using the small skip, but the machine was not big enough to complete the task.[18410] Rade Bošković, a civilian, was called in to finish the task with a ULT 220 which belonged to the stone quarry in Josanica.[18411] Mitrović and Lazarević left, leaving Bošković behind to complete the task.[18412]

5403. Between 7 and 27 September 1995, and as part of the reburial operation to conceal the Srebrenica killings which will be discussed in detail below,[18413] the bodies initially buried at Kozluk were exhumed, transported, and reburied at some of the Čančari Road secondary gravesites, as demonstrated by the forensic evidence discussed in the paragraphs immediately below.

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18403 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14454–14455. *See* P660 (Zvornik Brigade Engineering Company roster, July 1995), p. 6. *See also* Adjudicated Fact 1812. A bulldozer from the Engineering Company was also used on 18 and 19 July to do work at Kozluk. P4583 (Extract from Zvornik Brigade Engineering Company logbook, 14–19 July 1995), pp. 5–6 (referring to "trench mending" work being carried out at Kozluk).

18404 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14454, 14478, 14515; P175 (Zvornik Brigade vehicle log, 1-31 July 1995) (where a *Torpedo* excavator is recorded as being used by Mitrović on 16 July 1995 for digging trenches in Kozluk).

18405 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14455.

18406 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14455. *See also* P5118 (Zvornik Brigade vehicle logbook, July 1995), e-court pp. 447–448 (recording that a Zvornik Brigade TAM 75 truck made a trip to Kozluk on 16 July 1995).

18407 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14455–14457.

18408 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14456.

18409 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14457, 14521.

18410 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14457, 14522. *See also* Adjudicated Facts 1811, 1812.

18411 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14457–14458. *See also* P657 (Brochure for a wheel loader (ULT200)); P239 (Photograph of a wheel loader (ULT200)).

18412 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14458–14459.

18413 *See* Section IV.C.1.g.v: Reburial operation.

(e) Forensic evidence

(i) Kozluk primary gravesite

5404. Aerial images reveal that the Kozluk grave was first dug between 5 and 17 July 1995, and that it was disturbed between 7 and 27 September 1995.[18414] The Kozluk gravesite is located adjacent to the Drina River near the town of Kozluk, less than four kilometres away from the Ročević School.[18415] The site is approached by a road that passes the Vitinka soft drink bottling factory, and turns into a track as it reaches an area of rubbish dumping and gravel extraction alongside the Drina River.[18416]

5405. The Kozluk gravesite was exhumed by a Tribunal exhumation team from 24 June to 6 August 1999 under the direction of Richard Wright.[18417] The remains found at the gravesite were then examined by a team of pathologists under the direction of John Clark.[18418] The Kozluk gravesite contained three areas of disposal of human remains: Kozluk 1, located to the north; Kozluk 2, located to the east; and Kozluk 3, located to the southwest.[18419] Kozluk 2 and 3 were found to be areas of both execution and burial.[18420] The Kozluk gravesite showed evidence of robbing or removal of bodies, evidenced by dismembered body parts found at the surface of the

18414 Jean-René Ruez, T. 23828, 23861–23862 (30 January 2012); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 72; P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 202, 253. *See also* Adjudicated Fact 1819.

18415 Jean-René Ruez, T. 23824, 23826 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 198–199. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 72.

18416 P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court p. 5. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 72; Jean-René Ruez, T. 23826–23827 (30 January 2012).

18417 P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court p. 4; Richard Wright, T. 22246 (1 December 2011); Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3663–3664. *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 11.

18418 John Clark, T. 22693 (10 January 2012); P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), pp. 1, 26; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3900–3901, 3911. *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 11.

18419 P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court pp. 5–6, 19.

18420 P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court pp. 5–6. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 73; P4023 (Diagram of bodies and shell casings).

grave and machinery tooth marks on the base of the trench.[18421] Despite this, 292 whole or largely complete bodies and 233 body parts, constituting a minimum of 340 individuals, were recovered from the grave.[18422]

5406. All the individuals for whom sex could be determined were male.[18423] While it was established that the majority of victims were over 25 years old, the age of the victims ranged from 8 to 85.[18424] All the victims were found wearing civilian clothing.[18425] Further, 55 blindfolds and 168 ligatures were recovered at the gravesite.[18426] 89% of the complete bodies, *i.e.* 260 out of 292, showed evidence of gunshot injury.[18427] The final cause of death for 237 bodies was attributed to gunshot injury, with a further 55 cases left as unascertained.[18428] Additionally, 548 shell cases, 368

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18421 Richard Wright, T. 22267 (1 December 2011); P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court pp. 11, 27; Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3678, 3683–3684; P4302 (Video footage of Kozluk area).

18422 John Clark, T. 22698 (10 January 2012); John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3911; P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), p. 6. *See also* John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3952; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 73; Adjudicated Fact 1814.

18423 John Clark, T. 22698 (10 January 2012); John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3912, 3922; P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), pp. 6, 12. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 73; Adjudicated Fact 1814.

18424 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), p. 6; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T.3912. The Chamber notes that Dušan Dunjić challenged the methodology used by Clark in his report, in particular, that there was no detailed description of the condition of the bodies, upon which the basis of the victims' age and their time of death could be estimated. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 50. Having assessed the totality of evidence on this issue, the Chamber accepts Clark's report and the findings therein.

18425 P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court p. 13; Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3691, 3716. *See also* Adjudicated Fact 1825.

18426 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 74; P4505 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 1: Kozluk, Cancari Road 3 and 12 and Branjevo Military Farm (Pilica)"), 1–171, 210–266; P4507 (Chart of photographs of blindfolds, ligatures, and location). *See also* Adjudicated Fact 1817; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3914; P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court p.14; Richard Wright, T. 22256, 22258–22260 (1 December 2011); Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3681; P4002 (Photograph of exhumed body marked by Richard Wright); P4003 (Photograph of exhumed body marked by Richard Wright).

18427 John Clark, T. 22698 (10 January 2012); P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), pp. 8, 12; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3915. *See also* Adjudicated Fact 1815.

18428 John Clark, T 22698 (10 January 2012); P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), pp. 8, 11–12; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3950–3951. *See also* Adjudicated Fact 1815; P4112 (John Clark's expert report entitled "Autopsy Report, Kozluk Grave Site", 28 July 1999). The Chamber notes that Dunjić also challenged the methodology used by Clark when determining that gunshot injuries occurred during life or contributed to the cause of death, arguing that such determination was not in accordance with forensic science. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of

bullets, and 88 bullet fragments were recovered from the Kozluk gravesite during the exhumation and autopsy processes.[18429]

5407. As of 13 January 2012, DNA analysis has led to the identification of 336 individuals in the Kozluk grave as persons listed as missing following the take-over of Srebrenica.[18430]

(ii) Čančari Road secondary gravesites

5408. The Čančari Road is an eight kilometre dirt road running through the middle of the Čančari valley, approximately seven kilometres south of Zvornik and about 20 kilometres south of Kozluk.[18431] There are at least 13 known secondary mass graves along the Čančari Road.[18432] As will be explained below,[18433] only Čančari Road 1, 2, 3, 7, and 13 have been linked to the Kozluk primary gravesite.[18434]

5409. A Tribunal team of experts, led by Richard Wright, conducted the exhumation of Čančari Road 3 in May and June 1998.[18435] The remains found therein were examined by a team of

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Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 55–56; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 7–8. Having assessed the totality of evidence on this issue, the Chamber accepts Clark's report and the findings therein.

18429 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 74. *See also* P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court pp. 14, 21–22.

18430 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 11, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), Annex D, e-court pp. 131–147 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010). The remains of Mesa Efendić, who was last seen walking in Potočari on 13 July wearing a red cardigan, were later found at the Kozluk primary gravesite. P667 (Zoran Petrović-Pirićanac's video footage), at 00:01:00–00:01:10; P4066 (Photograph from exhumation KK03 543). *See also* P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) (under seal), e-court p. 140.

18431 Jean-René Ruez, T. 23866–23867 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 265–267, 273.

18432 The gravesite designated as Čančari Road 13 was previously unknown to the Tribunal as it was located by the BiHCMP. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica – January 2012", 13 January 2012), e-court p. 15. *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 267.

18433 *See* para. 5411.

18434 The remainder of the secondary mass graves located along Čančari Road are linked to the Branjevo Military Farm primary gravesite. *See* para. 5461.

18435 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), p. 7; Richard Wright, T. 22250–22251 (1 December 2011); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 16. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 76; Adjudicated Fact 1820.

pathologists under the direction of Christopher Lawrence.[18436] While examination and probing of Čančari Road 1 was conducted by a Tribunal team of experts, the exhumation was handed over to the BiH Government in 2001.[18437] Čančari Road 2, 7, and 13 were exhumed by the BiHCMP in 2002.[18438]

5410. Aerial images show that Čančari Road 1, 2, 3, and 7 were each first excavated between 7 and 27 September 1995 and were filled in prior to 2 October 1995.[18439] The Chamber notes that out of all the secondary gravesites associated with the Kozluk gravesite, it only received forensic evidence in relation to Čančari Road 3. Remains of at least 160 individuals, including 35 relatively intact bodies, were recovered from Čančari Road 3.[18440] The forensic evidence shows that all of the victims at Čančari Road 3 whose sex could be determined were male.[18441] It was established that the majority of the victims had a mean age of over 25.[18442] Furthermore, eight blindfolds and 37 ligatures were found at the gravesite.[18443] The cause of death for 29 of the 35 complete bodies was

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18436 Christopher Lawrence, T. 22447 (8 December 2011); P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999), e-court pp. 1, 48; Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3978, 3980; P4064 (Chart of primary and secondary graves). The Chamber notes that Dušan Dunjić challenged the methodology used by Lawrence in his report for Čančari Road 3, in particular, the fact that he did not provide a professional explanation for the opinions in the report, and that he went beyond the scope of his work as a pathologist. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 5. Having assessed the totality of evidence on this issue, the Chamber accepts Lawrence's report and the findings therein.

18437 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 15. *See also* Dušan Janc, T. 26921 (27 March 2012).

18438 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 16, 18, 20.

18439 P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court pp. 64–69, 74–75; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 75 (specifying that aerial images reveal that Čančari Road 1 and 3 were first excavated after 27 September). *See also* Adjudicated Fact 1821.

18440 P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999), e-court pp. 2, 9, 33; Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3998. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 76.

18441 P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999), e-court pp. 2, 10; Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3998. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 11, 76; Adjudicated Fact 1823.

18442 P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999), e-court p. 9. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 11, 76.

18443 Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3999; P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999), e-court pp. 2, 20, 28; P4505 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 1: Kozluk, Cancari Road 3 and 12 and Branjevo Military Farm (Pilica)"), pp. 173–209, 267–275; P4507 (Chart of photographs of blindfolds, ligatures, and location); P4509 (Collage of Srebrenica ligatures, 5 March 2012). *See also* P4062 (Christopher Lawrence's expert report entitled "Report on Ligatures found in the Grave in CR03", 17 June 1999); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence -

a result of gunshot wounds; the six remaining had an undetermined cause of death.[18444] While experts were not able to provide a cause of death for the remaining body parts analysed, injuries in the majority of these remains were consistent with gunshot wounds.[18445]

5411. Forensic analysis showed that the Čančari Road 3 gravesite is secondary to the Kozluk gravesite.[18446] First, thousands of pieces of broken green bottles along with a pile of unused labels bearing the name of the Vitinka soft drink bottling factory at Kozluk were found at both the Čančari Road 3 and Kozluk gravesites.[18447] Further, an analysis of soil, materials, and shell cases found at both sites led to the conclusion that bodies from the Kozluk gravesite were removed and reburied at the Čančari Road 3 gravesite.[18448] Moreover, DNA-based connections were found between the Kozluk gravesite and the secondary gravesites of Čančari Road 1, 2, 3, 7, and 13.[18449]

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Execution Points and Mass Graves", 16 May 2000), e-court pp. 11, 22–24, 77; Adjudicated Fact 1824. The Chamber notes that ligatures were also found in the remaining secondary gravesites associated with the Kula gravesite. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 15. Similarly, blindfolds were found in Čančari Road 7 and 13. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 15.

18444 P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999), e-court pp. 3, 33; Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 4001–4002. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 11, 76. The Chamber notes that Dušan Dunjić challenged the methodology used by Lawrence in his report regarding the undetermined cause of death for six of the victims found at Čančari Road 3. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 49; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 5. Having assessed the totality of evidence on this issue, the Chamber accepts Lawrence's report and the findings therein.

18445 P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999), e-court p. 33; Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3999–4001; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 4, 18, 76–77.

18446 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 22–23; Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3703. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 11; P4052 (Christopher Lawrence's expert report entitled "Report on Bodies Recovered Near Kozluk in 1998", 17 June 1999); Adjudicated Fact 1820.

18447 Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3675, 3679; P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000), e-court pp.11, 15; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 21–23; Richard Wright, T. 22250–22251 (1 December 2011); Jean-René Ruez, T. 23827–23828, 23830–23831, 23867 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 200, 203–206; P4302 (Video footage of Kozluk area), at 00:03:58–00:04:08.

18448 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 22–23; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 75. *See also* Adjudicated Facts 1822, 1820.

18449 The specific connections are as follows: three individuals with remains in both Kozluk and Čančari Road 1; seven between Kozluk and Čančari Road 2; 51 between Kozluk and Čančari Road 3; ten between Kozluk and Čančari Road 7; and 12 between Kozluk and Čančari Road 13. P4772 (Dušan Janc's report entitled "Update to

5412. As of 13 January 2012, DNA analysis led to identification of 479 victims from the Čančari Road gravesites as persons listed as missing following the take-over of Srebrenica: 52 from Čančari Road 1; 119 from Čančari Road 2; 138 from Čančari Road 3; 109 from Čančari Road 7; and 61 from Čančari Road 13.[18450]

(f) Conclusion

5413. For all these reasons, the Chamber finds that, on 14 and 15 July 1995, at least 815 Bosnian Muslim men detained at the Ročević School were killed by members of the Bosnian Serb Forces. Some were killed by members of the Bosnian Serb Forces while being detained at Ročević School. The rest were killed at a site on the bank of the Drina River near Kozluk.

(4) Kula School and Pilica Cultural Centre

(a) Kula School

5414. The Indictment refers to the killing at Kula School on or about 14 or 15 July 1995 of some of the approximately 1,200 Bosnian Muslim men detained at the school.[18451] The Indictment also refers to the killing on 16 July 1995 of the surviving portion of the Bosnian Muslim men.[18452]

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the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 48, 82. The Chamber notes that Čančari Road 7 contained the remains of one individual whose DNA was also found in the Čančari Road 11 gravesite. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 49, 82; Dušan Janc, T 26968–26969 (27 March 2012). The Chamber finds that there are many plausible reasons for this, including the way in which the transportation of remains to secondary gravesites was conducted, and is satisfied with Janc's conclusions that Čančari Road 7 is associated with the Kozluk primary gravesite and not with the Branjevo Military Farm gravesite. *See* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13January 2012), e-court p. 41. The Chamber further notes Dušan Dunjić's challenge to the DNA-based connections between the primary and secondary gravesites, in particular, that it was "concluded groundlessly" on the basis of 310 DNA links that 4,049 bodies originated from numerous primary mass graves, including Kozluk. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 24. *See also* Defence Final Brief, paras. 2607–2608. The Chamber further notes that Dušan Dunjić argued that there was a possibility that certain Čančari Road gravesites could in fact be primary in relation to each other. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 16–17. The Chamber will deal with this challenge in detail below. *See* paras. 5595–5599. However, having assessed the totality of evidence on this issue, the Chamber accepts Janc's report and the findings therein.

18450 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 15–16, 18, 20, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), Annex D, e-court pp. 184–200, 226–231, 274–277.

18451 Indictment, Scheduled Incident E.9.1.

18452 Indictment, Scheduled Incident E.9.2.

According to the Indictment, the men were transported by bus to the Branjevo Military Farm and summarily executed; the victims were subsequently buried in a nearby mass grave.[18453]

(i) Detention at Kula School

5415. The Kula School—also known as the Nikola Tesla Primary School or Pilica School—is located in Kula, a hamlet in the village of Pilica.[18454] The village of Pilica is situated approximately 20 kilometres north of Karakaj along the main Zvornik–Bijeljina Road.[18455]

5416. Early in the morning of 14 July 1995, the 1st Battalion of the Zvornik Brigade received a telegram from the Brigade's Command with the instruction to prepare the gymnasium at the Kula School for the arrival of between 100 and 200 men from Srebrenica.[18456] The telegram further stated that, once the detainees had arrived at the school, members of the 1st Battalion were to secure access to the building.[18457] As a result, a group of 12 members of the 1st Battalion, under the command of Security Officer Slavko Perić, a.k.a. "Captain Muderiz", proceeded to the school.[18458] Upon arriving, the group split into three smaller groups: one was deployed near the main entrance to control access to the school; another was posted in the schoolyard to secure the auxiliary entrance; and the last was sent inside the school to make arrangements for the arrival of the detainees.[18459]

5417. In the afternoon, several busloads of Bosnian Muslim men who had previously been detained in Bratunac, arrived at the Kula School, guarded by members of the Bosnian Serb Forces who were not from the 1st Battalion.[18460] The detainees included some elderly men, up to about 80 years old, as well as 15 or 16 year old boys.[18461]

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18453 Indictment, Scheduled Incident E.9.2.

18454 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10213; Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11319. *See* Adjudicated Fact 1829. *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 208.

18455 P3187 (Map of Zvornik municipality); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 207, 219; Jean-René Ruez, T. 23831 (30 January 2012). *See also* Adjudicated Fact 1826.

18456 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10215–10217. The 1st Battalion was also known as the Lokanj-Pilica Battalion. *See* Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11314. The headquarters of the 1st Battalion were in Manojlovići, in the village of Lokanj. Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10215.

18457 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10216–10217. The telegram also stated that the detainees would spend the night at the school as they would be exchanged in Tuzla the following day. Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10216, 10249.

18458 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10218–10220.

18459 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10220.

18460 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10221–10223; KDZ333, T. 24151 (2 February 2012); Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1190, 1192–1193. *See also* Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1194–1195; KDZ333, P4342

5418. Upon arrival, members of the Bosnian Serb Forces ordered the detainees to disembark, to put their hands behind their heads, and to walk one by one towards the gymnasium.[18462] Detainees entered the school in waves.[18463] When the gymnasium could not hold any more men, detainees were left standing in the corridors and stairway while others remained on the buses outside.[18464] These detainees were subsequently taken to the classrooms on the first floor of the school.[18465]

5419. Conditions at the Kula School were very poor. The gymnasium and the classrooms became overcrowded and were so tightly packed that no one could move.[18466] With an outside temperature of about 30°C, the school began to mist up.[18467] A strong stench emanated from the gymnasium, as there were no windows open and thus no ventilation.[18468] The members of the Bosnian Serb Forces who were guarding the detainees from the entrance of the gymnasium found the stench so unbearable that they kept asking to change guards frequently.[18469] Some of the detainees collapsed,[18470] and two or three detainees died in the crowded gymnasium overnight.[18471]

5420. There was no medical treatment available at the school.[18472] Detainees were given food, but it was not enough for everyone.[18473] Several detainees were allowed to fetch water from a nearby

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(Transcript from *Prosecutor v. Krstić*), T. 3030–3031; KDZ333, T. 24124–24125 (2 February 2012); P4347 (Photograph of Kula School marked by KDZ333). The Chamber notes that Ahmo Hasić referred to the location where he was taken both as a school and as a cultural centre or hall. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1192; Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1287–1288 (under seal). While Hasić testified that he did not know what these places were called, he was clear that the building where he was detained had a ground floor and one floor upstairs. Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1288 (under seal). Having assessed Hasić's evidence as a whole, and in particular in light of other evidence indicating that the section of the Pilica Cultural Centre where the detainees were held had one floor, the Chamber finds that Hasić was detained at Kula School. *See* para. 5439.

18461 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1194, 1223–1225.

18462 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10221–10224; KDZ333, T. 24152 (2 February 2012). *See also* KDZ333, T. 24124–24125 (2 February 2012); P4347 (Photograph of Kula School marked by KDZ333) (where KDZ333 marked with "1" the gymnasium at Kula School); Jean-René Ruez, T. 23832 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 210–211.

18463 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10222.

18464 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10224–10226, 10236. *See also* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3031–3032; D2052 (Statement of KDZ333 to State Commission on Gathering Facts on War Crimes, 20 July 1996), p. 3 (under seal).

18465 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10226–10227.

18466 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1193–1194; Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10224–10225. *See also* Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11322, 11340–11341.

18467 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10224–10225. *See also* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3036.

18468 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10224.

18469 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10224. *See also* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3039.

18470 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10226.

18471 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3036. *See also* Adjudicated Facts 1827, 1831.

18472 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3036.

water point, while being escorted by members of the Bosnian Serb Forces.[18474] A detainee was shot as he attempted to escape while fetching water.[18475] While the detainees were given water, it was not sufficient.[18476] Some of the detainees inside the gymnasium and classrooms requested to be let out in order to get water and use the toilet.[18477] The detainees were not always allowed and, when they were, some of them were hit with rifle butts by soldiers.[18478] Out of fear, many of the detainees urinated where they were.[18479]

5421. On 15 July, additional members of the 1st Battalion were sent by Perić to the school; this brought the total number of soldiers at the school at that time to between 40 and 50.[18480] A man who was addressed as a "lieutenant-colonel or colonel" and wore a camouflage uniform also visited the school that day,[18481] as did Jasikovac.[18482] Rajko Babić, a member of the 1st Battalion, asked the lieutenant-colonel or colonel if any of the detainees would stay at the school but was told: "No, they can't stay, they ha[ve] to be taken away, all of them. I don't want to talk to you anymore."[18483] Babić interpreted the comment made by the lieutenant-colonel or colonel to mean that all of the Bosnian Muslim detainees would be killed.[18484]

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18473 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1195; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3037. *See also* Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11322.

18474 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10227–10228; KDZ333, T. 24126, 24155–24156 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3032–3033. *See also* KDZ333, T. 24124–24125 (2 February 2012); P4347 (Photograph of Kula School marked by KDZ333) (where KDZ333 marked with "2" the water point); Jean-René Ruez, T. 23833 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 212–213.

18475 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10229.

18476 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10227–10228; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3036–3037; Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11322. *See also* Adjudicated Fact 1827.

18477 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10225.

18478 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1193. *See* Adjudicated Fact 1833.

18479 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1193.

18480 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10233; P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 75 (an entry in the Zvornik Brigade Duty Officer's logbook for 15 July 1995 recording a request by the 1st Battalion for oil and gasoline for "transport of troops to Kula", and for ten crates of 7.62mm ammunition). The soldiers who were already at the school remained at the premises but did not have to stand guard anymore. Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10233. *See also* Adjudicated Fact 1830; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1194–1195; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3031, 3039.

18481 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10237, 10240. While Babić could not recall the officer's name, he described him as rather tall, heavily built, with thin blond hair combed over a receding hairline, no moustache, and wearing a camouflage uniform. Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10240–10241.

18482 Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11045–11046. Birčaković testified that he drove Jasikovac to the school but remained outside while Jasikovac went inside to "inspect". Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11046.

18483 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10239–10240.

18484 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10240.

5422. Throughout this time, many detainees were taken out of the school by members of the Bosnian Serb Forces.[18485] Screaming and moaning could then be heard, followed by bursts of gunfire, after which the screaming stopped.[18486] Only some detainees returned.[18487] This went on constantly, day and night.[18488] Detainees did not dare look out of the windows to see what was happening because whenever someone tried to do so, the guards would shoot a burst of gunfire.[18489] The bodies of detainees killed by members of the Bosnian Serb Forces while trying to escape during the night could be seen lying around the school.[18490]

5423. Members of the Bosnian Serb Forces took jewellery, watches, and money from the detainees.[18491] Soldiers also requested 10,000 German marks from each detainee and warned them that if they did not manage to collect that sum they would all be killed; the soldiers returned twice for money but the detainees had none left.[18492]

(ii) Transportation of detainees from the Kula School

5424. On the morning of 16 July, Radivoje Lakić—the Commander of the 1st Battalion's Works Platoon[18493]—ordered some of its members to go to the Kula School.[18494] When they arrived, they were told by unknown soldiers to stand guard while detainees were put on buses.[18495]

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18485 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1192, 1197–1198; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3038.

18486 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1192, 1196–1198. *See also* KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3033–3036, 3050; D2052 (Statement of KDZ333 to State Commission on Gathering Facts on War Crimes, 20 July 1996), p. 3 (under seal); KDZ333, T. 24126, 24156 (2 February 2012) (testifying that while fetching water at the water point outside of the school, he heard a bus approaching and, shortly after, heard people crying for help, followed by shots fired from the same direction; the shooting went on for five to ten minutes); P4348 (Photograph of Kula School marked by KDZ333); Jean-René Ruez, T. 23834–23835 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 214, 216–218; Adjudicated Fact 1832.

18487 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3038; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1225–1226. *See also* Adjudicated Fact 1835.

18488 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1197.

18489 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1192, 1197.

18490 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 69–71; Milorad Birčaković, P360 (Transcript from *Prosecutor v. Popović et al.*), T. 11046. *See also* Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11323–11324, 11339, 11344 (testifying to having seen on 16 July nine bodies dressed in civilian clothing about 50 metres away from the school, which were then put on a tractor-trailer and taken away).

18491 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3037; KDZ333, T. 24152 (2 February 2012); Adjudicated Fact 1834.

18492 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3037–3038.

18493 Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11314, 11343. The Works Platoon was subordinated to the 1st Battalion of the Zvornik Brigade and was stationed at the Branjevo Farm. Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11314–11316. It was in charge, among other things, of preparing food for the troops and distributing it and, whenever necessary, of digging trenches at the frontlines. Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11314–11315.

18494 Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11319–11320, 11341.

5425. Members of the Bosnian Serb Forces told the detainees that those who had the money to pay for transportation could go to Sarajevo.[18496] Once those who had money left, the rest of the detainees were told that they would be taken to Tuzla.[18497] Soon after, detainees began to be taken out of the school in groups of eight.[18498] As one of the detainees was exiting the school, he saw the body of a dead man lying at the bottom of the stairs in a pool of blood.[18499] Two long sheets were brought by the soldiers and ripped into strips, so that detainees tied other detainees' hands behind their backs.[18500] Some detainees were also blindfolded.[18501] The detainees were then escorted by about ten soldiers to buses lined up outside the school.[18502] During this process, the soldiers swore at the detainees and hit them with their rifle butts.[18503] Once the buses were filled they were driven along the same road previously used to get to the school.[18504] The detainees were told again that they were going to Tuzla.[18505]

5426. Popović testified that, at approximately 10 a.m. that day, while at the Zvornik Brigade Command, Trbić told him that Beara had gone with some people to Pilica and had asked for Popović to join him at the Kula School.[18506] When Popović arrived at the school, the boarding of the detainees onto the buses was ongoing and he found Beara in front of a house next to the

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18495 Jevto Bogdanović, P385 (Transcript from Prosecutor v. Popović et al.), T. 11320–11321, 11324. *See also* Adjudicated Fact 1828.

18496 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1195. *See also* KDZ333, T. 24152 (2 February 2012). The Chamber notes that Hasić testified that the executions took place on 17 July, after spending two nights at Kula School. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1193, 1227. *See also* Adjudicated Fact 1828 (stating that the detainees were held at the Kula School for two nights). However, in light of the Chamber's finding above that Hasić did not arrive at the school on 15 July but on 14 July, the Chamber considers that his evidence pertaining to the transportation of detainees and the subsequent executions at the Branjevo Military Farm refers to events which took place on 16 July 1995. *See* fn. 18047.

18497 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1195.

18498 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10234. *See also* Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11324. Babić testified that on 16 July he was not at the school premises but at the terrace of his nearby apartment from where he could watch the events at the school. Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10234–10236.

18499 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1195–1196, 1198.

18500 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1195; Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10234–10235; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3040. *See also* Adjudicated Fact 1838.

18501 Rajko Babić, P361 (Transcript from *Prosecutor v. Popović et al.*), T. 10234.

18502 *See* Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1198; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3040; D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 14–15, 16, 22–23; Franc Kos, T. 42374–42376 (31 July 2013); Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11322; P6451 (Article from *Slobodna Bosna* entitled "I Killed 'Only' Hundreds of People", 22 March 1996), p. 2. The buses displayed the markings of "Centrotrans Sarajevo" and "Drinatrans Zvornik" transportation companies. Adjudicated Fact 1839.

18503 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1198.

18504 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3040.

18505 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1198.

18506 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 66.

school.[18507] An intercepted conversation between Beara and Slobodan Cerović—the Drina Corps Assistant Commander for Morale, Religious, and Legal Affairs, who was serving as duty officer at Drina Corps headquarters in Vlasenica at the time[18508]—at 11:11 a.m. on 16 July, records Cerović informing Beara that Colonel Trkulja—an operations officer from the Main Staff[18509]—was looking for Beara because "he got instructions from above [...] to do triage on [the detainees]".[18510] The Chamber also received evidence that Popović organised and co-ordinated the transportation of detainees from the Kula School.[18511]

(iii) Killings at the Branjevo Military Farm

5427. Members of the 1st or "Bijeljina" Platoon of the 10th Sabotage Detachment were stationed at the 2nd or "Vlasenica" Platoon's headquarters in Dragaševac on 16 July 1995.[18512] Between 4:30 and 5:30 a.m., Franc Kos received a phone call from Beara requesting that he and seven soldiers

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18507 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 66–69. *See also* Vujadin Popović, T. 43074–43076 (6 November 2013). The Chamber refers to its assessment of Beara's testimony regarding his whereabouts on 13 and 14 July, as discussed in fn. 17583.

18508 Richard Butler, T. 27586 (18 April 2012).

18509 Richard Butler, T. 27587 (18 April 2012).

18510 Beara interrupted Cerović by stating: "I don't want to talk about it on the phone." P6700 (Intercept of conversation between Col. Beara and Cerović, 16 July 1995); P5075 (Intercept of conversation between Col. Beara and Cerović, 16 July 1995). *See* P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 81 (noting that it was reported to Beara from Zlatar that a "triage of wounded and prisoners must be carried out"). Zlatar was the code name for the Drina Corps and Palma was the code name of the Zvornik Brigade. Stefanie Frease, T. 26720–26721 (23 March 2012). *See also* Richard Butler, T. 27586 (18 April 2012).

18511 An intercepted conversation from 16 July at 1:58 p.m. between the duty officer of the Drina Corps Command and Trbić—then Zvornik Brigade duty officer—records the latter transmitting an urgent request from Popović for 500 litres of diesel fuel. P5077 (Intercept of conversation between Zlatar duty officer and Palma duty officer, 16 July 1995), p. 1; Vujadin Popović, T. 43083–43086 (6 November 2013). Trbić was then connected to a certain Bašević, and repeated the same request for fuel from Popović, adding that "or else the work he's doing will stop". P5077 (Intercept of conversation between Zlatar duty officer and Palma duty officer, 16 July 1995), p. 1. *See also* P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 85; Vujadin Popović, T. 43085, 43087–43088 (6 November 2013). Trbić was subsequently connected to Major Golić, an intelligence officer of the Drina Corps Command, and repeated yet again Popović's request for 500 litres of fuel to be sent immediately. P5077 (Intercept of conversation between Zlatar duty officer and Palma duty officer, 16 July 1995), p. 2. The intercept also records that a fuel tank from the vehicle battalion was to go to Pilica. P5077 (Intercept of conversation between Zlatar duty officer and Palma duty officer, 16 July 1995), p. 2. *See also* P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 85 (a note in the Zvornik Brigade Duty Officer Logbook at 2 p.m. stating that "Popović requested a bus with a full tank and 500 litres of D2"); P4669 (Intercept authentication binder of Stefanie Frease), pp. 66–68 (where a Zvornik Brigade material dispatch order recorded the disbursement of 500 litres of fuel "for Lt. Col. Popović" on 16 July 1995); P5077 (Intercept of conversation between Zlatar duty officer and Palma duty officer, 16 July 1995), p. 2 (whereby Trbić informed an unidentified individual that a bus loaded with 500 litres of oil was to go to Pilica); P5312 (Intercept of conversation between Major Bašević and an unidentified person, 16 July 1995) (record of an intercepted conversation from 7:12 p.m. on 16 July, in which Bašević reported that the petrol had ran out completely, and was told in response that "Zvornik is solved"). *But see* Vujadin Popović, T. 43086 (6 November 2013) (testifying that somebody was asking for the oil in his name because he did not need it).

18512 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10960–10962; Dražen Erdemović, T. 25369 (27 February 2012). *See also* D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 3. The village of Dragaševac was located about four or five kilometres from Vlasenica. Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 13992.

come immediately to the Drina Corps Command in Vlasenica.[18513] Kos refused to comply with the order as he had not been authorised to do so by Pelemiš.[18514] Beara called a second time at approximately 6 a.m., demanding to know why Kos was not on his way.[18515]

5428. At approximately 7:30 a.m., Dragomir Pećanac—from the Intelligence Administration of the Main Staff[18516]—as well as Pelemiš, the full 2nd Platoon, and soldiers of the 1st Platoon who had been with the 2nd Platoon, arrived at Dragaševac.[18517] Soon after, Kos and seven other members of the detachment, including Dražen Erdemović, were ordered to get their equipment ready and leave for an assignment.[18518] Dragan Todorović—a member of the 2nd Platoon—then proceeded to prepare the ammunition and weapons for the mission.[18519] Shortly after, the eight soldiers boarded a black minivan and set out in the direction of Zvornik, making a brief stop at the Standard Barracks, where they were to report to the "Command".[18520] After this stop, the van followed an

18513 D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 10, 18.

18514 D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 10–11. *See* Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 13993–13994.

18515 D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 10–11, 18.

18516 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 58; Dražen Erdemović, T. 25424 (28 February 2012). *See also* D3720 (Witness statement of Petar Salapura dated 17 June 2013), p. 3.

18517 D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 11, 18; Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14012–14013, 14029. *See also* Tomislav Kovač, T. 42876 (4 November 2013) (closed session). The Chamber notes Todorović's evidence that these events took place on 15 July. Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14010–14011, 14044; Dragan Todorović, T. 24204 (7 February 2012). However, having compared Todorović's evidence to that of Kos and Erdemović, the Chamber considers that the events described by him took place on 16 July 1995.

18518 D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 11; Franc Kos, T. 42382 (31 July 2013), T. 42407 (1 August 2013); Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14013–14015, 14029, 14041; Dragan Todorović, T. 24203–24204 (7 February 2012); Dražen Erdemović, T. 25368 (27 February 2012); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10962–10963. These six soldiers, in addition to Kos and Erdemović, were: Brano Gojković, Zoran Goronja, Aleksander Cvetković, Marko Boskić, Stanko Savanović, and Vlastimir Golijanin. Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10962–10963, 11005; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 11. *See also* Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14040; P4351 (Order of 10th Sabotage Detachment, 10 July 1995); P4488 (Dražen Erdemović's VRS contract, 30 April 1995). According to Kos and Todorović, Erdemović had not been originally assigned but volunteered to join the mission and go with Kos because he did not want to stay on base on his own. D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 11; Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14042; Dragan Todorović, T. 24204 (7 February 2012).

18519 Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 13992, 14030–14032, 14037–14038; Dragan Todorović, T. 24212 (7 February 2012). These included two hand-held launchers, one M–84 machine gun and a crate of ammunition, made up of 1,200 rounds. Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14030–14032, 14063; Dragan Todorović, T. 24206 (7 February 2012); P4352 (Notes related to logistical support issued to the 10th Sabotage Detachment, 14–16 July 1995), p. 2.

18520 D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 11–12, 18–19; Dražen Erdemović, T. 25370–25371 (27 February 2012); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10964–10965, 10967–10969; Dragan Todorović, P4353 (Transcript from *Prosecutor v. Popović et al.*), T. 14038–14040; P265 (Photograph of Zvornik Brigade HQ).

olive-green-grey Opel Cadet car, with a "lieutenant-colonel" and two military policemen onboard.[18521]

5429. At approximately 10 a.m., the two vehicles arrived at the Branjevo Military Farm,[18522] which was under the direct authority and control of the 1st Battalion of the Zvornik Brigade.[18523] The Branjevo Military Farm is located near the village of Pilica, and is approached by going 700 to 800 metres through a dirt road leading off the Bijeljina–Zvornik Road from the direction of the Kula School.[18524]

5430. Once the group arrived at the Branjevo Military Farm and, following a conversation between the lieutenant-colonel and an officer "in military uniform" already present at the farm,[18525] the members of the detachment were told by Brano Gojković—a member of the detachment—and the lieutenant-colonel that buses carrying civilians from Srebrenica would start arriving in a few minutes, and that these people were to be killed that day because they were war criminals.[18526] The lieutenant-colonel and the two military policemen then left the Branjevo Military Farm.[18527]

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18521 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10966–10968, 10993. *See also* D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 12 (stating that, after stopping at the Standard Barracks, the group started following a red Opel Kadett, with a young officer and a driver in it). The military policemen had the insignia of the MP in their uniforms, and one of them was wearing a white cross belt. Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10966; P249 (VRS field dress insignia). Based on his assumption that the Drina Corps headquarters were located in Zvornik, Erdemović believed that these men were members of the Drina Corps MP. Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10967. The Chamber recalls, however, that the Drina Corps headquarters was based in Vlasenica at the time. *See* para. 190.

18522 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10966, 10969, 10978–10979; P264 (Aerial photograph of Branjevo state farm dated 15 July 1995 marked by Dražen Erdemović); D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 12, 19; Franc Kos, T. 42364 (31 July 2013); P4306 (Video footage of Branjevo Farm), at 00:05:03 to 00:05:30. The Branjevo Military Farm consisted of three or four hectares of land used for military purposes. Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11315–11317, 11336. *See also* P270 (Photograph of Branjevo state farm marked by Jevto Bogdanović).

18523 Adjudicated Fact 1836.

18524 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 12; Jean-René Ruez, T. 23831, 23836, 23841 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 207, 219, 222; P4304 (Photograph of Pilica Farm marked by Jean-René Ruez); P4306 (Video footage of Branjevo Farm), at 00:00:00–00:02:58; P4332 (Photograph of Branjevo Farm, 21 September 1995); P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court p. 18; P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court p. 29.

18525 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10969–10970; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 13. *See also* Dražen Erdemović, T. 25344 (27 February 2012); P264 (Aerial photograph of Branjevo state farm dated 15 July 1995 marked by Dražen Erdemović); P4489 (Photograph of Branjevo Farm marked by Dražen Erdemović).

18526 Dražen Erdemović, T. 25374, 25377 (27 February 2012); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10970–10971; D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 13, 21. *See also* Adjudicated Fact 1849; Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10966, 10981, 10986; Dražen Erdemović, T. 25375–25377 (27 February 2012); Franc Kos, T. 42376–42377 (31 July 2013); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 78.

18527 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10971.

5431. Shortly thereafter, buses filled with Bosnian Muslim detainees previously held at the Kula School began arriving at the Branjevo Military Farm.[18528] One or two soldiers escorted the detainees on each of the buses and sat next to the driver.[18529] After departing from the school, the buses travelled for approximately two and a half kilometres up a hill.[18530] The buses stopped at a meadow which was littered with a "large number of dead bodies"; gunfire could be heard.[18531] When the doors opened, Bosnian Serb soldiers gathered around the buses and started cursing the detainees, the detainees' mothers, and Haris Silajdžić's mother.[18532] The soldiers ordered the detainees to disembark until the buses were half empty.[18533]

5432. A group of soldiers led columns of ten detainees approximately 100 to 200 metres away from the buses towards the meadow.[18534] On their way, the detainees saw bodies lying on the ground.[18535] Soldiers asked detainees for money and beat them when they said they did not have any.[18536] Upon reaching the meadow, the detainees—some of whom were blindfolded and had their hands tied behind their backs—passed by those who had been killed earlier until they were told to stop and turn around so that they faced away from the eight members of the detachment,

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18528 Dražen Erdemović, T. 25375 (27 February 2012); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10971; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 19. *See also* Adjudicated Fact 1837.

18529 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1200. *See also* Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10971; Dražen Erdemović, T. 25379 (28 February 2012); D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 14. Ahmo Hasić testified that the soldiers on the buses were the same ones he had seen earlier in the school. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1200. *See also* Adjudicated Fact 1846.

18530 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201.

18531 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3040. *See also* KDZ333, T. 24127 (2 February 2012); P4349 (Photograph of Branjevo Military Farm marked by KDZ333); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10978–10979; P264 (Aerial photograph of Branjevo state farm dated 15 July 1995 marked by Dražen Erdemović); Dražen Erdemović, T. 25344 (27 February 2012); P4489 (Photograph of Branjevo Farm marked by Dražen Erdemović); Jean-René Ruez, T. 23836–23837 (30 January 2012); P4303 (Aerial image of Branjevo Farm marked by Jean-René Ruez).

18532 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201.

18533 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201–1202.

18534 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10971–10972; Dražen Erdemović, T. 25345 (27 February 2012), T. 25379 (28 February 2012); KDZ333, T. 24157 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3040–3041, 3043; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201–1202; D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 15–16. *See also* Adjudicated Facts 1840, 1841; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 14; Dražen Erdemović, T. 25381 (28 February 2012); D2134 (Photograph of Branjevo Farm marked by Dražen Erdemović); KDZ333, T. 24127 (2 February 2012); P4349 (Photograph of Branjevo Military Farm marked by KDZ333); D2052 (Statement of KDZ333 to State Commission on Gathering Facts on War Crimes, 20 July 1996), p. 4 (under seal); Jean-René Ruez, T. 23842–23843 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 223.

18535 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201, 1286.

18536 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 17; Franc Kos, T. 42369 (31 July 2013). KDZ333 also heard soldiers asking detainees if they had relatives abroad who could send money so that they could be exchanged; those who spoke up were taken away. KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3041.

who were standing in a line.[18537] The soldiers then opened fire with automatic rifles, and the detainees fell to the ground upon being shot.[18538] Hasić survived the execution by falling down before the shooting began.[18539] KDZ333 dove to the ground as soon as the shooting started and fell on his stomach, face down, while another man fell on his head.[18540]

5433. After each shooting, soldiers asked for survivors, promising that they would be bandaged, but those who spoke up were then finished off with single bullets to the head.[18541] KDZ333 was then shot but the bullet passed under his left armpit, through his shirt and jacket, only scratching him in the process.[18542] KDZ333 heard one man begging to be killed to which the soldiers said: "Let him suffer. We'll kill him later."[18543]

5434. For about five hours, detainees would continuously be brought to the meadow to be executed.[18544] While the executions were ongoing, members of the 10th Sabotage Detachment heard that there was a revolt taking place at the Pilica Culture Centre, and were ordered to shoot the detainees faster.[18545] One of the soldiers suggested that an M-84 machine gun be used to speed up

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18537 Dražen Erdemović, T. 25344 (27 February 2012), T. 25381–25383 (28 February 2012); P4489 (Photograph of Branjevo Farm marked by Dražen Erdemović); D2134 (Photograph of Branjevo Farm marked by Dražen Erdemović); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10971–10972, 10979; P264 (Aerial photograph of Branjevo state farm dated 15 July 1995 marked by Dražen Erdemović); Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1202; KDZ333, T. 24127, 24157 (2 February 2012); P4342 (Transcript from *Prosecutor v. Krstić*), T. 3041, 3043; P4345 (Photograph of Branjevo Military Farm marked by KDZ333); P4349 (Photograph of Branjevo Military Farm marked by KDZ333); D2053 (Photograph of Branjevo Military Farm marked by KDZ333); Franc Kos, T. 42365–42366 (31 July 2013); P4306 (Video footage of Branjevo Farm) at 00:06:15 to 00:08:22. *See also* Adjudicated Facts 1847, 1848; Dean Manning, T. 25842 (6 March 2012); D2188 (Aerial photograph of Branjevo Military marked by Dean Manning).

18538 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10972; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1202–1203; KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3041. *See also* D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 14; Franc Kos, T. 42366–42367 (31 July 2013); P4305 (Aerial image of Branjevo Farm); Adjudicated Facts 1837, 1841.

18539 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1203.

18540 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3041. KDZ333 could feel the hot blood pouring over him. KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3041.

18541 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3042; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1203; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 15; Franc Kos, T. 42369 (31 July 2013). *See also* Adjudicated Fact 1842.

18542 KDZ333, T. 24158 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3041–3042.

18543 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3042. *See also* Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1203.

18544 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3042; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1201; Dražen Erdemović, T. 25375 (27 February 2012); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10972. *See also* KDZ333, T. 24158 (2 February 2012); D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 16–17. According to Erdemović, the killings lasted from approximately 10 a.m. until 3 or 4 p.m. Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10972, 10975, 10983. *See also* Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11325. Franc Kos testified that the killings lasted from around 10 a.m. until around 2 p.m. D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 19.

18545 D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18; Franc Kos, T. 42369–42370 (31 July 2013).

the killings; however, the machine gun had already been used on two groups of detainees and it had only wounded the men, leaving them to beg for someone to kill them.[18546]

5435. In the early afternoon, a group of about ten soldiers from Bratunac, most of whom wore VRS uniforms, arrived at the Branjevo Military Farm to replace members of the 10th Sabotage Detachment and continue with the killings.[18547] When these soldiers recognised detainees from Srebrenica, they beat and humiliated them before killing them.[18548] These soldiers also yelled insults at the soldiers of the 10th Sabotage Detachment, accusing them of being cowards and traitors for not finishing the assignment.[18549]

5436. While the soldiers from Bratunac were killing the detainees in the last group brought from the Kula School, the lieutenant-colonel who had earlier ordered the members of the 10th Sabotage Detachment to carry out the executions returned to the Branjevo Military Farm, together with the two military policemen.[18550] The lieutenant-colonel told the soldiers present at the farm that there were 500 Bosnian Muslim men from Srebrenica detained at the Pilica Cultural Centre who were trying to escape and needed to be executed.[18551] When the members of the 10th Sabotage Detachment refused to carry out the order, the soldiers from Bratunac volunteered and left for Pilica with the lieutenant-colonel and the two military policemen.[18552] Upon instructions from the lieutenant-colonel, the members of the 10th Sabotage Detachment packed their things and headed

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18546 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10973. *See also* D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 13–14; Franc Kos, T. 42361, 42365–42366 (31 July 2013); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3044.

18547 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10974. *See also* D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18; Franc Kos, T. 42362, 42370 (31 July 2013); Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10976–10977; P269 (Photograph of men in uniform marked by Dražen Erdemović); P225 (Photograph showing refugees and a man).

18548 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10974–10975; Dražen Erdemović, T. 25400, 25410–25411 (28 February 2012); Franc Kos, T. 42363 (31 July 2013), T. 42420–42421 (1 August 2013). *See* Adjudicated Fact 1843.

18549 D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18; Franc Kos, T. 42363 (31 July 2013).

18550 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10975, 10982. *But see* D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18 (testifying that only one military policeman arrived at the Branjevo Military Farm in a military vehicle).

18551 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10982. *See also* D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18. The Chamber notes Bogdanović's evidence that detainees were transported from Kula School to the Pilica Cultural Centre. Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11323. However, the Chamber did not receive additional evidence on this point and is thus unable to make a finding as to when such a transfer might have taken place or the circumstances surrounding it.

18552 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10982–10983; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18.

approximately 15 minutes later to a café directly across the road from the Pilica Cultural Centre.[18553]

5437. Hasić lay in the meadow while columns of men were killed, but managed to escape by running over dead bodies and reaching shrubbery approximately 20 metres from where he lay; there, he encountered four other survivors.[18554] The five men waited until it was dark before escaping through the nearby forest.[18555] KDZ333 spent the night of 16 July in the meadow and managed to escape the next morning.[18556] KDZ333 ran into Hasić, with whom he travelled for a few days.[18557] Tired and hungry, KDZ333 and Hasić decided to surrender approximately a week later to two Bosnian Serb military policemen in a mini bus.[18558] They were both taken to Karakaj

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18553 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10983–10984. *See* D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18; Franc Kos, T. 42413–42414 (1 August 2013). *See also* Jean-René Ruez, T. 23850–23852, 23857 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 233, 235–236; P4307 (Video footage of Pilica Cultural Centre), at 00:00:34–00:00:58.

18554 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1203–1205. Hasić testified that the men were between 16 and 25 years old, and one of them was from "Jagonje village". Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1205–1206. Hasić later learned that they were captured and taken to Zvornik. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1206. The Prosecution claims that these four men were killed after being captured and taken to the Zvornik Brigade headquarters. *See* Prosecution Final Brief, Appendix D, paras. 139–140. Indeed, the Chamber received evidence that in the days following the fall of Srebrenica, two VRS soldiers from the village of Lokanj, namely Neško Đokić and his son Slobodan, were arrested for having given food and clothing to four Bosnian Muslims, and for trying to help them cross to Bosnian Muslim-held territory. Nebojša Jeremić, P348 (Transcript from *Prosecutor v. Popović et al.*), T. 10427–10429; KDZ122, T. 26308 (14 March 2012) (closed session); P185 (Zvornik Military Court ruling against Slobodan and Neško Đokić, 25 July 1995); P190 (Record of identification of Slobodan and Neško Đokić, 25 July 1995). After receiving instructions from Đokić and his son as to how to reach Bosnian Muslim-held territory, the four men—namely Fuad Đozić, Almir Halilović, Sakib Kivirić, and Emin Mustafić—got lost and surrendered. P186 (Statement of Sakib Kivirić to Zvornik Military Police, 23 July 1995); P187 (Statement of Emin Mustafić to Zvornik Military Police, 23 July 1995); P188 (Statement of Fuad Đozić to Zvornik Military Police, 26 July 1995); P189 (Statement of Almir Halilović to Zvornik Military Police, 23 July 1995). The men were ultimately taken to the Standard Barracks, where they were forced to identify Đokić and his son, and their statements were taken. Nebojša Jeremić, P348 (Transcript from *Prosecutor v. Popović et al.*), T. 10430, 10439; P190 (Record of identification of Slobodan and Neško Đokić, 25 July 1995). Đozić, Halilović, Kivirić, and Mustafić were later killed. KDZ122, T. 26308 (14 March 2012) (closed session). These killings, however, are not charged in the Indictment. While their remains have not been found, they are listed as missing after the fall of Srebrenica. *See* P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 50, 64, 109, 147. Based amongst other things on the description provided by Hasić and the place where they ran into Đokić and his son, the Chamber finds that these four men were indeed survivors of the executions at the Branjevo Military Farm.

18555 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1205–1206. Upon reaching the forest, and once the other four had left, Hasić was spotted by a group of soldiers, who tried to force him to surrender. Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1206–1207.

18556 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3044.

18557 KDZ333, T. 24128 (2 February 2012) (private session); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3045; Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1209, 1211–1212 (under seal); D2052 (Statement of KDZ333 to State Commission on Gathering Facts on War Crimes, 20 July 1996), p. 5 (under seal). The two men also met another man who eventually got separated from them. Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1209 (under seal).

18558 KDZ333, T. 24162 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3045–3046; Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1209–1212 (under seal); Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1278–1279.

where a military truck with some 20 to 30 other Bosnian Muslim men captured in the vicinity of Zvornik awaited them.[18559] KDZ333 and Hasić were handcuffed, placed on the truck with other detainees, and driven to Batković Camp, where they arrived on 26 July 1995.[18560] KDZ333 and Hasić were exchanged in late December 1995.[18561]

(b) Killings at the Pilica Cultural Centre

5438. The Indictment refers to the killing on 16 July 1995 of approximately 500 Bosnian Muslim men inside the Pilica Cultural Centre; the victims were subsequently buried in a mass grave at the Branjevo Military Farm.[18562]

5439. The Pilica Cultural Centre[18563] is a building located next to the Zvornik–Bijeljina Road, which was within the Drina Corps' area of responsibility at the time of the Indictment.[18564] It has a main hall and a separate cabin on the first floor, accessible through a door located next to the centre's main entrance.[18565]

5440. Popović testified that after visiting the Kula School in the morning of 16 July, he left in the direction of Pilica looking for Beara.[18566] Popović found Beara at the café across the Pilica Cultural Centre.[18567] Soon after, Erdemović, Kos, and the other members of the 10th Sabotage Detachment arrived at the café after leaving the Branjevo Military Farm.[18568] Upon arriving, Erdemović noticed a police check-point between the café and the Pilica Cultural Centre, which was manned by two or

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18559 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3046; Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1213 (under seal); Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1214, 1283.

18560 KDZ333, T. 24162 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3046; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1214, 1283; D2052 (Statement of KDZ333 to State Commission on Gathering Facts on War Crimes, 20 July 1996), p. 5 (under seal).

18561 KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3046; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1215; Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1230 (under seal); D2052 (Statement of KDZ333 to State Commission on Gathering Facts on War Crimes, 20 July 1996), p. 5 (under seal).

18562 Indictment, Scheduled Incident E.10.1.

18563 *See* fn. 4548.

18564 Jean-René Ruez, T. 23850–23851 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 233–234, 227; P4307 (Video footage of Pilica Cultural Centre), at 00:00:00–00:01:06; Adjudicated Fact 1859.

18565 Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11327–11328; Jean-René Ruez, T. 23852–23853 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 238; P4307 (Video footage of Pilica Cultural Centre), at 00:01:07–00:01:22.

18566 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 71; Vujadin Popović, T. 43075–43076 (6 November 2013).

18567 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 71; Vujadin Popović, T. 43076 (6 November 2013). *See also* P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 233, 235–236.

18568 *See* para. 5436.

three policemen in blue camouflage uniforms carrying automatic rifles and pistols.[18569] Kos also saw a heavy presence of MP, civilian police, and other soldiers standing around the centre.[18570] Both Erdemović and Kos saw several dead bodies in front of the cultural centre; Erdemović also heard firing and explosions coming from that direction.[18571] Kos further testified to having seen dead bodies when he looked inside the Pilica Cultural Centre.[18572]

5441. A few minutes later, the group of soldiers, who had arrived earlier that day from Bratunac and who had also taken part in the Branjevo Military Farm executions, entered the café, sat down, ordered drinks, and said that "everything was finished".[18573] Beara, who was by then very drunk, stood up and gave a speech thanking the soldiers for what they had done, stating: "Soldiers, you have done a great job and the state will be grateful to you."[18574] In an intercepted conversation at 9:16 p.m. that day, Popović indicated that he had "finished the job [...] finished everything" and would return to the Command the following day.[18575]

5442. Forensic examination of the Pilica Cultural Centre conducted in September 1996 and October 1998, revealed the presence of human blood, bones, and tissue adhering to the walls and floor, as well as extensive damage caused by arms and grenades.[18576] Gunshot markings were found on the wall behind the stage, indicating that detainees were put on the stage before being executed and appear to have been shot at by soldiers positioned on the balcony overlooking the stage.[18577] Further, shell casings were found scattered on the first floor, stairs, and next to the stage, as well as on the ground outside of the building.[18578]

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18569 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10984–10985.

18570 D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18; Franc Kos, T. 42412–42413 (1 August 2013).

18571 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10983–10985; Franc Kos, T. 42413 (1 August 2013). *See also* Vujadin Popović, T. 43076–43081 (6 November 2013); D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 71–72. Popović also heard at least one grenade being thrown inside the cultural centre. Vujadin Popović, T. 43080–43081 (6 November 2013).

18572 Franc Kos, T. 42413 (1 August 2013).

18573 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10985–10986, 10992; Vujadin Popović, D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 73. *See also* Vujadin Popović, T. 43082 (6 November 2013).

18574 D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 18; Franc Kos, T. 42413–42414 (1 August 2013); Vujadin Popović, D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 73.

18575 P5079 (Intercept of conversation between Lt. Col. Popović and Rašić, 16 July 1995), e-court p. 1. Popović testified that Trbić arrived at the café soon after Beara's speech, and ordered Popović to report immediately to the Drina Corps Command. Vujadin Popović, D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 74.

18576 Jean-René Ruez, T. 23852–23854 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 239–245. *See* Adjudicated Facts 1861, 1862, 1863.

18577 Adjudicated Fact 1862.

18578 Jean-René Ruez, T. 23856–23858 (30 January 2012); P4307 (Video footage of Pilica Cultural Centre), at 00:03:15–00:04:09, 00:04:50–00:05:01, 00:09:10–00:09:11.

(c) Burials of detainees killed at the Branjevo Military Farm and the Pilica Cultural Centre

5443. On the morning of 17 July 1995, while at the Engineering Company's headquarters, Damjan Lazarević was ordered by Bogičević and Sekonojić to go to the Branjevo Military Farm, where a pit was to be dug to bury the bodies of those killed.[18579] Lazarević was informed that people from the Zvornik public utility company would assist in loading the bodies.[18580] Cvijetin Ristanović was then ordered by Lazarević to load the "BGH–700" excavator onto a Labudica trailer and to prepare to go to the farm.[18581]

5444. Lazarević and a driver drove in a small vehicle and arrived at the Branjevo Military Farm between 8 and 9 a.m.[18582] Upon arrival they encountered a group of elderly civilians who worked on the farm.[18583] Ristanović and a driver followed in a Mercedes 2626 truck, which pulled the trailer carrying the BGH–700.[18584] When he arrived, Ristanović was ordered by Lazarević to dig a hole.[18585] Ristanović saw bodies lying in a meadow, approximately 100 metres from where he was working.[18586] Shortly after, Veljko Kovačević—a worker for the Birac Holding company—arrived in a yellow ULT–220 loader and parked in the meadow next to the bodies.[18587]

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18579 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14459. *See also* Adjudicated Fact 1851.

18580 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14459.

18581 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5389–5390, 5400, 5418; P4583 (Zvornik Brigade Engineering Company logbook, 14–19 July 1995), e-court p. 4 (an entry for 17 July containing an order to "Work with BGH-700 in Branjevo" and "Transport BGH-700 to Branjevo by flat bed"). *See also* Adjudicated Fact 1850. The Chamber notes that despite testifying to have operated a "G-700" at the Branjevo Farm on 17 July, Ristanović later confirmed that his references were in fact references to the BGH-700. Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13625.

18582 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14460. The vehicle stayed on the road whilst Lazarević continued on foot to the Branjevo Military Farm. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14460.

18583 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14460–14461. *See also* Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5392; Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21002; Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11317–11318. The elderly civilian workers occasionally came out of the farm buildings to observe the digging operations taking place. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14461.

18584 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5390–5391; P1172 (Zvornik Brigade vehicle log, 1-31 July 1995), pp. 1–2 (recording a Mercedes 2626 as being driven to Branjevo on 17 July 1995, to transport a "700 loader"). *See also* Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13627.

18585 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5392; P659 (Sketches made by Cvijetin Ristanović), p. 1 (indicating the location of the workshop and auxiliary buildings at the Branjevo Military Farm).

18586 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5393; P659 (Sketches made by Cvijetin Ristanović), p. 1 (where Ristanović marked the location of the bodies in the meadow).

18587 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5394, 5401; Cvijetin Ristanović, P351 (Transcript from *Prosecutor v. Popović et al.*), T. 13631; Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14460, 14472, 14479; P176 (Zvornik Brigade vehicle log, 1-31 July 1995) (recording Kovačević operating the ULT–220 for the purposes of "digging trenches in Branjevo" on 17 July

5445. A group of elderly civilians from the public utilities company was sent, together with two to three members of the "R" or "Rear" Battalion of the Zvornik Brigade, to the Branjevo Military Farm to assist in the burial operation.[18588] Once Ristanović finished digging the grave, the group started manually loading the bodies into the bucket of the ULT–220, which was then used to transfer the bodies to the gravesite.[18589] Lazarević stayed at the farm until the final stages of the burial process, before leaving between 7 and 8 p.m.[18590]

5446. That same day, while the burial operation at the Branjevo Military Farm was ongoing, Milenko Tomić—a driver of the R Battalion—received a travel order from Radislav Pantić to drive a truck to Pilica and then onwards to Kula in order to pick up military personnel.[18591] Tomić set off in a TAM 130 truck from the Metalno company.[18592] At Pilica, Tomić was pulled over by a soldier who instructed him to park his vehicle next to the door of the Pilica Cultural Centre.[18593]

5447. Twelve members of the 1st Battalion's Work Platoon—who had earlier that day been ordered by Lakić to go to the Pilica Cultural Centre—loaded the bodies onto two yellow tipper trucks.[18594] Lakić supervised the entire loading operation, which was concluded at approximately

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1995); P4583 (Extract from Zvornik Brigade Engineering Company logbook, 14–19 July 1995), e-court p. 4 (an entry for 17 July 1995 containing an order to "Work with ULT 220 at Branjevo"). *See also* Adjudicated Fact 1850; P657 (Brochure for a wheel loader (ULT200)); Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14480–14481.

18588 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14459, 14461–14462.

18589 Cvijetin Ristanović, P652 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 5395–5396; Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14459, 14461–14465; P272 (Aerial photograph of Branjevo state farm marked by Damjan Lazarević); P273 (Aerial photograph of Branjevo state farm marked by Damjan Lazarević). While KDZ333 was hiding under a nearby bridge, he heard the sounds of machines and could hear vehicles continuously moving back and forth. KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3044–3045.

18590 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14462–14463.

18591 Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 20997–20998, 21001, 21003, 21023. *See* P662 (List of conscripts for R Battalion, 6 December 1994). The Chamber notes that Tomić could not recall the date of this assignment. *See* Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21001. However, in light of the totality of evidence before it, the Chamber considers that Tomić's evidence on this point relates to the events that took place on 17 July 1995.

18592 Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 20997, 21022. *See also* Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21008–21013; P284 (Zvornik Brigade vehicle log July 1995 marked by Milenko Tomić) (recording the refuelling of a TAM 130 truck on 17 July 1995, signed by Radislav Pantić); P285 (Zvornik Brigade vehicle log July 1995 marked by Milenko Tomić) (recording the route that Tomić drove on 17 July 1995).

18593 Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21001, 21005. *See also* Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21006–21008; P661 (Sketch drawn by Milenko Tomić); Jean-René Ruez, T. 23855 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 246. The soldier looked to be about 30 years old, and was dressed in an old JNA uniform. Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21003.

18594 Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11314, 11328–11329. These trucks were the type used for carrying gravel. Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11329. *See also* Jean-René Ruez, T. 23855–23856 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 246 (an aerial photograph showing a truck parked in front of the Pilica Cultural Centre on 17 July 1995).

3 p.m.[18595] While assisting in the process, Bogdanović saw a huge pile of corpses in civilian clothes and other bodies scattered around the room, some curled up and others stretched out.[18596]

5448. Tomić made two separate trips transporting bodies from the Pilica Cultural Centre to the Branjevo Military Farm.[18597] On the second trip back to Pilica, Tomić was stopped at an intersection and told by another soldier that he was no longer needed.[18598]

5449. As evidenced through a series of intercepts admitted by the Chamber, Popović supervised the burial operation of the Bosnian Muslim detainees killed at the Branjevo Military Farm and at the Pilica Cultural Centre.[18599]

(d) Reburials

5450. On 10 August 1995, Madeleine Albright—then US Ambassador to the UN—informed the Security Council that classified aerial photographs taken by the US government of disturbed earth indicated mass graves connected with the fall of Srebrenica.[18600]

5451. Towards the end of September 1995, as part of the reburial operation to conceal the Srebrenica killings which will be discussed in detail below, the bodies initially buried at the Branjevo Military Farm were reburied in some of the Čančari Road secondary gravesites, as

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18595 Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11328–11329, 11332.

18596 Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11330–11332. Bogdanović also saw two female bodies. Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11330.

18597 Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21001–21002; Jean-René Ruez, T. 23856 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court p. 247 (showing the road that the trucks would have taken in transporting the bodies from the Pilica Cultural Centre to the Branjevo Farm). During the second trip, and upon arriving at the Branjevo Military Farm, Tomić saw between five and ten corpses lying on the ground near to where he parked his truck. Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21005.

18598 Milenko Tomić, P390 (Transcript from *Prosecutor v. Popović et al.*), T. 21002–21003.

18599 An intercepted conversation from 12:42 p.m. on 17 July records Krstić—or someone using the code name "Zlatar 1"—attempting to reach Popović, but he was informed that Popović was in Zvornik and would be back in the late afternoon. P4961 (Intercept of conversation between Major Golić and Zlatar, 17 July 1995). *See also* Richard Butler, T. 27604-27605 (18 April 2012). At 12:44 p.m. that same day, someone attempted to reach Popović in the name of "Zlatar 1", and was informed by Trbić that Popović had gone to do "that task". P5080 (Intercept of conversation between Milorad Trbić and an unidentified person, 17 July 1995), e-court p. 1. At 12:49 p.m., an unknown individual told Trbić that Popović should be left to "finish that work that he's doing". Trbić replied that Popović was "working on that, you know. The preparation is mainly finished". P5081 (Intercept of conversation between Milorad Trbić and an unidentified person, 17 July 1995), p. 1. An intercepted conversation from 4:22 p.m. records Popović making a call in which he reported that "everything's alright that job is done and dusted [...] everything's finished up there are no problems." P6702 (Intercept of conversation between Lt. Col. Popović and an unidentified person, 17 July 1995); P4964 (Intercept of conversation between Lt. Col. Popović and an unidentified person, 17 July 1995). An intercepted conversation from 8:26 p.m. that same day records an unidentified individual asking "Pajo"—nickname used by Golić—where "Pop", *i.e.* Popović, is, and Pajo replying: "He went home. He is in no mood, I can tell you." P5330 (Intercept of conversation between "Pajo" and an unidentified person, 17 July 1995.

18600 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43.

demonstrated by the forensic evidence discussed below.[18601] On 21 March 1996, the US government released to the public a number of aerial photographs that showed a large number of bodies lying on the field near the Branjevo Military Farm on 17 July 1995.[18602] Following Albright's visit to the Branjevo Military Farm gravesite on 22 March 1996, the Accused told Mladić that: "[A] big show was put on for Albright, she expected they would find 1200 Muslim bodies at Pilica, but they found some five bodies."[18603] A day later, the Accused issued an order for the creation of a mixed military and civilian commission for the exhumation of bodies in the area of Pilica.[18604]

### (e) Forensic evidence

5452. As discussed above, the victims who had been previously detained at the Kula School and subsequently killed at the Branjevo Military Farm, as well as the victims who were killed at the Pilica Cultural Centre, were all buried at the Branjevo Military Farm primary gravesite and, as will be further discussed, were subsequently reburied at the Čančari Road secondary gravesites.[18605] Given that the forensic evidence for the bodies found at these gravesites cannot be distinguished, the Chamber has combined its analysis in the following paragraphs.

#### (i) The Branjevo Military Farm primary gravesite

5453. Aerial images reveal that the Branjevo Military Farm gravesite—also known as the Pilica gravesite[18606]—was first created between 5 and 17 July 1995, and was disturbed between 21 and

18601 *See* Section IV.C.1.g.v: Reburial operation.

18602 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43. *See* P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court p. 28. Images dated 27 September 1995 also showed the disturbance of the gravesite dug in July 1995, as well as a backhoe and a front loader parked at the farm. P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43. *See* P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court p. 30.

18603 P1490 (Ratko Mladić's notebook, 16 January–28 November 1996), e-court p. 47. *See* Dražen Erdemović, T. 25356 (27 February 2012); P6451 (Article from Slobodna Bosna entitled "I Killed 'Only' Hundreds of People", 22 March 1996); Jean-René Ruez, T. 23841–23842 (30 January 2012). *See also* Richard Butler, T. 27632 (18 April 2012). *Cf.* Radovan Radinović, T. 41582–41585 (19 July 2013); D3864 (Radovan Radinović's expert report entitled "The Control Authority of Dr. Radovan Karadžić in the Strategic Command System of the VRS", 2012), para. 428.

18604 P3163 (Report of RS Military Prosecutor's Office, 26 March 1996), e-court pp. 2–3. The Chamber will discuss the implementation of this order below. *See* para. 5794.

18605 *See* paras. 5443–5448, 5461.

18606 William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3751; Dušan Janc, T 26968 (27 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 10. *See* P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 10, 17. *See* Adjudicated Fact 1852.

27 September 1995.[18607] The gravesite is adjacent to the Branjevo Military Farm complex at the periphery of a large, cultivated field, approximately 150 metres from the gravel driveway leading to the farm.[18608]

5454. The gravesite was exhumed between 10 and 24 September 1996 by a Tribunal exhumation team under the direction of William Haglund.[18609] The remains found at the gravesite were then examined under the direction of Robert Kirschner.[18610] William Haglund prepared a report on both the exhumation of the gravesite and the results of the post-mortem examination of the remains found therein.[18611]

5455. The Branjevo Military Farm gravesite is an approximately three metre deep grave, consisting of a trench extending 28 by 10 metres.[18612] The gravesite showed evidence of robbing and disturbance evidenced, first, by aerial images and the discovery of partial bodies and, further, by soil samples from the surface of the gravesite.[18613]

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18607 Jean-René Ruez, T. 23844, 23847 (30 January 2012); P4308 (Book of photographs and maps prepared by Jean-René Ruez, 22 June 2009), e-court pp. 220, 228–230; Dean Manning, T. 25838–25839 (6 March 2012); P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court pp. 28–30.

18608 P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 10, 17; Dean Manning, T 25838 (6 March 2012); P4306 (Video footage of Branjevo Farm) at 00:02:02–00:02:30 (showing an aerial view of the Branjevo Military Farm complex), 00:03:17–00:03:22 (showing aerial footage of the gravesite); P4332 (Photograph of Branjevo Farm, 21 September 1995); William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3751; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43.

18609 William Haglund, T. 23874 (30 January 2012); William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3729; P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 12, 14, 30, 82. *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 10; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43.

18610 P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 12, 82.

18611 William Haglund, T. 23874 (30 January 2012); P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 1, 12, 82. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43; P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 10.

18612 P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court p. 17; William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3751–3752, 3757, 3759; P4333 (Photograph of Branjevo Military Farm gravesite); William Haglund, T. 23893 (31 January 2012).

18613 Dean Manning, T. 25838–25839 (6 March 2012); P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court pp. 29–30; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 9, 18, 42–43. *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 10; Dean Manning, 25845–25846, 25848 (6 March 2012); William Haglund, T. 23893, 23959 (31 January 2012).

5456. A minimum of 132 individuals were found at the gravesite.[18614] All the individuals for whom sex could be determined were male.[18615] It was established that the victims' ages ranged from 15 to 61, with the majority of the victims being over 25 years old.[18616] All the victims were found wearing civilian clothing, with the exception of one, who was wearing military-type trousers.[18617] Further, two blindfolds and 83 ligatures were recovered at the gravesite.[18618] The cause of death for at least 130 bodies was attributed to gunshot injuries.[18619]

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18614 William Haglund, T. 23894 (31 January 2012); William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3752; P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 10, 55, 80; P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), p. 7; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 43.

18615 P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 11, 55–60, 80. *See also* P4322 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume II", 15 June 1998); P4323 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume III", 15 June 1998); P4324 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume IV", 15 June 1998); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 44; Adjudicated Fact 1853.

18616 P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 11, 55–60, 80. *See also* P4322 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume II", 15 June 1998); P4323 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume III", 15 June 1998); P4324 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume IV", 15 June 1998); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 43–44; P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), e-court p. 12.

18617 P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 11, 61, 81. *See also* P4322 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume II", 15 June 1998); P4323 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume III", 15 June 1998); P4324 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume IV", 15 June 1998).

18618 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 10, 43–44, 120–121, 131; P4505 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 1: Kozluk, Cancari Road 3 and 12 and Branjevo Military Farm (Pilica)"), pp. 276–277, 378; P4507 (Chart of photographs of blindfolds, ligatures, and location); P4508 (Collage of Srebrenica blindfolds, 5 March 2012); P4509 (Collage of Srebrenica ligatures, 5 March 2012). *See also* P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 11, 61, 80; William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3755; P4336 (Photograph of human remains); Adjudicated Fact 1854.

18619 P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998), e-court pp. 11–12, 56–60, 62, 80–81. *See also* P4322 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume II", 15 June 1998); P4323 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume III", 15 June 1998); P4324 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume IV", 15 June 1998); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 9–10, 44; Adjudicated Fact 1853.

5457. As of 13 January 2012, DNA analysis has led to the identification of 138 individuals in the Branjevo Military Farm grave as persons listed as missing following the take-over of Srebrenica.[18620]

(ii) Čančari Road secondary gravesites

5458. Of the 13 known secondary mass graves along the Čančari Road,[18621] only Čančari Road 4 to 6 and 8 to 12 have been linked to the Branjevo Military Farm primary gravesite.[18622]

5459. A Tribunal team of experts, led by Richard Wright, conducted the exhumation of Čančari Road 12 between 10 and 25 May 1998.[18623] The remains found therein were then examined by a team of pathologists under the direction of Christopher Lawrence.[18624] While the examination and probing of Čančari Road 4, 6, 8, 9, and 10 were conducted by a Tribunal team of experts under the direction of Richard Wright, the exhumation of these gravesites was handed over to the BiH

18620 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 3, 10, 41; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), Annex D, e-court pp. 122–128 (under seal). *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010).

18621 *See* para. 5408.

18622 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 41–42. *See* para. 5461. The Chamber notes that Tribunal experts previously associated Čančari Road 4, 5, and 6 with the Kozluk killing site based on the discovery of green glass at these gravesites; however, DNA analysis later confirmed that these secondary gravesites are associated with the Branjevo Military Farm primary gravesite. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 40. *See also* Dušan Janc, T. 26990 (27 March 2012) (referring to Čančari Road 4 being connected to the Branjevo Military Farm execution site). As stated above, while Čančari Road 7 contains the remains of an individual whose DNA was also found in Čančari Road 11, the Chamber considers that this gravesite is not associated with the Branjevo Military Farm gravesite but with the Kozluk primary gravesite. *See* para. 5411, fn. 18449.

18623 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 10; Richard Wright, T. 22276 (1 December 2011); Dean Manning, T. 25841 (6 March 2012). *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 20; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 47.

18624 Christopher Lawrence, T. 22447 (8 December 2011); Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3978–3980; P4064 (Chart of primary and secondary graves); P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 3, 52.

Government in 2001.[18625] Čančari Road 5 and 11 were exhumed by the BiHCMP in 2002 and 2001, respectively.[18626]

5460. Aerial images show that Čančari Road 4, 5, 6, 8, 9, 10, 11, and 12 were each first excavated between approximately 7 and 27 September 1995 and were filled in prior to 2 October 1995.[18627] The Chamber notes that out of all the secondary gravesites associated with the Branjevo Military Farm gravesite, it only received forensic evidence in relation to Čančari Road 12. Remains of at least 177 individuals, including 43 intact bodies, were recovered from Čančari Road 12.[18628] The forensic evidence reviewed by the Chamber shows that all of the victims at Čančari Road 12 whose sex could be determined were male.[18629] While the majority of the victims were older than 25, five individuals were between 8 and 13 years old.[18630] Furthermore, at least six blindfolds and 16 ligatures were found at the gravesite.[18631] The cause of death for 39 of the 43 complete bodies was a result of gunshot wounds; the four remaining had an undetermined cause of death.[18632] While

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18625 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 16–19.

18626 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 17, 19.

18627 P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court pp. 70–73, 76–88; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 46; Dean Manning, T. 25839–25841 (6 March 2012). *See also* Adjudicated Fact 1855 (in relation to Čančari Road 12).

18628 P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 2–3, 14, 43; Richard Wright, P3999 (Transcript from *Prosecutor v. Krstić*), T. 3660. *See also* P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court p. 33.

18629 P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 2, 14. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 47; P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), e-court p. 11.

18630 P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 2, 14. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 47–48; P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), e-court pp. 9, 12.

18631 P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 48; P4505 (Photograph booklet entitled "Srebrenica Blindfolds and Ligatures - Volume 1: Kozluk, Cancari Road 3 and 12 and Branjevo Military Farm (Pilica)"), pp. 361–377, 381–389; P4507 (Chart of photographs of blindfolds, ligatures, and location); P4508 (Collage of Srebrenica blindfolds, 5 March 2012); P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 2, 25, 28–36; Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*); P4061 (Christopher Lawrence's expert report entitled "Report on Ligatures found in the Grave in C12", 17 June 1999). *See also* Adjudicated Fact 1857. The Chamber notes that ligatures were also found in the remaining secondary gravesites associated with the Branjevo Military Farm gravesite, with the exception of Čančari Road 4. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 15. Similarly, blindfolds were found in Čančari Road 5, 6, 8, 9, and 10. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 15.

18632 P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 3, 43–51. *See* P4054 (Christopher Lawrence's expert

experts were not able to provide a cause of death for the remainder of the body parts analysed, injuries in the majority of these remains were consistent with gunshot wounds.[18633]

5461. Forensic analysis showed that Čančari Road 12 is a secondary gravesite associated with the Branjevo Military Farm gravesite.[18634] First, the filling of Čančari Road 12 included lumps of evidently foreign soil and vegetation, including stubble from a cereal field; these were consistent with the evidence that the Branjevo Military Farm had been a primary grave.[18635] Second, DNA-based connections were found between the Branjevo Military Farm primary gravesite and the secondary gravesites of Čančari Road 4, 5, 6, 8, 9, 10, 11, and 12.[18636] As of 13 January 2012, DNA analysis has led to the identification of 1,597 victims from the Čančari Road gravesites associated with the Branjevo Military Farm primary gravesite, as persons listed as missing following the take-over of Srebrenica: 180 from Čančari Road 4; 290 from Čančari Road 5; 183

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report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court p. 20; D1978 (Diagram of a body marked by Christopher Lawrence); Christopher Lawrence, T. 22488–22492 (8 December 2011) (referring to the Lawrence's conclusion that the large number of gunshot wounds found in three bodies raises the possibility that such injuries may have been deliberately inflicted to incapacitate and cause pain). *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 48; Adjudicated Fact 1856.

18633 P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 3, 32, 40, 43–51; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 20, 47–48.

18634 Richard Wright, T. 22276, 22282 (1 December 2011); P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 10, 21–22; Christopher Lawrence, P4051 (Transcript from *Prosecutor v. Krstić*), T. 3999. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 10; Adjudicated Fact 1855; P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 19, 37 (concluding that bodies had been broken up in the process of moving them from the primary gravesite to the secondary gravesite).

18635 P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 21–22; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 47.

18636 The specific connections are as follows: one individual with remains in both Branjevo Military Farm and Čančari Road 4; two between Branjevo Military Farm and Čančari Road 8; 28 between Branjevo Military Farm and Čančari Road 9; six between Branjevo Military Farm and Čančari Road 11; and four between Branjevo Military Farm and Čančari Road 12. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13January 2012), e-court p. 48; Dušan Janc, T. 26968–26970 (27 March 2012). The Chamber notes Dušan Dunjić's challenge to the DNA-based connections between the primary and secondary gravesites and, in particular, that it was "concluded groundlessly" on the basis of 310 DNA links that 4049 bodies originated from numerous primary mass graves including Branjevo Military Farm. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 24. *See also* Defence Final Brief, paras. 2607–2608. The Chamber further notes that Dušan Dunjić argued that there was a possibility that certain Čančari Road gravesites could in fact be primary in relation to each other. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 16–17. However, having assessed the totality of evidence on this issue, the Chamber accepts Janc's report and the findings therein.

from Čančari Road 6; 49 from Čančari Road 8; 209 from Čančari Road 9; 378 from Čančari Road 10; 140 from Čančari Road 11; and 168 from Čančari Road 12.[18637]

5462. The Chamber notes Dušan Dunjić's challenge that in the event of the DNA of an individual being found in multiple gravesites, such individual may not be counted in both gravesites, as is the case with respect to Čančari Road 7 and Čančari Road 11.[18638] The Chamber notes, however, that in calculating the total number of identified individuals for the Branjevo Military Farm primary gravesite and its associated secondary gravesites, Janc did not include any of the individuals identified from the Čančari Road 7 gravesite, as those individuals were instead counted towards the total number of Kozluk victims.[18639] Thus, having assessed the totality of evidence on this issue, the Chamber accepts Janc's report and the findings therein, particularly the fact that Čančari Road 7 is associated with the primary gravesite in Kozluk.

(f) Conclusion

5463. DNA analysis has led to the identification of 1,735 individuals found at the Branjevo Military Farm gravesite and its associated Čančari Road secondary gravesites as persons missing following the take-over of Srebrenica.[18640] This number is consistent with other evidence before the Chamber: Ahmo Hasić estimated that there were 1,000 to 1,500 people who had been killed at the Branjevo Military Farm,[18641] and Erdemović estimated that between 1,000 and 1,200 Bosnian Muslim detainees were killed there.[18642] In relation to the killings at the Pilica Cultural Centre, Bogdanović estimated that there were approximately 500 there.[18643]

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18637 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 16–20, 41–43; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), Annex D, e-court pp. 201–225, 232–273. *See also* P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010); Dean Manning, T. 25841 (6 March 2012).

18638 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 14–15.

18639 *See* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 40–41. Janc testified that he did not ever count reassociations, and therefore did not duplicate individuals when their DNA was found in two gravesites. Dušan Janc, T. 26950 (27 March 2012).

18640 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 40–41.

18641 Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1205, 1229. *See also* Adjudicated Fact 1844.

18642 Dražen Erdemović, P332 (Transcript from *Prosecutor v. Popović et al.*), T. 10983. *See also* Dražen Erdemović, T. 25384–25386 (28 February 2012). *But see* Defence Final Brief, para. 2546; D3927 (Witness statement of Franc Kos dated 26 July 2013), p. 23 (testifying that between 350 and 370 people were killed at Branjevo

5464. On the basis of this evidence, the Chamber finds that on 15 and 16 July 1995, at least 1,735 Bosnian Muslims men were killed at the Kula School, the Branjevo Military Farm, and the Pilica Cultural Centre by members of the Bosnian Serb Forces, including members of the 10th Sabotage Detachment and VRS soldiers from Bratunac. Some of these Bosnian Muslims men were killed at the Kula School, about 1,200 were killed at the Branjevo Military Farm, and about 500 were killed at the Pilica Cultural Centre.

g. The aftermath of the fall of Srebrenica

*i. Opening a corridor for the passage of the column*

5465. In the morning of 13 July 1995, groups from the column of Bosnian Muslim men entered the Bratunac area and engaged in combat with members of the Bosnian Serb Forces.[18644] By that day, the Bosnian Serb Forces believed that parts of the column, led by Zulfo Tursunović and Ibrahim Mandžić, were preparing to break through to Tuzla.[18645] In the early hours of 14 July, members of the column attacked Bosnian Serb positions in Milići as they moved towards Tuzla.[18646] The Zvornik Brigade had been expecting and preparing for the arrival of the column to the Zvornik area.[18647] Obrenović, acting commander of the Zvornik Brigade in the absence of Pandurević, was organising the logistics for the defence.[18648]

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Military Farm). According to Kos, eight buses full of detainees, each of which could fit approximately 50 people, arrived at the farm that day; the eighth bus, however, was only half full. D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 16, 22–23; Franc Kos, T. 42386–42387 (1 August 2013). The Chamber notes, however, that during a prior interview with a Prosecution investigator, Kos estimated that the Detachment members had killed detainees from 11 buses who had come from Kula School, and that the Bratunac soldiers shot detainees from the buses that arrived thereafter; he asserted that therefore, the total number of detainees killed at the Branjevo Military Farm was between 600 and 700. *See* Franc Kos, T. 42368–42370 (31 July 2013), T. 42389–42392 (1 August 2013). Kos attempted to refute Erdemović's testimony that 1,200 people had been killed at Branjevo Military Farm, arguing that each soldier had only one combat set, made up of five ammunition clips consisting a 30 bullets each, and that none of the soldiers were given an additional charge; according to Kos, he did not fire his complete combat set of 150 bullets and he only fired four ammunition clips. D3927 (Witness statement of Franc Kos dated 26 July 2013), pp. 22–24; Franc Kos, T. 42360–42362 (31 July 2013), T. 42384–42387 (1 August 2013). In light of all the evidence before it, the Chamber does not accept the estimate provided by Kos as to the number of victims killed at the Branjevo Military Farm.

18643 Bogdanović testified that he heard that there were 550 bodies in the Dom; while he did not count, he estimated that number to be a reasonable one. Jevto Bogdanović, P385 (Transcript from *Prosecutor v. Popović et al.*), T. 11333. *See* Adjudicated Fact 1860.

18644 *See* paras. 5162–5163.

18645 P5098 (Report of RS MUP, 13 July 1995); P5099 (Report of Bijeljina RJB , 13 July 1995); P5092 (Report of Sarajevo RDB, 14 July 1995), p. 1; P4579 (Zvornik Brigade combat report, 13 July 1995). *See also* P5145 (Report of Drina Corps, 13 July 1995), p. 1; P5093 (Report of Sarajevo RDB, 14 July 1995), p. 1; P4389 (Report of Sarajevo RDB, 13 July 1995), p. 1; Dragan Kijac, T. 44337–44338 (3 December 2013).

18646 P5136 (Bulletin of daily events of Zvornik CJB, 13–14 July 1995), p. 2; KDZ122, T. 26259 (14 March 2012) (closed session). *See* P5093 (Report of Sarajevo RDB, 14 July 1995), p. 1.

18647 *See* P4579 (Zvornik Brigade combat report, 13 July 1995) (detailing the preparations made in the Zvornik Brigade area of responsibility to block the column).

18648 *See* Ljubo Bojanović, P116 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 11711–11714 (testifying that Obrenović called him at 2 a.m. on 14 July requesting men and equipment to be sent to the Maričići and Snagovo

5466. As anticipated, later on 14 July, members of the column attacked positions of the Zvornik Brigade.[18649] As a result, part of the column passed through the Bosnian Serb lines at Zvornik and continued towards Tuzla.[18650] During this breakthrough, Bosnian Muslim men captured Zoran Janković, Commander of the Doboj PJP Platoon, as well as six other MUP and VRS members.[18651] Around 8:20 p.m., a column about two or three kilometres long was observed in the areas of Jošanica and Liplje.[18652] That night, Obrenović requested the command of the Drina Corps to provide reinforcements.[18653] At 10:27 p.m., Jokić informed Miletić about problems with the column, and Miletić asked Jokić to check with Vasić, as "everything available should be gathered [...] [e]veryone who can carry a rifle should go up".[18654] Jokić explained that: "there is a large group going this way [...] we're having some problems [...] they promised me some reinforcements, but they're nowhere to be seen..." and added that "Obrenović is really engaged to the hilt... we are all engaged to the hilt... believe me... *this package really did for us*... we've been reporting about the number of people since this morning, so... so there."[18655]

5467. In the early morning of 15 July, the Muslim Forces in Srebrenica at the front of the column attacked positions of the Zvornik Brigade and intense fighting ensued throughout the day.[18656] At

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areas); Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11596, 11598 (testifying that between 8 and 9 a.m. on 14 July, he received a call from Obrenović to send 40 men to the Standard Barracks who would then be deployed to Snagovo).

18649 P4586 (Zvornik Brigade combat report, 15 July 1995), p. 1; P136 (Zvornik Brigade combat report, 14 July 1995); P178 (Zvornik Brigade combat report, 14 July 1995); KDZ122, T. 26260–26261, 26263 (14 March 2012) (closed session). *See* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6747–6748.

18650 P4981 (Report of Sarajevo RDB, 15 July 1995). *See* P178 (Zvornik Brigade combat report, 14 July 1995).

18651 P4981 (Report of Sarajevo RDB Report, 15 July 1995). *See also* P5138 (Report of Zvornik CJB, 16 July 1995), p. 2; D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 37. Zoran Jovanović had been sent to the Snagovo area with reinforcements earlier that day. Ljubo Bojanović, P116 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 11712; P4563 (Statement by KDZ122), p. 2 (under seal). *See also* Ljubo Bojanović, P116 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 11716, 11718–11719, 11754, 11756–11758.

18652 P137 (Zvornik Brigade interim combat report, 14 July 1995).

18653 [REDACTED]; P137 (Zvornik Brigade interim combat report, 14 July 1995). *See* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6745–6748. In an intercepted conversation on 14 July at 8:38 p.m., Živanović ordered Jokić—duty officer at the Zvornik Brigade at the time—to tell Obrenović to "surround the location [...] [p]ress it hard and slowly". P5294 (Intercept of conversation between Major Dragan Jokić and General Milenko Živanović, 14 July 1995), p. 1. Živanović also informed Jokić that reinforcements would arrive the next morning. P5294 (Intercept of conversation between Major Dragan Jokić and General Milenko Živanović, 14 July 1995), p. 1. *But see* D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 40 (where Živanović denied taking part in this conversation and stated that he had never talked to Jokić).

18654 P5071 (Intercept of conversation, 14 July 1995), pp. 1–2.

18655 P5071 (Intercept of conversation, 14 July 1995), pp. 1–2. Miletić insisted that Jokić get in touch with Vasić. P5071 (Intercept of conversation, 14 July 1995), p. 2.

18656 P179 (Zvornik Brigade interim combat report, 15 July 1995); P4586 (Zvornik Brigade combat report, 15 July 1995), p. 1; P138 (Zvornik Brigade interim combat report, 15 July 1995), p. 1; P5191 (Report of Zvornik CJB, 15 July 1995), p. 2; P4582 (Zvornik Brigade IKM Operations Duty logbook, July–October 1995), p. 7; P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 69; P4563 (Statement by KDZ122), p. 5 (under seal); P4587 (Zvornik Brigade combat report, 16 July 1995); P5139 (Bulletin of daily events of Zvornik CJB, 15-16 July 1995), p. 2; P5094 (Report of Sarajevo RDB, 16 July 1995), p. 1; P5138 (Report of

8:55 a.m., Pandurević was informed about the movement of the column and the situation in the area where the 4th, 6th, and 7th Battalions of the Zvornik Brigade were deployed. [18657] Between 9 and 10 a.m., Pandurević was informed again about the size of the column and of actions being carried out against it.[18658] Based on Pandurević's request for reinforcements, the 1st Krajina Corps Company was dispatched to assist the Zvornik Brigade in actions against the column.[18659]

5468. During the course of the day, Obrenović met with Vasić at the Standard Barracks and discussed opening a corridor to allow the column to pass.[18660] Obrenović tried to contact Pandurević to authorise the plan, but Pandurević could not be reached as he was on his way back to Zvornik.[18661] Obrenović contacted Miletić at the Main Staff instead and asked for his approval to open a corridor.[18662] Miletić denied the request and advised Obrenović that the column should be destroyed.[18663] Vasić then sought approval from an advisor at the MUP but was also denied permission.[18664] Obrenović subsequently contacted Krstić and was told that he should not worry about the fall of Zvornik because Pandurević and the Drina Wolves were en route.[18665] Krstić issued an order for the return of part of the Zvornik Brigade forces and the Podrinje Special Forces Detachment to their zones of responsibility in order to prevent the consequences of a possible attack on Zvornik and the link-up of Bosnian Muslim units from Srebrenica and Tuzla.[18666] Krstić then ordered Zvornik Brigade and MUP forces already present in Zvornik to take all measures to block and, if possible, break up and capture Bosnian Muslim forces until the arrival of the reinforcements.[18667]

5469. Pandurević arrived at the Standard Barracks before noon on 15 July.[18668] He was initially opposed to the idea of opening a corridor and ordered Obrenović to continue fighting the

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Zvornik CJB, 16 July 1995), p. 1; P5095 (Report of Sarajevo RDB, 16 July 1995), p. 2; P180 (Zvornik Brigade interim combat report, 16 July 1995), p. 1; P5140 (Bulletin of daily events of Zvornik CJB, 16–17 July 1995), p. 2; P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 3. *See also* P5117 (Report of Bratunac Brigade to Drina Corps, 15 July 1995), p. 2.

18657 P5304 (Intercept of conversation between Vinko Pandurević, Sreten Milošević, and Miladin Mijatović, 15 July 1995), p. 2.

18658 P5302 (Intercept of conversation between Vinko Pandurević and Miladin Mijatović, 15 July 1995), p. 1.

18659 P5122 (VRS Main Staff Report, 15 July 1995).

18660 [REDACTED].

18661 [REDACTED].

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18663 [REDACTED].

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18665 [REDACTED].

18666 D4847 (Drina Corps Order, 15 July 1995).

18667 D4847 (Drina Corps Order, 15 July 1995).

18668 [REDACTED]. Pandurević had been away from the Standard Barracks since 4 July, first, commanding a unit in the takeover of Srebrenica, and then in Žepa. [REDACTED].

column.[18669] Pandurević made an offer to the Bosnian Muslim forces that if the armed members of the column surrendered, civilians in the column would be released; however, they refused, asking that the civilian and armed members of the column be released together.[18670] Pandurević requested reinforcements, and additional units of the Bosnian Serb Forces were transferred to the Zvornik Brigade's area of responsibility to assist in actions against the column.[18671] At approximately 11 p.m., Vasić reported to the Accused, among others, that additional forces were urgently needed to comb the terrain and destroy the column due to the danger it posed to the Zvornik area.[18672]

5470. On the morning of 16 July, units of the Zvornik Brigade continued to suffer heavy losses while fighting the column, and thousands of Bosnian Muslims broke through the Bosnian Serb lines in the Baljkovica sector.[18673] At 7:06 a.m., while at the IKM, Pandurević informed an unidentified person that there had been fighting all morning.[18674] During this conversation, Pandurević said that most of the enemy forces were surrounded in the Baljkovica sector, and that "when the mass poured forward" deep in the rear of the Zvornik Brigade–held territory, the VRS troops fled, enabling the enemy forces to take two self-propelled guns.[18675] Pandurević claimed that all of the members of the column were armed, and explained he had some wounded men "down there" and was not able to get them out.[18676] The unidentified person informed Pandurević that help would be arriving and that he should use it as he saw fit.[18677] Combat activity ceased from both sides between 10 and 11 a.m.[18678] Negotiations were held between Pandurević and Šemso Muminović, a member of the column and an officer of the Muslim Forces in Srebrenica, on the passage of the column through Bosnian Serb-held territory in Zvornik municipality.[18679] At 1 p.m.,

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18669 [REDACTED].

18670 P138 (Zvornik Brigade interim combat report, 15 July 1995).

18671 P138 (Zvornik Brigade interim combat report, 15 July 1995); P4586 (Zvornik Brigade combat report, 15 July 1995), p. 1; D4131 (Excerpt of the East Bosnia Corps Logbook, 5 March 1995 to 12 June 1996), e-court p. 4; Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13168–13175, 13179–13181. *See* P5302 (Intercept of conversation between Vinko Pandurević and Miladin Mijatović, 15 July 1995), p. 2; P5122 (VRS Main Staff Report, 15 July 1995); P5117 (Report of Bratunac Brigade to Drina Corps, 15 July 1995), p. 1.

18672 P5137 (Report of Zvornik CJB, 15 July 1995).

18673 P4587 (Zvornik Brigade combat report, 16 July 1995); P180 (Zvornik Brigade interim combat report, 16 July 1995), p. 1; [REDACTED]; P5322 (Intercept of conversation between Vinko Pandurević and an unidentified person, 16 July 1995), p. 1; P5388 (Intercept of conversation between two unidentified persons, 17 July 1995), p. 1. *See also* Dragan Kijac, T. 44381–44382 (3 December 2013); D3196 (Witness statement of Dušan Mićić dated 24 March 2013), paras. 36–37; P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 4; Adjudicated Fact 1628.

18674 P5322 (Intercept of conversation between Vinko Pandurević and an unidentified person, 16 July 1995), p. 1.

18675 P5322 (Intercept of conversation between Vinko Pandurević and an unidentified person, 16 July 1995), p. 1.

18676 P5322 (Intercept of conversation between Vinko Pandurević and an unidentified person, 16 July 1995), p. 1.

18677 P5322 (Intercept of conversation between Vinko Pandurević and an unidentified person, 16 July 1995), p. 1.

18678 Ostoja Stanišić P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11713.

18679 P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 4; P5222 (Report of RS MUP, 16 July 1995); P5138 (Report of Zvornik CJB, 16 July 1995), pp. 1–2; [REDACTED]. *See also* P180 (Zvornik Brigade interim combat report, 16 July 1995); P5095 (Report of Sarajevo RDB, 16 July 1995), pp. 1–2.

an agreement was reached to open a kilometre-wide corridor to allow the column to pass through.[18680] In return, the Bosnian Muslims agreed to release Janković and other members of the Bosnian Serb Forces being held.[18681] The corridor was opened at approximately 2 p.m. and remained open first for approximately 24 hours, followed later by an additional two hours.[18682] A column about one or two kilometre long, composed of several thousand armed and unarmed Bosnian Muslims, passed through during this time.[18683]

5471. On 16 July, at 1:55 p.m., Pandurević notified the Drina Corps command that a corridor had been opened to allow the civilians through but that Bosnian Serb Forces were still fighting the Muslim Forces in Srebrenica.[18684] At approximately 3:30 p.m., a conversation between an unknown interlocutor (X) from the Main Staff and the Zvornik Brigade duty officer was intercepted, in which X stated that he was calling from "the main boss [...] the main head of state" and told the duty officer to "have Vinko tell you what happened and send it right away [...] dictate

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18680 P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 4; KDZ122, T. 26264–26266, 26268–26269 (14 March 2012) (closed session); P4563 (Statement by KDZ122), p. 6 (under seal); P5138 (Report of Zvornik CJB, 16 July 1995), pp. 1–2; P5095 (Report of Sarajevo RDB, 16 July 1995); P5140 (Bulletin of daily events of Zvornik CJB, 16–17 July 1995), p. 2; P180 (Zvornik Brigade interim combat report, 16 July 1995), p. 1. *See* D4885 (Intercept of conversation between Main Staff duty officer and Ratko Mladić, 16 July 1995); P5222 (Report of RS MUP, 16 July 1995).

18681 P5138 (Report of Zvornik CJB, 16 July 1995), p. 2; KDZ122, T. 26266 (14 March 2012) (closed session). *See also* Milenko Karišik, T. 40677 (2 July 2013). Sometime between the evening of 14 July and the morning of 16 July, Kovač ordered Milenko Karišik—then Deputy Minister of the Interior and Chief of the RJB—to go to Zvornik to ask Pandurević to try to secure the release of Janković. D3749 (Witness statement of Milenko Karišik dated 23 June 2013), paras. 33, 37. Upon arriving in Zvornik on 16 July, Karišik went immediately to the Zvornik CJB, where he was briefed, and then proceeded to the Zvornik Brigade IKM. D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 38. *See also* D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 39; Milenko Karišik, T. 40634 (27 June 2013) (testifying that he could not remember the exact time, but believing that he returned to Bijeljina in the afternoon of 16 July). At the IKM, Karišik asked Pandurević to continue insisting on Janković's release. D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 39.

18682 P4563 (Statement by KDZ122), p. 6 (under seal); KDZ122, T. 26264–26265, 26268–26269 (14 March 2012) (closed session); Ostoja Stanišić, P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11713–11714, 11719. *See* D3749 (Witness statement of Milenko Karišik dated 23 June 2013), paras. 37–38; P5310 (Intercept of conversation between Zlatar duty officer and Palma duty officer, 16 July 1995). *See also* P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 4 (stating that on 17 July 1995, in co-ordination with the intervention units of the Zvornik Brigade, the 5th Special Police Detachment closed the line in Baljkovica).

18683 Ostoja Stanišić P382 (Transcript from *Prosecutor v. Popović et al.*), T. 11714; P5138 (Report of Zvornik CJB, 16 July 1995), p. 2 (stating that approximately 4,000 Bosnian Muslims passed through the corridor and that an agreement had been made to allow a further 1,500 civilians coming from Konjević Polje to pass through); P180 (Zvornik Brigade interim combat report, 16 July 1995), p. 1 (wherein Pandurević estimated that approximately 5,000 Bosnian Muslims passed through the corridor); D1998 (Bulletin of ABiH General Staff, 17 July 1995), p. 1 (stating that approximately 10,000 members of the Bosnian Muslim forces arrived in free territory on the evening of 16 July 1995). A member of the Bosnian Serb Forces, who was standing 100 metres away from the corridor from the time that it was opened until dusk, estimated that more than 10,000 people passed through the corridor. [REDACTED]. Captain Salihović, a member of the column, advised the Bosnian Serb Forces on the morning of 16 July, that there were approximately 10,000 people waiting to get through the corridor. [REDACTED]. *Cf.* Dragan Kijac, T. 44381 (3 December 2013) (testifying that 22,000 men got out during the opening of the corridor).

18684 P5310 (Intercept of conversation between Zlatar duty officer and Palma duty officer, 16 July 1995).

what has been done and have him send it right away to the Main Staff".[18685] Two minutes later, at 3:32 p.m., the Zvornik Brigade duty officer reported that Pandurević was in the field and could not be contacted.[18686] At 4:02 p.m., Krstić was also urgently looking for Pandurević but was also told that Pandurević could not be reached.[18687]

5472. Some time before 4:15 p.m., the Accused was informed by Karišik that Pandurević had arranged for the opening of the corridor.[18688] At approximately 4:20 p.m., Krstić ordered Popović to meet Pandurević in the field to report on the situation regarding the corridor.[18689] Soon after, Popović met Pandurević who provided him with his combat report and Popović reported back to the Drina Corps Command.[18690] At 6:10 p.m., Pandurević sent an interim combat report to the command of the Drina Corps advising of his decision to open the corridor and that he considered the Krivaja 95 operation incomplete "as long as a single enemy soldier or civilian remains behind the front line".[18691] Additional reinforcements were sent to the Zvornik area that evening.[18692]

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18685 P5076 (Intercept of conversation between a VRS Main Staff member and Palma duty officer, 16 July 1995), p. 1. Obradović confirmed that the phrase "main head of state" referred to the Accused. Ljubomir Obradović, T. 25309–25311 (27 February 2012).

18686 P5316 (Intercept of conversation between a "Palme" duty officer and an unidentified person, 16 July 1995), p. 1.

18687 P5320 (Intercept of conversation between Zlatar and Palma, 16 July 1995), p. 1.

18688 D4885 (Intercept of conversation between Main Staff Duty Officer and Ratko Mladić, 16 July 1995) (wherein the Main Staff duty officer told Mladić that the Accused had called "a short while ago" and said that he had been informed by Karišik that Pandurević had arranged passage for "the Muslims over to that territory"). The Main Staff duty officer further told Mladić that he had asked "the duty officer" to urgently connect him with Pandurević, and not to do anything without authorisation until he received the answer of the Main Staff, adding that the column contained both combatants and civilians. D4885 (Intercept of conversation between Main Staff duty officer and Ratko Mladić, 16 July 1995). The Chamber recalls the Accused's case that he was informed by Karišik on 16 July 1995 that Pandurević agreed to the opening of a corridor. *See* the Accused's line of questioning during cross-examination of Joseph Kingori, T. 22942 (13 January 2012) and during cross-examination of KDZ122, T. 26265 (14 March 2012) (closed session). The Chamber notes that Karišik denied that he informed the Accused about the opening of the corridor on 16 July 1995 because technical capacities at the time would have prevented him from communicating with the Accused, and he was not responsible for reporting to the Accused about Srebrenica at any time. Milenko Karišik, T. 40654, 40656–40658 (2 July 2013). The Chamber notes, however, that Karišik managed to contact the MUP in Pale that same afternoon. P5222 (Report of RS MUP, 16 July 1995). The Chamber therefore rejects Karišik's evidence denying that he informed the Accused of the corridor. The information about opening the corridor was conveyed from the Zvornik CJB to the MUP command staff in Pale, which in turn conveyed it to the Ilidža CJB. P5222 (Report of RS MUP, 16 July 1995).

18689 P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 87; D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 74; P5079 (Intercept of conversation between Lt. Col. Popović and Rašić, 16 July 1995), e-court p. 1.

18690 D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 76–77.

18691 P180 (Zvornik Brigade interim combat report, 16 July 1995).

18692 *See* P5382 (Summaries of three intercepts of conversations, 16 July 1995), p. 1 (recording that at 6:47 p.m. on 16 July, Mladić requested men to be sent to an undisclosed area; this order went through Miletić to Cerović, and finally to Blagojević); P5382 (Summaries of three intercepts of conversations, 16 July 1995), p. 1 (recording that at 8:06 p.m. Blagojević reported having sent 50 men "5 minutes or a half an hour ago", and indicated that he had 60 more in reserve); P5079 (Intercept of conversation between Lt. Col. Popović and Rašić, 16 July 1995), e-court p. 2 (record of an intercepted conversation at 9:16 p.m. on 16 July, where Popović was asked whether Blagojević men had arrived in Zvornik that day; Popović replied that they had arrived but did not know when exactly, and suggested that maybe the duty officer had that information); P5314 (Summary of conversation between a duty officer and Col. Cerović, 16 July 1995), p. 1 (record of an intercepted conversation at 9:26 p.m.,

5473. At 6:15 a.m. on 17 July, Krstić called the Zvornik Brigade asking for news on the Zvornik area.[18693] After being told by Trbić that everything was under control and that there were no problems, Krstić asked: "have you killed the Turks up there?"[18694] Trbić replied: "Well, I guess you got the report. What more can I tell you? [...] Basically, we did."[18695] Krstić then asked to be put through to Pandurević who informed Krstić that there were no changes with respect to the report he had previously sent, adding that "we'll probably finish this today".[18696] At 8:59 a.m., upon being asked by Cerović for a follow-up to the interim combat report about the column sent the day before by Pandurević, Trbić replied that it was not done yet.[18697] An intercepted conversation from 9:50 a.m. between two unknown individuals, recorded a discussion on the operations against the column, stating that: "There are many of them. They started a breakthrough yesterday and our men tried to block. They blocked them off and opened fire on them, but it's a living mass [...] [and] you just can't kill them all, there are so many of them."[18698]

5474. Pandurević was not punished for opening the corridor, although he came under scrutiny by the Main Staff; on 17 July, Mladić sent Colonels Trkulja, Stanković, and Sladojević from the Main Staff to investigate why the corridor had been opened and they questioned whether the Bosnian Serb Forces could have put up a stronger resistance rather than open the corridor.[18699] Around that same day, the Accused was interviewed by David Frost and adamantly denied that 15,000 men were missing from Srebrenica, assuring him that the Bosnian Serb Forces had opened their lines to allow many of the missing men from Srebrenica through to Bosnian Muslim-held territory.[18700] However, at the 52nd RS Assembly Session held on 6 August 1995, the Accused expressed regret

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where Cerović was informed that 30 men from Blagojević's brigade had arrived at 9 p.m., that 30 men from Doboj had arrived around 5 p.m., and that 100 men had arrived from Banja Luka at 5:25 p.m.).

18693 P5336 (Intercept of conversation between General Krstić, Milorad Trbić, and Vinko Pandurević, 17 July 1995), p. 1.

18694 P5336 (Intercept of conversation between General Krstić, Milorad Trbić, and Vinko Pandurević, 17 July 1995), p. 1.

18695 P5336 (Intercept of conversation between General Krstić, Milorad Trbić, and Vinko Pandurević, 17 July 1995), p. 1.

18696 P5336 (Intercept of conversation between General Krstić, Milorad Trbić, and Vinko Pandurević, 17 July 1995), pp. 1–2.

18697 P5328 (Intercept of conversation between Col. Cerović and Cpt. Milorad Trbić, 17 July 1995).

18698 P5388 (Intercept of conversation between two unidentified persons, 17 July 1995).

18699 KDZ122, T. 26190–26191 (13 March 2012) (closed session), T. 26265 (14 March 2012) (closed session); P4563 (Statement by KDZ122), p. 6 (under seal); P4588 (VRS Main Staff Order, 17 July 1995). *See also* P5332 (Intercept of conversation between "Mirko" and an unidentified person, 17 July 1995), pp. 1–2 (referring to the presence of Colonel Stanković in Zvornik on 17 July).

18700 P5235 (Video footage of interview of Radovan Karadžić by David Frost, undated, with transcript), pp. 2–3. *See* P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 93.

that "in the end several thousand fighters did manage to get through" and that "[w]e were not able to encircle the enemy and destroy them", adding that he did not say these things in public.[18701]

*ii. Continued searches through the terrain*

5475. From 17 July until at least 2 August 1995, Bosnian Serb Forces carried out extensive searches of the Bratunac and Zvornik areas to destroy straggling parts of the column.[18702] Additional forces were deployed by the VRS and MUP on 17 July for this purpose.[18703] In an order issued by Mladić that day, subordinate units of the Zvornik Brigade, the Bratunac Brigade, and the Milići Brigade, among others, were assigned to comb the Zvornik and Bratunac areas with the aim to "block, crush and destroy lagging Muslim forces".[18704] Mladić's order appointed Keserović commander of the units deployed.[18705] Similarly, an order issued by Goran Šarić—Commander of the SBP—that same day to create two combat groups of MUP units for the purpose of fully

18701 P1412 (Transcript of 52nd session of RS Assembly, 6 August 1995), p. 17.

18702 KDZ122, T. 26198 (13 March 2012) (closed session), T. 26270 (14 March 2012) (closed session); P4563 (Statement by KDZ122), p. 6 (under seal); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6811–6812; P4588 (VRS Main Staff Order, 17 July 1995); P5097 (Order of the Semizovac IKM and Special Police Brigade, 17 July 1995), p. 1; P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), pp. 4–5; P3994 (Drina Corps report, 17 July 1995), p. 1; P181 (Zvornik Brigade interim combat report, 18 July 1995); P5152 (Report of Zvornik CJB, 18 July 1995); P5342 (Intercept of conversation between Col. Cerović and Vinko Pandurević, 19 July 1995), pp. 1–2; P5344 (Intercept of conversation between Major Dragan Obrenović and an unidentified person, 19 July 1995); P4589 (Zvornik Brigade combat report, 19 July 1995); P5188 (Report of Sarajevo RDB, 18 July 1995), p. 1; P5336 (Intercept of conversation between General Krstić, Milorad Trbić, and Vinko Pandurević, 17 July 1995), p. 1; P4965 (Report of Zvornik CJB, 19 July 1995); D4856 (Report of Zvornik Brigade, 22 July 1995); P4590 (Zvornik Brigade combat report, 25 July 1995), p. 1; P6065 (Intercept of conversation, 2 August 1995). *See also* Adjudicated Facts 1607, 1633, 1639.

18703 *See* P5097 (Order of the Semizovac IKM and Special Police Brigade, 17 July 1995); P4588 (VRS Main Staff Order, 17 July 1995), p. 1; Dragomir Keserović, T. 42033, 42035–42041, 42043–42044 (25 July 2013); Ljubo Bojanović, P116 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 11735, 11740–11741; P139 (Extract from Zvornik Brigade notebook, 17–18 July 1995), e-court p. 2.

18704 P4588 (VRS Main Staff Order, 17 July 1995), p. 1. *See* Dragomir Keserović, T. 42034, 42043–42044 (25 July 2013). When presented with P4588, Krstić explained that this was an example of the way in which the Main Staff took over the command of part of the area of responsibility of the Drina Corps by forming its own command group. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 7365.

18705 P4588 (VRS Main Staff Order, 17 July 1995), p. 1. When Keserović met with Mladić, he was given the same order verbally. Dragomir Keserović, T. 42035–42036 (25 July 2013). Despite the language in the order, Keserović claimed that he told Mladić that the order was a "militarily unacceptable assignment" and that there were several reasons why it should not be executed; Mladić ultimately agreed that Keserović should not take over command of the units, but should still go to the area where the operation was to be carried out to gather information about the operation. Dragomir Keserović, T. 42037–42038, 42040–42041 (25 July 2013). According to Keserović, Blagojević continued with the ordered task. Dragomir Keserović, T. 42038–42039 (25 July 2013). The Chamber notes that an intercepted conversation from 11:15 p.m. on 17 July records two unidentified individuals wherein one asks the other if Keserović has set out already and the second replies "he must have gone first forward over there to Momir Nikolić." P5390 (Intercept of conversation between two unidentified persons, 17 July 1995). In that same conversation, one of the individuals says that he spoke earlier to Miletić who told him that Keserović had come to "solve these issues". P5390 (Intercept of conversation between two unidentified persons, 17 July 1995). The Chamber finds that despite Keserović's efforts to downplay his involvement in the sweeping operation in the Bratunac area, this intercept shows that he was sent to the area by Miletić and the Main Staff.

mopping up the terrain, put Borovčanin in charge of those forces.[18706] By the evening of 17 July, about 200 Bosnian Muslims had surrendered, including four children.[18707]

5476. On 18 July, Pandurević noted that increased combat activity may be expected in the Zvornik Brigade area.[18708] That same day, in response to the shooting of a Bosnian Serb soldier, Pandurević ordered that prisoners should not be taken.[18709] However, he changed the order three days later, stating that all detainees should be processed according to normal procedures, and Bosnian Serb Forces began to take prisoners again.[18710] Nevertheless, on or about 23 July, Bosnian Muslim men who were being treated at the Standard Barracks clinic were taken away by members of either the Zvornik Brigade or Drina Corps MP, and executed.[18711] On 2 August 1995, Krstić ordered Obrenović to kill all individuals captured during the searches of the terrain.[18712] However, the Chamber received evidence that at least some of the persons being detained by the Zvornik Brigade at that time were being sent to the Drina Corps command and then to Batković Camp.[18713]

*iii. Killings*

(A) Snagovo

5477. The Indictment refers to the killing, on or about 22 July 1995, of six Bosnian Muslim men who were captured upon becoming separated from the column of men retreating from the Srebrenica enclave, and were executed in the woods near the town of Snagovo.[18714] Snagovo is located along the eastern border of BiH in Zvornik municipality, approximately 25 kilometres northwest of Srebrenica.[18715]

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18706 P5097 (Order of the Semizovac IKM and Special Police Brigade, 17 July 1995). *See* Dragomir Keserović, T. 42035–42036, 42043–42044 (25 July 2013).

18707 Adjudicated Fact 1640. *See* P5188 (Report of Sarajevo RDB, 18 July 1995), p. 1.

18708 P181 (Zvornik Brigade interim combat report, 18 July 1995), para. 1.

18709 [REDACTED]. *See also* P4589 (Zvornik Brigade combat report, 19 July 1995) (referring to the capture of two Bosnian Muslim soldiers and the killing of 13); P5344 (Intercept of conversation between Major Dragan Obrenović and an unidentified person, 19 July 1995) (referring to the killing of 11 individuals); P5342 (Intercept of conversation between Col. Cerović and Vinko Pandurević, 19 July 1995) (referring to the killing of 20-odd men).

18710 [REDACTED]. *See also* D4856 (Report of Zvornik Brigade, 22 July 1995) (referring to the capture of 40 Bosnian Muslim soldiers).

18711 [REDACTED]. These killings are not charged in the Indictment.

18712 P6065 (Intercept of conversation, 2 August 1995). The Chamber notes that Krstić denied the authenticity of this intercepted conversation and stated that he would have never made such an order. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6809–6811. [REDACTED]. The Chamber is therefore satisfied as to the authenticity of the intercept.

18713 [REDACTED]; D4132 (Eastern Bosnia Corps list of prisoners, 18 July 1995); Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13201–13203. *See* para. 5502.

18714 Indictment, Scheduled Incident E. 11.1.

18715 P727 (Map of the Balkans). *See also* D484 (Map of BiH).

5478. On or about 14 July 1995,[18716] an approximately 14 member unit of the Ugljevik PJP was assembled at the Ugljevik SJB to receive orders.[18717] The unit was ordered by Dragan Kulić—Commander of the Ugljevik SJB—to proceed from Ugljevik to the Snagovo area to "clear or cleanse the terrain", adding that "not even a fly could get out".[18718] KDZ365, [REDACTED], had heard rumours about the fall of the Srebrenica enclave, and interpreted Kulić's orders as ones to kill Bosnian Muslims fleeing through the woods and heading towards Tuzla.[18719]

5479. The Ugljevik PJP unit proceeded to a crossroads near Snagovo where it spent the night, and received further orders from Zlatco Nedić, from the Bijeljina CJB, to "mop up [the] terrain".[18720] Over the next five days, the Ugljevik PJP unit carried out a series of patrols through the surrounding wooded areas, searching the terrain.[18721] On the fourth or fifth day, a group of three unarmed Bosnian Muslim males emerged from the woods and immediately surrendered to the Ugljevik PJP unit.[18722] Two of the Bosnian Muslim males were between 35 and 40 years old; the third presented himself as 16 years old.[18723]

5480. Approximately ten minutes after the surrender of the three Bosnian Muslim males, a group of approximately 20 other police officers from other stations gathered, all wearing uniforms similar

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18716 KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4093, 4104, 4155, 4202–4203 (under seal); P315 (List of policemen from Ugljevik on duty on 13 and 14 July 1995, 28 April 2004).

18717 KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4093–4094, 4097, 4154–4156, 4185, 4202 (under seal). [REDACTED]. The fact that a unit of the Bijeljina PJP was present in Zvornik municipality after the fall of Srebrenica is documented in the evidence admitted in this case, but no single piece refers to the name of the specific company. *See e.g.* P316 (Report of Zvornik CJB to MUP of RS, 15 July 1995) (referring to "[t]wo PJP companies from Bijeljina" fighting along the Zlijebac-Zlatne Vode-Kula Grade-Maričići line); P4960 (Combat report signed by Ljubiša Borovčanin, 10–20 July 1995), p. 3 (referring to two companies of the Bijeljina Special Police Unit fighting against enemy columns along the Kula Grad-Marčići axis).

18718 KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4089, 4094–4095, 4163–4164, 4225–4226 (under seal). The Chamber notes the discussion during the *Popović et al.* case as to the various instances where KDZ365 testified about the events in Snagovo in 1995, and the fact that he changed his evidence with respect to the order given by Kulić. *See* KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4134–4141, 4144–4145, 4148–4150, 4236 (under seal). However, the Chamber is satisfied with KDZ365's explanation and accepts this portion of his evidence.

18719 KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4097–4101 (under seal); KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4250. KDZ365 testified that Kulić's words "meant clearing, cleansing, or mopping up. Actually, killing. What else? He did not use the word "killing," but that's what we understood. What else could it have been? [...] Everybody understood, but nobody dared say it out loud and admit how they understood this, because we had heard what was going on in the Srebrenica sector." KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4097–4098 (under seal). However, in cross-examination, KDZ365 testified that "it could refer to anything. It could refer to one thing or another thing. [...] [He said] that we were going to be mopping up the terrain, but he didn't say when we would actually be taking up these duties." KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4226.

18720 KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4095, 4106–4107, 4109, 4109, 4164, 4211–4213 (under seal); KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4107–4109.

18721 KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4107–4108, 4166.

18722 KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4107–4108, 4111–4113.

18723 KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4113, 4117–4118 (under seal); KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4184.

to those of the Ugljevik PJP unit.[18724] One individual from this group stepped up and shot the two older Bosnian Muslims in the head.[18725] A member of the Ugljevik PJP hid the 16 year old boy behind his back; the boy was spared despite being seen by the group of officers.[18726] The group of police officers left after approximately ten minutes and "disappeared".[18727]

5481. The Chamber finds that, following the fall of Srebrenica, members of the Bosnian Serb Forces killed two Bosnian Muslim males from Srebrenica near the town of Snagovo.

(B) Bišina

5482. The Indictment refers to the killing on 23 July 1995 of over 30 Bosnian Muslim men in Bišina, some of whom were previously detained in the Sušica camp.[18728] Bišina is located in eastern BiH in Šekovići municipality, approximately 70 kilometres northwest of the town of Srebrenica.[18729]

5483. On the morning of 23 July 1995, a Drina Corps soldier was ordered by Momo Amović—Chief of the Drina Corps Administrative Section—to drive a minibus to Dragaševac, collect some men, and deliver them to the Birač Brigade.[18730] As instructed, he retrieved approximately five

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18724 KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4231 (under seal); KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4112, 4171–4172. *See also* P4949 (Zvornik CJB dispatch, 14 July 1995) (referring to the presence of "[o]ne company of the Doboj CJP PJP in coordination with the Janja SOP platoon" blocking enemy forces in the village of Maričići); P316 (Report of Zvornik CJB to MUP of RS, 15 July 1995) (referring to "[t]wo PJP companies from Bijeljina, one company from Doboj, and one platoon of the Zvornik Company" fighting along the Zlijebac-Zlatne Vode-Kula Grade-Maričići line).

18725 KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4114–4115, 4171. KDZ365 further testified that he was told that this individual may have been from Zvornik, adding that he had a band tied around his head, but had no visible insignia on his military uniform, and otherwise wore the same uniform as the members of the Ugljevik PJP unit. KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4114, 4171–4173.

18726 [REDACTED].

18727 KDZ365, P326 (Transcript from *Prosecutor v. Popović et al.*), T. 4179; KDZ365, P325 (Transcript from *Prosecutor v. Popović et al.*), T. 4231 (under seal).

18728 Indictment, Scheduled Killing Incident E.12.1. In its final brief, the Prosecution submits that "at least 39" Bosnian Muslim men were killed in Bišina. Prosecution Final Brief, Appendix D, para. 155.

18729 P727 (Map of the Balkans). *See also* D484 (Map of BiH); P33 (Map of Central Bosnia marked by KDZ446).

18730 KDZ285, P370 (Transcript from *Prosecutor v. Popović et al.*), T. 32782, 32786.

soldiers from the 10th Sabotage Detachment in Dragaševac.[18731] On the way back, the soldiers told him to proceed to Bišina instead.[18732]

5484. Meanwhile, three members of the Drina Corps MP Battalion were ordered by their Commander, Ratko Vujović, to drive a truck to pick up Bosnian Muslim detainees from Sušica Camp for a prisoner exchange.[18733] Upon retrieving these detainees, they were joined by another truck and passenger vehicle and set out for Šekovići in a convoy.[18734]

5485. The convoy stopped near a restaurant between Tišća and Šekovići, where a few more detainees were loaded onto one of the trucks.[18735] At this point, the minibus transporting the 10th Sabotage Detachment soldiers joined the convoy, which proceeded in a column to Bišina.[18736]

5486. Led by Popović's vehicle, this larger convoy—consisting of two trucks, one additional passenger vehicle, and the minibus—stopped in Bišina near the Command of one of the Birač Brigade's battalions.[18737] One of the soldiers from the 10th Sabotage Detachment ordered the three members of the Drina Corps MP Battalion to provide security around the trucks.[18738] Popović had a brief conversation with the five soldiers,[18739] who proceeded to remove five detainees from the trucks, march them approximately 30 metres away, and shoot them.[18740] This process was repeated a number of times.[18741] Popović saw approximately thirty bodies scattered all around.[18742] One of

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18731 KDZ285, P371 (Transcript from *Prosecutor v. Popović et al.*), T. 32782–32785, 32788, 32790–32793; P663 (Vehicle log, 18 July 1995); KDZ285, P370 (Transcript from *Prosecutor v. Popović et al.*), T. 32781 (under seal). *See also* KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32580–32581. (under seal). KDZ285 testified that they were masked and in overalls of different colours; some of the men wore camouflage uniforms and they were armed with automatic rifles, and several of these five individuals bore the insignia of the 10th Sabotage Detachment. KDZ285, P371 (Transcript from *Prosecutor v. Popović*), T. 32784, 32788. *See also* KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32575 (under seal); KDZ391, T. 26907 (26 March 2012) (closed session) (confirming that the five soldiers, who were present at the killing site, had the insignia of the 10th Sabotage Detachment, wearing various sorts of clothes and hats).

18732 KDZ285, P370 (Transcript from *Prosecutor v. Popović et al.*), T. 32783, 32786.

18733 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32567–32568, 32570, 32575, 32577–32580, 32599, 32601 (under seal); P4765 (Vehicle log, 19 July to 1 August 1995) (under seal).

18734 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32570–32571 (under seal).

18735 KDZ391, P4761(Transcript from *Prosecutor v. Popović et al.*), T. 32570–32571 (under seal); KDZ391, T. 26913 (26 March 2012) (closed session).

18736 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32570–32571, 32601 (under seal); P663 (Vehicle log, 18 July 1995); KDZ391, T. 26913 (26 March 2012) (closed session); KDZ285, P371 (Transcript from *Prosecutor v. Popović et al.*), T. 32786–32788 (recognising one of the vehicles as a TAM-110 truck).

18737 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32572 (under seal); KDZ391, T. 26910 (26 March 2012) (closed session); KDZ285, P371 (Transcript from *Prosecutor v. Popović*), T. 32786–32788.

18738 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32572–35273, 32603, (under seal).

18739 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32588–32589 (under seal).

18740 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32572–32573 (under seal).

18741 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32573 (under seal). Immediately after the killings were carried out, the 10th Sabotage Detachment soldiers were driven away back to Dragaševac. KDZ285, P371 (Transcript from *Prosecutor v. Popović et al.*), T. 32790; KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32573 (under seal); KDZ391, T. 26909 (26 March 2012) (closed session). The

the three MP Battalion members asked Popović, the most senior officer present, what had happened; Popović did not respond and had tears in his eyes.[18743]

5487. An excavator subsequently arrived at the site and dug a hole.[18744] Upon Popović's request, two of the MP Battalion members assisted in placing the bodies into the hole.[18745]

5488. The Chamber notes that Popović testified in this case that he was only present at Bišina after the killings took place, denying the Prosecution's allegation that he was in charge of the killings there.[18746] Popović also asserted that had he participated in the killings, he would have relocated the bodies later to hide them, but that he did not.[18747] However, the Chamber finds Popović's testimony unconvincing in light of other accepted evidence before it. The evidence clearly demonstrates that Popović was present at the time of the killings, when one of the MP Battalion members saw and spoke to him.[18748] Furthermore, the vehicle log for the minibus used to transport the 10th Sabotage Detachment soldiers on 23 July 1995 contains Popović's name and signature.[18749] The Chamber further notes that intercepted conversations from 24 July 1995 indicate that Popović knew the whereabouts of Himzo Mujić—one of the victims identified from a

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killings lasted approximately three to five hours. KDZ285, P371 (Transcript from *Prosecutor v. Popović et al.*), T. 32789.

18742 D3993 (Witness statement of Vujadin Popović dated 2 November 2013) para. 88; Vujadin Popović, T. 43109, 43127 (6 November 2013). *See also* KDZ391, T. 26907 (26 March 2012) (closed session); P4765 (Vehicle log, 19 July to 1 August 1995) (under seal) (indicating that 15 individuals were transported by that truck on 23 July 1995).

18743 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32573–32575, 32585, 32598 (under seal); KDZ391, T. 26909 (26 March 2012) (closed session). *See also* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), para. 88 (stating that he was shaken by seeing the bodies and that he had hoped that these detainees might be exchanged for his cousin). Vujadin Popović, T. 43112 (6 November 2013) (private session); Vujadin Popović, T. 42135 (6 November 2013).

18744 KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), T. 32574 (under seal); Vujadin Popović, T. 43128 (6 November 2013).

18745 Vujadin Popović, T. 43112 (6 November 2013) (private session); Vujadin Popović, T. 43125, 43127, 43129 (6 November 2013); KDZ391, P4761 (Transcript from *Prosecutor v. Popović et al.*), p. 41 (under seal).

18746 Vujadin Popović, T. 43109–43110, 43122 (6 November 2013), T. 43110–43112 (6 November 2013) (private session). *See also* D3993 (Witness statement of Vujadin Popović dated 2 November 2013), paras. 85–88 (stating that on the morning of 23 July 1995, at the Drina Corps Command, a duty officer told him that two unknown men had arrived at the command and said that they were ordered to take the detainees who were in Sušica camp; the duty officer told him that the men had taken a van from the Command, and that one of them had said that the detainees would be taken to Bišina; Popović headed for Bišina right away and at a new VRS barracks, he was shown the road "those vehicles had taken"); Vujadin Popović, T. 43116 (6 November 2013).

18747 Vujadin Popović, T. 43112 (6 November 2013) (private session); Vujadin Popović, T. 43113–43114, 43125–43126, 43128–43129, 43133–43134, 43136 (6 November 2013).

18748 *See* para. 5486.

18749 P663 (Vehicle log, 18 July 1995). KDZ285 testified that he himself had written "Popović" beside the 23 July 1995 entry as he had been told by his commander that Popović was in charge. KDZ285, P371 (Transcript from *Prosecutor v. Popović et al*), T. 32792–32797. *But see* Vujadin Popović, T. 43114–43115, 43122 (6 November 2013) (testifying that he had just signed for all operations of the minibus to justify the use of fuel).

grave in Bišina[18750]—and what happened to him.[18751] The Chamber therefore concludes that Popović was present at the scene and oversaw the killings at Bišina.

5489. Between 20 May and 7 June 2006, the BiHCMP exhumed a grave in the area of Bišina.[18752] Based upon DNA analysis, 39 individuals were positively identified as persons listed as missing following the take-over of Srebrenica,[18753] 18 of whom had their wrists ligature-bound, and four of whom were blindfolded.[18754] One of the bodies in the mass grave was identified by the ICMP as Himzo Mujić.[18755]

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18750 *See* para. 5489, fn. 18755.

18751 P6695 (Intercept of conversation between two unidentified persons from VRS, 24 July 1995) (in which one unidentified speaker says that he could not reach "Kane", told the other unidentified speaker that "Himzo Mujić" was no longer in prison, and that Kane should call Popović as he is "the only one who knows where [Mujić] went from here and what happened to him"); P5391 (Intercept of conversation between two unidentified persons, 24 July 1995); P6499 (Intercept from Notebook 96, 24 July 1995) (in which "Kane" told an unidentified speaker that Himzo Mujić was "here at our place, I don't know if he still is", to which the other speaker responded that: "Check that down there, you know? Maybe Popović, the security guy [...]").

18752 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 32

18753 P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica); P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 404–406 (under seal). *See also* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 58–100.

18754 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 4, 32.

18755 P4672 (University Clinical Centre of Tuzla record of identification for Himzo Mujić, 22 February 2007); Dušan Janc, T. 26995–26996 (27 March 2012) (private session), T. 26997 (27 March 2012); P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 406 (under seal). *See also* P4642 (ICMP list of identified Srebrenica victims, 15 December 2011) (under seal), entailing ID numbers BIŠ01ŠEK038 and BIŠ01ŠEK040B (z max 2). The Chamber notes that mortal remains with ID numbers BIŠ01ŠEK038 and BIŠ01ŠEK040B (z max 2) were identified as those of Himzo Mujić and those with ID numbers BIŠ01ŠEK040B (F) and BIŠ01ŠEK040B (z max 1) were identified as those of Ramo Ahmetović. In this respect, defence witness Dušan Dunjić challenges the identifications of these victims based on exhumation and autopsy records. In particular, Dunjić notes that one of the two DNA samples from the Bišina gravesite which were used to confirm the identity of Himzo Mujić–BIŠ01ŠEK040B (z max 2)–was, according to ICMP data, part of the separate, complete body–BIŠ01ŠEK040B–of Ramo Ahmetović. Dunjić suggests that this sample could not possibly belong to Mujić and, accordingly, the matching profiles of Mujić and Ahmetović are inconsistent and flawed. D3896 (Dušan Dunjić's expert report entitled "Forensic Analysis of Exhumation Reports from the Bišina Site and Documents Relating to the Update to the Summary of Forensic Evidence from Graves in the Srebrenica Area", April 2009), pp. 3–6; D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 101–102. The Chamber is not persuaded by this analysis. Thomas Parsons has explained that individual ICMP samples do not always correspond with complete bodies. In Parsons' opinion, the pathologist recorded the number 040 with respect to both samples as there was some doubt as to whether the entire body came from a single person, and the pathologist thought it possible that the two samples were related to each other; however, the ICMP ultimately concluded that the two samples (040 B and 040 B (Zamax 2)) were not related to the same individual. Thomas Parsons, P4636 (Transcript from *Prosecutor v. Popović et al*), T. 33470–33472 (under seal). Based on this evidence, the Chamber is satisfied with the identifications of these two victims and the methodologies adopted to reach this finding.

5490. Based on the above, the Chamber finds that 39 Bosnian Muslims from Srebrenica were killed by members of the Bosnian Serb Forces in Bišina on 23 July 1995.[18756]

(C) Trnovo

5491. The Indictment refers to the killing in late July or early August 1995 of six Bosnian Muslim "men and boys" from Srebrenica near the town of Trnovo.[18757] Trnovo is located in the southeast of BiH in the Sarajevo region, approximately 85 kilometres southwest of Srebrenica.[18758]

5492. In 1995, the so-called Scorpions unit was based in Đeletovci, in the then-RSK,[18759] and was commanded by Slobodan Medić, a.k.a. "Boca".[18760] It was composed of approximately 250 members, divided in two companies,[18761] and operated under the authority of the Serbian MUP.[18762]

5493. In early July 1995, before the takeover of Srebrenica, a company of the Scorpions unit—composed of approximately 150 men divided in three platoons—commanded by Medić was deployed from Đeletovci to Trnovo for a three week operation.[18763] On the way to Trnovo, the unit entered Serbia, and was escorted by the SDB to the border crossing with BiH, where it continued

18756 The Chamber recalls that while Schedule E.12.1 of the Indictment alleges that the number killed in Bišina is "over 30", the Prosecution Final Brief indicates "at least 39". *See* fn. 18720. Based on the evidence before it, the Chamber is satisfied beyond reasonable doubt that 39 Bosnian Muslim men were killed in Bišina and considers that this figure lies within the scope of what is alleged in the Indictment.

18757 Indictment, Scheduled Killing Incident E.13.1.

18758 P727 (Map of the Balkans). *See also* D484 (Map of BiH).

18759 P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 6 (under seal); Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8317.

18760 P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 6 (under seal); Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8319. Aleksandar Vukov, a.k.a. "Vuk", was the unit's second in command. Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8319; P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 8 (under seal).

18761 P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 8 (under seal); Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8317, 8319.

18762 KDZ612 stated that, at the time of its establishment, the Scorpions unit was under the JNA command; however, by 1994, it was already under the command of the Serbian SDB and received orders from the SDB, and KDZ612 added that Medić "used to brag about his association with the DB and all the meetings he had with them to receive orders". P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 6 (under seal). KDZ612 further stated that Medić met with Franko Simatović at the headquarters in Đeletovci some time in 1995, and that Medić would go for meetings with Jovica Stanišić; however, according to KDZ612, Milan Milanović, a.k.a. "Mrgud"—who was "some sort of commander of the police"—also served as the intermediary between Medić and the SDB leadership in Belgrade, and Medić boasted that the orders came from Stanišić and Simatović. P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 7 (under seal). Furthermore, KDZ612 testified that the Scorpions wore a badge with a sword to show that they were a SDB unit, and that it was common knowledge that the sword was the insignia of the SDB; once the Scorpions left for Trnovo the badges were replaced with Serbian MUP badges. P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 7 (under seal). *See also* P2983 (Report of RS MUP's Special Police Brigade, Trnovo Forward Command Post, 1 July 1995); P5153 (Report of RS MUP, 1 July 1995); P5154 (RS MUP summary of information from and its periphery, 30 June 1995) (referring to the "*Škorpija* detachments" as part of the MUP of Serbia); Christian Nielsen, T. 16315 (7 July 2011).

18763 P409 (Witness Statement of KDZ612 dated 17 February 2005), pp. 9–11 (under seal); P410 (Witness statement of KDZ612 dated 25 May 2005), para. 6 (under seal); Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8321.

until stopping at Jahorina.[18764] After a couple of days, all but a few of the Scorpions' members who had arrived in Jahorina left for Trnovo.[18765] Upon reaching Trnovo, the Scorpions participated in combat operations as part of the joint VRS and MUP forces operating on the Sarajevo front.[18766] The Chamber recalls that on 10 July 1995, a part of these joint forces was detached and sent to the Srebrenica sector under Borovčanin's command,[18767] while another part, including the Scorpions unit, stayed behind.[18768]

5494. During the operation in Trnovo, two members of the Scorpions were ordered by Medić to take a bus and a TAM truck and go to Srebrenica to assist in transporting Bosnian Muslim male detainees.[18769] The Scorpions transported multiple groups of Bosnian Muslim males who had been

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18764 P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 10 (under seal); Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8323–8325. KDZ612 stated that while at Jahorina, Nikola Koljević visited the Scorpions' command. P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 10 (under seal); P279 (Photograph of Nikola Koljević and Scorpions). *See also* Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8326–8327 (stating that he heard that Medić attended some meetings while in Jahorina but he did not know whom Medić met or what they discussed).

18765 P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 10 (under seal) (stating that "[a]fter three of four days, we were ordered to go to Trnovo"); Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8325, 8327–8328 (stating that approximately 120 men left for Trnovo and that approximately six stayed behind "for a day or two" at Jahorina).

18766 P409 (Witness Statement of KDZ612 dated 17 February 2005), pp. 10–11 (under seal). *See also* Christian Nielsen, T. 16316–16319 (7 July 2011) (stating that the '*Skorpija*' present in Trnovo at the time operated as part of a conglomeration of units referred to as the joint forces of RSK MUP, RS MUP, and MUP of Serbia); D2015 (VRS Main Staff Report, 26 June 1995), p. 5 (a report to the Accused, referring to "the enemy [...] carrying out in force reconnaissance along the Trnovo axis", within the SRK's zone of responsibility); P5150 (RS MUP summary of information from and about the front, 26 June 1995) (reporting on developments from the Trnovo front and referring to information received from the SRK); P5154 (RS MUP summary of information from and its periphery, 30 June 1995) (referring to a problem of agreement with the SRK command); P5175 (Report of Trnovo Forward Command Post, July 1995) (a report from the police forces staff at the Trnovo IKM referring to a joint attack by MUP and VRS units, and reporting on an attack on "our defence lines" which resulted in the killing of a member of the *Škorpije* and the wounding of many others); P2983 (Report of RS MUP's Special Police Brigade, Trnovo Forward Command Post, 1 July 1995) (a report by Borovčanin, which refers to a combat group operating in Trnovo that included "two platoons from each of the *Kajman*, *Plavi* and *Škorpija* detachments (the MUP of Serbia)"); P5166 (Report of RS MUP, 8 July 1995) (a report by Borovčanin referring to offensive operations by RS MUP, RSK MUP, and VRS units in the area); P2992 (Order of RS MUP, 10 July 1995) and P2993 (Order of RS MUP, 10 July 1995) (an order from Kovač for the deployment from the Trnovo front of a mixed company of joint RSK, Serbian, and RS MUP forces). KDZ612 also stated that Arkan's units were present in the area and that during the Trnovo operation, his unit had communication with such units. P409 (Witness Statement of KDZ612 dated 17 February 2005), pp. 10–11 (under seal).

18767 *See* para. 5021.

18768 P409 (Witness Statement of KDZ612 dated 17 February 2005), pp. 10–11 (under seal) (stating that Medić communicated with the VRS during the Trnovo operation, and that the Scorpions' mission was to distract the ABiH by simulating an attack on Sarajevo while the VRS regrouped around Srebrenica); Slobodan Stojković; P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8322 (stating that the Scorpions were to hold the line at Trnovo and were expected to work in co-ordination with the VRS); D2695 (SRK combat report, 19 July 1995) (an SRK report on an enemy attack along the Trnovo axis and referring to MUP units holding positions); P5176 (Report of Trnovo Forward Command Post, 20 July 1995) (referring to a "combined company" composed of an SBP detachment, a PJP squad, and an RSK MUP unit). *See also* Christian Nielsen, T. 16315–16317 (7 July 2011) (stating that the combat operations in Trnovo in early July 1995 were co-ordinated with the military forces deployed in the area, and that the deployment of military and police units in the area could not have been done without the involvement of both the RS MUP and the VRS leadership, as well as the Accused).

18769 P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 11 (under seal), as amended in P409 (Correction to Witness Statement dated 25 November 2010), p. 1 (under seal).

detained in Srebrenica.[18770] At some point, a "final group" of six Bosnian Muslim men from Srebrenica was brought to the Scorpions command post.[18771] Medić ordered that these men be killed.[18772] Slobodan Stojković, a member of the Scorpions, was ordered by Medić to film the execution.[18773]

5495. The six men were driven in a truck to an isolated spot four or five kilometres from the command post.[18774] While in the truck, a member of the Scorpions kicked one of the men in the head.[18775] The men, whose hands were tied, were unloaded and made to lie on the side of the road,[18776] while being insulted by some of the eight members of the Scorpions who were present at the side of the road.[18777] The Bosnian Muslim men were subsequently led into a forest clearing containing two abandoned cottages.[18778] Four of the men were forced to walk forward one by one and were shot multiple times with automatic rifles by two members of the Scorpions.[18779] The remaining two men were untied and ordered to carry the dead into the forest.[18780] These two men

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18770 P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 11 (under seal).

18771 KDZ612 stated that "somebody" in the chain of command above Medić knew the Scorpions had a bus and two trucks; Medić gave the bus to "his superior" to be used to transport Muslims from Srebrenica and take them to an unknown location; on the way back, the "drivers" brought back the six men to the Scorpions command in Trnovo. P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 11 (under seal), as amended in P409 (Correction to Witness Statement dated 25 November 2010), p. 1 (under seal). Stojković stated that he did not know anything about the six men until the morning of the execution when he learned that the men were from Srebrenica. Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8343, 8362.

18772 Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8381; P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 11 (under seal) (stating that Medić singled out his own bodyguards to kill the detainees, issued the orders, and the men were then taken away and killed); D2247 (Supplemental Statement of KDZ612 dated 14 February 2012), para. 3 (under seal) (stating that "someone" told Medić to kill the six men and that Medić, thereafter, ordered members of the unit to kill them).

18773 Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8314, 8341–8343, 8381. When the Scorpions unit returned to Đeletovci, ten copies of the video were made and distributed amongst its members, presumably as souvenirs; one copy was made available for rent at a video rental store in Šid, Serbia. KDZ612, P410 (Witness Statement of KDZ612 dated 25 May 2005), para. 9 (under seal); Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8382, 8389–8391.

18774 Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8351–8352; P668 (Video footage of executions by Scorpions), at 00:05 to 00:47.

18775 P668 (Video footage of executions by Scorpions), at 00:18–00:20; Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8361–8262.

18776 P668 (Video footage of executions by Scorpions), at 01:41 to 02:20; Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8363. *See also* P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 15 (under seal).

18777 *See* P668 (Video footage of executions by Scorpions), at 02:13–04:02. *See also* Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8374–8378; P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 15 (under seal).

18778 P668 (Video footage of executions by Scorpions), at 09:10 to 10:42. *See also* P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 15 (under seal); P411 (Witness statement of KDZ612 dated 31 May 2005) (under seal), p. 3.

18779 P668 (Video footage of executions by Scorpions) at 10:55 to 11:37. *See also* P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 15 (under seal).

18780 P668 (Video footage of executions by Scorpions), at 12:15 to 16:21; Slobodan Stojković, P4751 (Transcript from *Prosecutor v. Tolimir*), T. 8379. *See also* P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 15 (under seal).

were then laid on the floor of one of the abandoned houses and shot multiple times with automatic rifles by one of the same individuals who shot the first four detainees.[18781]

5496. The remains of the six men were exhumed in 1999 from the Gođinjske Bare gravesite near Trnovo, and identified by DNA analysis.[18782] All six men had been reported as missing or dead after the fall of Srebrenica.[18783]

5497. The Chamber finds that, following the fall of Srebrenica, members of the Scorpions killed six Bosnian Muslim males from Srebrenica near the town of Trnovo.

*iv. Transfer to Batković Camp*

5498. The Chamber recalls that Batković Camp was established in June 1992 in a location approximately 12 kilometres from Bijeljina, and that VRS soldiers were assigned to secure it throughout the armed conflict in BiH.[18784]

5499. On 11 or 12 July 1995, Milenko Todorović, the Chief of Security of the Eastern Bosnia Corps, received a telegram from Tolimir which directed the Eastern Bosnia Corps to prepare accommodation at Batković Camp for approximately 1,000 to 1,200 detained Bosnian Muslim soldiers, who were to arrive in the following days.[18785] Upon receiving this telegram, Todorović immediately conveyed the order to his commander, Novica Simić, who then began preparations for the arrival of the detainees.[18786] However, the prisoners did not arrive.[18787] Approximately one day later, at Simić's request, Todorović consulted Tolimir about the whereabouts of the prisoners and was told to halt further preparations for the detainees as the task had been abandoned.[18788]

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18781 P668 (Video footage of executions by Scorpions) at 16:54 to 18:24. *See also* P409 (Witness Statement of KDZ612 dated 17 February 2005), p. 15 (under seal).

18782 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 38; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), Annex D, e-court pp. 438–439 (under seal).

18783 Thomas Parsons, T. 26574–26575 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović*), T. 20873–20876; P4642 (ICMP list of identified Srebrenica victims, 15 December 2011) (under seal).

18784 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12940, 13041. *See* Scheduled Detention Facility C.2.1.

18785 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12933–12934, 12937–12939; D4134 (Excerpt of OTP interview with Milenko Todorović, 2 February 2010), p. 39. *See* Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12954–12956; D4126 (Photograph marked by Milenko Todorović, undated).

18786 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12934, 12938–12940, 13134.

18787 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12941.

18788 Milenko Todorović, T. 44193–44194 (28 November 2013); D4134 (Excerpt of OTP interview with Milenko Todorović, 2 February 2010), pp. 37–38, 40; Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12942.

5500. Sometime on or after 15 July, Simić called Pandurević and advised him that if he had any detainees in his AOR, he could send them to Batković.[18789] Pandurević advised that there were members of the Muslim Forces in Srebrenica who were still trying to break through to Tuzla, and that capturing them and transporting them to Batković Camp would not be a problem.[18790] Pandurević also advised that they already had a number of detainees that needed to be taken over and transported to the camp.[18791] Following that conversation, Simić advised Todorović to organise, through the MP Battalion, a number of vehicles and soldiers to transport the detainees from the Zvornik area to Batković Camp, and that these soldiers should report to the Zvornik Brigade Command.[18792]

5501. An MP squad of 10 to 15 men went to the Zvornik area on a daily basis from 18 to 26 July 1995 for the purpose of collecting prisoners of war.[18793] In total, approximately 160 to 180 detainees were taken to Batković Camp in this period.[18794] Among these were 22 individuals picked up on 18 July by the Eastern Bosnia Corps MP from the Drina Corps MP in Vlasenica,[18795] as well as 34 Bosnian Muslims from Srebrenica who surrendered in the course of 26 July.[18796]

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18789 Milenko Todorović, T. 44193–44194 (28 November 2013); Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12942–12943; D4134 (Excerpt of OTP interview with Milenko Todorović, 2 February 2010), p. 38. The Chamber notes that Todorović testified that he was not sure of the date of the phone call between Simić and Pandurević. Milenko Todorović, T. 44194 (28 November 2013). It further notes that in his interview with the Prosecution, Todorović said that he believed the phone call occurred the same morning or the day after he consulted Tolimir about the whereabouts of the detainees. D4134 (Excerpt of OTP interview with Milenko Todorović, 2 February 2010), pp. 37–38. However, the Chamber recalls that Pandurević only returned to the Zvornik Brigade by noon on 15 July. *See* para. 5469. The Chamber therefore finds that the phone call could not have taken place until at least 15 July.

18790 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12943; Milenko Todorović, T. 44195 (28 November 2013).

18791 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13193–13194.

18792 Milenko Todorović, T. 44195 (28 November 2013); Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12943, 13191, 13193–13194.

18793 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13144–13145, 13150, 13173–13175, 13179, 13191–13192. *See also* Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13168–13175, 13179–13181 (testifying that entries in the Duty Operations book of the Eastern Bosnia Corps Command for 15 July 1995 reflect that the corps' deputy commander, General Gavrić, ordered 50 members of the MP unit to be sent to Zvornik on 16 July 1995 to help the Zvornik Brigade carry out combat assignments and were re-subordinated to Pandurević, and that a squad of 10 to 15 men who had been sent to Zvornik to escort captured POWs remained under the command of the Eastern Bosnia Corps); D4131 (Excerpt of the Eastern Bosnia Corps logbook, 5 March 1995 to 12 June 1996), e-court p. 3.

18794 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13145. *See* D3236 (Witness statement of Gojko Čekić dated 31 March 2013), paras. 13, 21 (testifying that approximately 120 detainees from Srebrenica arrived at Batković Camp in the second half of July 1995); Gojko Čekić, T. 36504–36505, 36508–36509 (3 April 2013). According to a list of persons detained at Batković Camp, over 150 detainees from the Srebrenica area were registered from July to December 1995. P3213 (List of persons detained at Batković Camp), e-court pp. 9, 11, 25, 40, 47, 52, 78, 84, 92, 106, 131, 133, 142, 149, 157, 168, 170, 175, 184, 188, 191, 193.

18795 D4132 (Eastern Bosnia Corps list of prisoners, 18 July 1995); Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13201–13203. The list of persons detained at Batković Camp confirms that all but one of the men named in the Eastern Bosnia Corps list of prisoners were registered at Batković Camp on 18 July

5502. As stated previously, detainees at Batković Camp were registered with the ICRC, which visited the camp regularly; this continued in 1995.[18797] The detainees from the Srebrenica area were exchanged from July 1995 to January 1996.[18798] Soon after, Batković Camp was shut down.[18799]

*v. Reburial operation*

5503. The Chamber recalls its previous findings that the bodies of victims of the Scheduled Incidents at the Kravica Warehouse, Orahovac, Petkovci Dam, Kozluk, Branjevo Military Farm, and Pilica Cultural Centre, which had been buried in primary gravesites in the Bratunac and Zvornik areas, were exhumed, transported, and reburied in remote secondary gravesites in September and October 1995.[18800] The Chamber will discuss the processes in further detail below.

(A) The reburials from the Bratunac area

5504. In September 1995, Popović visited the Bratunac Brigade to convey an order from the Main Staff, stating that an operation involving the exhumation and reburial of bodies from the Glogova gravesites was to be carried out.[18801] This operation was known as "*asanacija*" or the sanitation and hygiene measures operation, and Momir Nikolić was tasked with co-ordinating the logistics.[18802]

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1995 and the following days. P3213 (List of persons detained at Batković Camp), e-court pp. 9, 52, 78, 106, 131, 168, 175, 184, 188, 191.

18796 D3244 (Drina Corps combat report, 26 July 1995), p. 2; Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13144. Two survivors of Scheduled Incident E.9.2 arrived at Batković Camp on 26 July, after surrendering to Bosnian Serb Forces. *See* para. 5437.

18797 *See* Scheduled Detention Facility C.2.1. *See also* Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 12958, 12988, 13088; P5125 (VRS Main Staff instructions, 26 July 1995), p. 1.

18798 Milenko Todorović, D4124 (Transcript from *Prosecutor v. Tolimir*), T. 13147–13149; D3236 (Witness statement of Gojko Čekić dated 31 March 2013), para. 21; P3213 (List of persons detained at Batković Camp), e-court pp. 9, 11, 25, 40, 47, 52, 78, 84, 92, 106, 131, 133, 149, 157, 168, 170, 175, 184, 188, 191, 193. *See also* KDZ333, T. 24162 (2 February 2012); KDZ333, P4342 (Transcript from *Prosecutor v. Krstić*), T. 3046; Ahmo Hasić, P354 (Transcript from *Prosecutor v. Popović et al.*), T. 1214–1215; Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1230 (under seal); D2052 (Statement of KDZ333 to State Commission on Gathering Facts on War Crimes, 20 July 1996), p. 5 (under seal).

18799 *See* Scheduled Detention Facility C.2.1.

18800 *See* paras. 5264, 5267, 5352, 5380, 5411, 5461. *See also* P4512 (Photograph booklet entitled "Srebrenica Mass Graves - Primary and Secondary Mass Grave Aerial Imagery"), e-court p. 7; Adjudicated Facts 1864, 1872.

18801 Momir Nikolić, T. 24688 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 13. *See also* Petar Salapura, T. 40283 (24 June 2013); Adjudicated Facts 1865, 1872. *But see* Vujadin Popović, T. 43113–43114 (6 November 2013) (denying having personally participated in the reburial operation, and adding that he merely kept tabs on the use of fuel and was not aware of the location of the secondary gravesites, as the reburial operation was "some sort of secret").

18802 Momir Nikolić, T. 24688, 24693 (14 February 2012); D2081 (Momir Nikolić's statement of facts from Plea Agreement, 7 May 2003), para. 13. *See* Adjudicated Fact 1868.

5505. Drivers, vehicles, and machinery from civilian companies, as well as members of the Bratunac Civilian Protection, were utilised in the reburial operation.[18803] A number of meetings were held at the Bratunac municipal building, where Deronjić communicated with local companies so that part of the "non-military related tasks" could be carried out.[18804] Specifically, around mid–October, Deronjić requested workers from the Bratunac Civilian Protection and ordered that they should report to Momir Nikolić that evening.[18805] The workers were dropped off in front of the Bratunac Brigade Command between 9 and 10 p.m.[18806]

5506. The reburial operation took place over the course of several nights.[18807] The 5th Engineering Battalion provided some of the machinery and fuel for the operation.[18808] Members of the Bratunac Brigade MP and the Bratunac SJB secured the Bratunac–Konjević Polje and Bratunac–Ljubovija Roads, and diverted traffic to other routes so that the trucks transporting the bodies from Glogova through Bratunac town, in the direction of Srebrenica, could pass unhindered.[18809] A stench that could be smelled throughout Bratunac town emanated from the bodies as they were being transported.[18810] Though intended to be a secret operation, the operation ceased to be covert due to the number of participants involved.[18811]

5507. Aerial images show a front loader at the Glogova gravesites and indicate that earth was disturbed on or before 30 October 1995.[18812] Additional aerial images indicate that earth was disturbed at six locations along the Zeleni Jadar Road between 24 August and 23 October 1995, and that these secondary graves were backfilled in late October 1995.[18813] Further, the Chamber has

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18803 Momir Nikolić, T. 24689 (14 February 2012). These companies included the Rad Utilities Company, the state-owned bricks company in Bratunac, the Radnik construction company, the Sase mine, and the Autoprevoz company from Srebrenica. Momir Nikolić, T. 24689 (14 February 2012).

18804 Momir Nikolić, T. 24690 (14 February 2012).

18805 [REDACTED]. *See* Momir Nikolić, T. 24691–24693 (14 February 2012); P4391 (Report on meeting of Bratunac Brigade, 16 October 1995).

18806 [REDACTED]. When asked about the nature of the task, Momir Nikolić stated that it would be "the same thing they did recently". [REDACTED].

18807 [REDACTED]. *See also* Momir Nikolić, T. 24690 (14 February 2012).

18808 Momir Nikolić, T. 24689–24690 (14 February 2012).

18809 Momir Nikolić, T. 24689 (14 February 2012); KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3582–3583. *See also* P407 (Witness statement of Desmir Đukanović dated 20 March 2007), para. 7 (stating that while waiting at a bus station in September, he saw trucks transporting bodies from Glogova in the direction of Srebrenica at night).

18810 P407 (Witness statement of Desmir Đukanović dated 20 March 2007), para. 7; KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3582–3583.

18811 Momir Nikolić, T. 24690 (14 February 2012); Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14511. Milenko Katanić testified that civilians were aware of bodies being relocated from Glogova and speculated that the trucks driving through the town were carrying bodies. P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 98; Milenko Katanić, T. 24547 (10 February 2012) (private session). *See also* Mile Petrović, T. 45566 (17 January 2014).

18812 *See* para. 5252.

18813 *See* para. 5260.

already noted forensic evidence establishing links between the two primary gravesites at Glogova, and the secondary gravesites at Zeleni Jadar, Budak, Blječeva, and Zalažje.[18814]

(B) The reburials from the Zvornik area

5508. On 14 September 1995, the Main Staff sent an urgent order signed by Mladić to the Drina Corps command approving five tonnes of D-2 diesel to be delivered to Trbić at the Standard Barracks.[18815] Pursuant to Mladić's order, Žarko Ljuboječić of the Main Staff's Sector for Logistics directed the command of the 35th Logistics Base to issue 5,000 litres of D-2 diesel, and requested that a Drina Corps representative collect the fuel and provide transportation for its delivery.[18816] [REDACTED].[18817] [REDACTED].[18818]

5509. On 15 September, [REDACTED], Pandurević went the Drina Corps command to look into the issue.[18819] [REDACTED].[18820]

5510. One day in September, Damjan Lazarević received a call from Bogičević, who ordered him to report to the Standard Barracks.[18821] Lazarević was then ordered by Bogičević and Jokić to oversee an operation, which involved exhuming bodies from primary gravesites and transporting them to new graves using Zvornik Brigade equipment.[18822] Lazarević was given a list of names—including three operators from the Engineering Company and members of other units of the Zvornik Brigade—who would assist in the operation.[18823]

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18814 *See* paras. 5264–5265, 5267.

18815 P4592 (VRS Main Staff Order, 14 September 1995); KDZ122, T. 26200–26202 (13 March 2012) (closed session); P4563 (Statement by KDZ122), p. 7 (under seal). *See also* Adjudicated Fact 1870. The Chamber notes that P4592 refers to Captain Milorad "Trpić", but is satisfied that this is a typographical error and that the order in fact refers to Milorad Trbić. *See* KDZ122, T. 26200 (13 March 2012) (closed session).

18816 P4593 (VRS Main Staff Order, 14 September 1995); [REDACTED]. According to P4992 and P4993, the fuel approved by the VRS Main Staff was to be used for "engineering works" in the Drina Corps area of responsibility. *See* P4592 (VRS Main Staff Order, 14 September 1995); P4593 (VRS Main Staff Order, 14 September 1995).

18817 [REDACTED].

18818 [REDACTED].

18819 [REDACTED].

18820 [REDACTED]. Popović's involvement in overseeing the reburial operation is further evidenced by an intercepted conversation between Popović and "Mihalić" at 6:44 p.m., where Popović inquired if the fuel had arrived. Popović then asked Mihalić if Trbić was "there somewhere". Mihalić replied that Trbić had left, to which Popović responded "he is working on that, right?" P5360 (Intercept of conversation between Lt. Col. Vujadin Popović and Mihalić, 22 September 1995). [REDACTED]. *But see* Vujadin Popović, T. 43113–43114 (6 November 2013) (testifying that he did not directly participate in the reburial operation and that he merely "kept tabs on the use of fuel").

18821 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14468, 14525.

18822 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14467–14469, 14522–14523.

18823 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14468, 14484–14485, 14522–14523.

5511. Machine operators belonging to the Zvornik Brigade Engineering Company and other members of the Zvornik Brigade reopened the primary gravesites.[18824] Heavy duty tipper trucks driven by civilians and belonging to the Zvornik Brigade and various private companies transported the bodies.[18825] The reburial operation in Zvornik was conducted over a period of five or six nights.[18826] Drago Nikolić and the Zvornik Brigade MP provided traffic security.[18827] Throughout this time, Trbić co-ordinated the operation, and periodically summoned the personnel involved in the reburials, inquiring about the progress of the operation.[18828]

5512. Aerial images reveal the emergence of disturbed earth at the Lažete, Petkovci Dam, Kozluk, and Branjevo Military Farm gravesites between 7 and 27 September 1995.[18829] Additional aerial images indicate disturbed earth along the Hodžići, Snagovo–Liplje, and Čančari Roads between 7 September and 2 October 1995.[18830] Further, the Chamber has already noted forensic evidence establishing links between the Lažete primary gravesites and seven secondary gravesites located along the Hodžići Road, the primary gravesites at Petkovci Dam and five secondary gravesites along the Liplje Road, the primary gravesites at Kozluk and five secondary gravesites along the Čančari Road, as well as the primary gravesite at the Branjevo Military Farm and nine gravesites located along the Čančari Road.[18831]

(C) Conclusion

5513. On the basis of this evidence, the Chamber finds that between September and October 1995, the VRS Main Staff organised the reburial of bodies of individuals killed within the respective AORs of the Bratunac and Zvornik Brigades in July 1995. The bodies were exhumed from their original graves and reburied in remote secondary graves. The reburial operation was carried out by members of the security organs of the Main Staff, Drina Corps, Bratunac Brigade, and Zvornik Brigade, with the assistance of Bosnian Serb civilian authorities and other VRS and MUP units.

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18824 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14467–14469, 14484–14485. The smell emanating from the bodies was "unbearable" and machine operators took breaks from the task in order to get fresh air. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14485, 14487.

18825 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14484–14485, 14527–14528. Lazarević testified that he was not aware of where the exhumed bodies were reburied, as members of the Engineering Company had not been tasked with the reburials. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14469, 14485–14486, 14509.

18826 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14486, 14510. *See also* Richard Butler, T. 27632–27633 (18 April 2012).

18827 Adjudicated Fact 1871. *See* P4563 (Statement by KDZ122), p. 8 (under seal).

18828 Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14487–14490. Trbić also contacted Lazarević personally for an update on the reburial operation. Damjan Lazarević, P352 (Transcript from *Prosecutor v. Popović et al.*), T. 14507–14508.

18829 *See* paras. 5340, 5375, 5404, 5453.

18830 *See* paras. 5351, 5379, 5410, 5460.

18831 *See* paras. 5351–5352, 5380, 5411, 5461.

5514. The Chamber further finds that the reburial operation was triggered by the discovery by the international community of the existence of mass gravesites in Srebrenica following Albright's address to the Security Council in August 1995, and was conducted for the purpose of hiding the evidence of the mass executions that took place in July 1995 in Srebrenica.[18832]

h. Forensic, demographic, and DNA evidence

(A) Introduction

5515. The number of victims killed during the events in Srebrenica in July 1995, as alleged in the Indictment, is a highly contested matter in this case.

5516. The Prosecution asserts that "over 7,000 Bosnian Muslim men and boys" were killed following the fall of Srebrenica in July 1995.[18833] It supports this assertion by pointing to the 5,850 bodies identified in Srebrenica-related graves as of January 2012,[18834] and to demographic evidence suggesting that 7,905 people went missing after the fall of Srebrenica.[18835]

5517. The Accused contests the Prosecution's calculation of the number of individuals executed after the fall of Srebrenica, asserting that there is absolutely no reliable evidence to suggest that the Bosnian Serbs captured anywhere close to that many prisoners.[18836] He adds that the total number of executed persons cannot exceed the difference between the population of Srebrenica before its fall and the number of people from Srebrenica who arrived in Bosnian Muslim-held territory or elsewhere after the fall of Srebrenica.[18837] The Accused also claims that the Prosecution's argument in relation to the number of people killed is fallacious, as it fails to account for the commingling of the bodies of persons killed in combat with the bodies of those who were

18832 *See* paras. 5450–5451.

18833 Indictment, para. 47(a). *See* Prosecution Final Brief, Appendix D, paras. 1, 173; Prosecution Closing Argument, T. 47799, 47802 (30 September 2014). The Prosecution explains that this figure is proven by the totality of the evidence, which can be divided in four broad categories: DNA; testimonial evidence of the number of prisoners killed; evidence of the number of prisoners captured; and the demographic evidence of the number of people missing following the fall of Srebrenica. Prosecution Closing Argument, T. 47799 (30 September 2014).

18834 Prosecution Final Brief, Appendix D, paras. 170–171, 173, referencing P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012); Prosecution Closing Argument, T. 47799 (30 September 2014). With regard to any discrepancy with numbers previously used, the Prosecution clarifies that the number of bodies identified is constantly increasing as more Srebrenica-related gravesites are exhumed. Prosecution Final Brief, Appendix D, para. 173; Prosecution Closing Argument, T. 47799 (30 September 2014).

18835 Prosecution Final Brief, Appendix D, paras. 172–173, referencing P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 28–29; P5005 (2012 ICMP updated list of Srebrenica missing) (under seal); and P5004 (Ewa Tabeau's report describing integration of new 2012 ICMP update to 2009 list of Srebrenica Missing persons).

18836 *See* Defence Final Brief, paras. 2697–2700.

18837 *See* Defence Final Brief, paras. 2522–2530.

executed.[18838] While the Accused concludes that approximately 4,000 persons may be considered as unaccounted for after the fall of Srebrenica,[18839] he claims that many of those died from mines, suicides, as a result of "legitimate combat activities", or in the aftermath of the mutiny at the Kravica Warehouse.[18840] He therefore urges the Chamber not to make a determination as to the total number of persons executed after the fall of Srebrenica, as this determination, according to the Accused, cannot be made beyond reasonable doubt.[18841]

5518. The Prosecution responds by stating that the Accused's arguments on the number of Bosnian Muslim men executed in Srebrenica fail to consider the totality of the evidence in this case, which includes evidence of witnesses, intercepts, and other documents corroborated by forensic and demographic evidence.[18842] The Prosecution adds that the Accused has examined the forensic and demographic evidence in isolation, and that his argument that the number of Srebrenica victims cannot be determined is confused and speculative, and is not supported by the evidence in this case.[18843]

5519. In earlier sections of this Judgement, the Chamber has considered the evidence surrounding the Incidents in Schedule E of the Indictment and has found that at least 5,115 men were killed by members of the Bosnian Serb Forces in July 1995 in Srebrenica.[18844] This figure is the result of the Chamber's thorough analysis of the forensic, demographic, and DNA-related evidence admitted in this case.

5520. Specifically, the Chamber received the evidence of several experts who participated in the exhumation of the various gravesites associated with the Srebrenica killings, namely anthropologists José Pablo Baraybar,[18845] William Haglund,[18846] Freddy Peccerelli,[18847] and Richard

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18838 *See* Defence Final Brief, para. 2519.

18839 Defence Final Brief, paras. 2530, 2559.

18840 Defence Final Brief, paras. 2548–2572.

18841 Defence Final Brief, paras. 2520, 2702.

18842 Prosecution Closing Argument, T. 47794–47795 (30 September 2014).

18843 Prosecution Closing Argument, T. 47795 (30 September 2014).

18844 The Chamber reached this total number of victims of the Schedule E Incidents by adding the following numbers: 15 Bosnian Muslim men killed at the Jadar River; 755 Bosnian Muslim men killed at the Kravica Warehouse; ten Bosnian Muslim men killed at the Sandići Meadow; 21 Bosnian Muslim men killed at the Luke School; 841 Bosnian Muslim men killed at Orahovac; 815 Bosnian Muslim men killed at Petkovci; 815 Bosnian Muslim men killed at Ročević School and Kozluk; 1,735 Bosnian Muslim men killed at the Kula School, the Branjevo Military Farm, and the Pilica Cultural Centre; two Bosnian Muslim men killed at Snagovo; 39 Bosnian Muslim men killed at Bišina; six Bosnian Muslim men killed at Trnovo; ten Bosnian Muslim men killed at Potočari; and 51 Bosnian Muslim men killed at Bratunac Town. *See* paras. 5141, 5145, 5154, 5205, 5286, 5291, 5303, 5306, 5354, 5382, 5413, 5464, 5481, 5490, 5497.

18845 P4038 (Jose Baraybar's *curriculum vitae*). Jose Baraybar gave evidence on the exhumations at Kozluk, Čančari Road, Glogova, Zeleni Jadar, Lažete, Hodžići Road, Pilica (Branjevo Military Farm), and Ravnice. P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999); P4033 (Jose Baraybar's expert report entitled "Report on Excavations at

Wright,[18848] as well as forensic pathologists John Clark[18849] and Christopher Lawrence.[18850] Additionally, the Chamber received evidence from other Prosecution witnesses, namely Thomas Parsons, Ewa Tabeau, Dean Manning, Jean-René Ruez, and Dušan Janc, which was used, as appropriate, in determining the number of Bosnian Muslim men killed as a result of the events described for each Scheduled Incident.

5521. Finally, the Chamber received evidence from Dušan Dunjić, a "forensic medical officer", and Stevo Pašalić, a professor in demography and social geography, who testified as Defence witnesses and challenged the evidence of the Prosecution witnesses.[18851] Dunjić prepared two reports for this case. In the first one—which was admitted into evidence as D3893—he reviewed and analysed, *inter alia*, exhumation and autopsy records from a number of Srebrenica-related

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Glogova 2, BiH 1999–2001"); P4034 (Jose Baraybar's expert report entitled "Report on the Exhumation of Mass Gravesites in Eastern Bosnia, August-October 1999", 8 December 1999); P4035 (Jose Baraybar's expert report entitled "Report on Excavations at the Site of Zeleni Jadar 6, BiH 2001"); P4036 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 2000", 2 February 2001).

18846 P4309 (Dr. William Haglund's *curriculum vitae*). William Haglund led the exhumations at Cerska Valley, Lažete, and the Branjevo Military Farm. P4311 (William Haglund's expert report, entitled "Forensic Investigation of the Cerska Grave Site - Volume I", 15 June 1998); P4316 (William Haglund's expert report, entitled "Forensic Investigation of the Lazete 2 Grave Site - Volume I", 15 June1998); P4321 (William Haglund's expert report, entitled "Forensic Investigation of the Pilica (Branjevo Farm) Grave Site - Volume I", 15 June 1998).

18847 P4134 (Fredy Peccerelli's 2007 *curriculum vitae*). Fredy Peccerelli worked on the exhumations at Lažete. P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001); P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007).

18848 P3998 (Richard Wright's *curriculum vitae*). Richard Wright worked on exhumations at Petkovci Dam, Kozluk, Glogova, Liplje, Čančari Road, Hodžići Road, and Zeleni Jadar. P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999); P4001 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at Kozluk in 1999: with appendix on visits to Konjević and Potočari", 2 February 2000); P4009 (Richard Wright's expert report entitled "Report on Excavations and Exhumations at the Glogova 1 Mass Grave in 2000", 9 February 2001).

18849 P4102 (Dr. John Clark's *curriculum vitae*). John Clark worked on remains from Kozluk, Glogova, Lažete, Ravnice, and Zeleni Jadar. P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated); P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003).

18850 P4063 (Dr. Christopher Lawrence's *curriculum vitae*). Christopher Lawrence worked on remains from Petkovci Dam, Čančari Road, Hodžići Road, Zeleni Jadar, and Liplje. P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999); P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999); P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August-September 1998", 17 June 1999); P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999); P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999); P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999); P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zeleni Jadar Site 5, October 1998", 17 June 1999); P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998", 17 June 1999).

18851 Dušan Dunjić, T. 41728 (22 July 2013); Stevo Pašalić, T. 35344 (13 March 2013); D3124 (Stevo Pašalić's *curriculum vitae*), e-court p. 1.

gravesites, as well as reports prepared by Haglund, Clark, Wright, Lawrence, Peccerelli, and Baraybar in connection with the Srebrenica-related gravesites.[18852] The second report—which was admitted into evidence as D3894—was prepared for the purpose of objecting to findings by the Prosecution experts on, *inter alia*, the cause of death of Srebrenica victims.[18853] Pašalić prepared a report for this case, which was admitted into evidence as D3125, and gave evidence on the demographic movements in BiH in the periods before, during, and after the war.[18854]

5522. In reaching its findings on the total number of victims killed during the course of the Scheduled Incidents, as set out in the Potočari, Bratunac, and Zvornik sections of this Srebrenica component of the Judgement, the Chamber has considered and analysed the evidence of all of these witnesses, as well as the corresponding challenges raised by the Accused. The Chamber will deal with general aspects of the witnesses' evidence, Dunjić's challenges thereto, as well as with the Accused's arguments, in the sections below.

(B) Forensic evidence

5523. In 1996, Prosecution teams of experts began investigating and exhuming gravesites suspected of being connected to the fall of Srebrenica in July 1995.[18855] Between 1996 and 2001, they identified more than 43 primary and secondary mass graves as being connected to the fall of Srebrenica, and exhumed approximately 22 of those.[18856] In 2001, the Tribunal handed over the responsibility for the exhumation of all remaining gravesites to the BiHCMP, which was initially monitored by the Tribunal for the remainder of 2001, and later by the ICMP.[18857] In addition to the graves already exhumed by the Tribunal, the BiHCMP and the ICMP identified additional gravesites connected to Srebrenica.[18858]

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18852 Dušan Dunjić, T. 41727 (22 July 2013); D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 8–10, 38–39. The Chamber also admitted the reports prepared by Dunjić for the Popović *et al.* case. *See* Dušan Dunjić, T. 41806–41807 (23 July 2013); D3896 (Dušan Dunjić's expert report entitled "Forensic Analysis of Exhumation Reports from the Bišina Site and Documents Relating to the Update to the Summary of Forensic Evidence from Graves in the Srebrenica Area", April 2009).

18853 Dušan Dunjić, T. 41775–41776, 41789 (23 July 2013); D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012).

18854 *See e.g.* Stevo Pašalić, T. 35347–35348 (1 March 2013); D3125 (Stevo Pašalić's expert report entitled "Ethnic Composition, Displaced Persons and Refugees from 27 Municipalities in the Territory of BiH, 1991-1997", August 2012).

18855 Dean Manning, T. 25803–25804 (6 March 2012).

18856 Dean Manning, T. 25803–25804 (6 March 2012). Manning clarified that this number is a conservative estimate, since many gravesites included multiple smaller sub-graves. Dean Manning, T. 25803–25804 (6 March 2012).

18857 Dean Manning, T. 25804, 25882 (6 March 2012); Dušan Janc, T. 26921 (27 March 2012).

18858 The graves which were identified and/or exhumed by the BiHCMP and the ICMP include Ravnice 2; Čančari Road 1, 2, 4–11, and 13; Hodžići Road 1, 2, 6, and 7; Liplje 1, 3, 4, and 7; Zeleni Jadar 1–4; Blječeva 1–3;

(1) Date of death

5524. The Accused claims that, given that the charges against him concern alleged killings which took place between 12 and 23 July 1995, as opposed to legitimate killings or deaths during the course of combat from 1992 to 1995, it is important to establish when the alleged victims of execution died.[18859]

5525. The Accused argues that the Srebrenica-related gravesites were mixed gravesites containing the bodies of those killed in combat over a period of approximately 45 months, including in July 1995.[18860] The Accused also presents various theories—the most important of which will be discussed in detail in the following paragraphs—to support his claim that many of the Srebrenica missing died in combat and/or prior to the fall of Srebrenica.[18861]

5526. The Chamber notes that the forensic reports tendered by the Prosecution do not include a precise date of death.[18862] Dunjić testified, however, that in order to make a proper assessment as to whether the bodies of some individuals found in Srebrenica-related gravesites died as a result of events not connected with the fall of Srebrenica, he had to first assess the Prosecution's analysis on the date of death.[18863] Dunjić concluded, based on his own analysis, that a precise date of death in relation to the bodies exhumed from Srebrenica-related gravesites could not be determined.[18864]

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Budak 1 and 2; Zalazje, Bišina, Bišina Cave, Sandići, and Potočari. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 2–5, fn. 5. *See also* Dean Manning, T. 25805 (6 March 2012); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 4.

18859 Defence Final Brief, paras. 2655–2656, 2658.

18860 *See* Defence Final Brief, paras. 2548, 2556–2557, 2566, 2641, 2652, 2659. The Accused put his case during cross-examination of: Richard Wright, T. 22290 (1 December 2011); Jose Baraybar, T. 22357–22358 (2 December 2011); Christopher Lawrence, T. 22482, 22493–22494 (8 December 2011); John Clark, T. 22706–22708 (10 January 2012); Fredy Peccerelli, T. 22752 (11 January 2012); William Haglund, T. 23915–23916, 23920, 23952 (31 January 2012); Jean-René Ruez, T. 23983 (1 February 2012); Dean Manning, T. 25849, 25854–25855 (6 March 2012); Thomas Parsons, T. 26647–26648 (22 March 2012); and Dušan Janc, T. 27054 (28 March 2012).

18861 *See e.g.* Defence Final Brief, paras. 2548–2561, 2678.

18862 *See e.g.* P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated); P4104 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2000)", 24 February 2001); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003); P4052 (Christopher Lawrence's expert report entitled "Report on Bodies Recovered Near Kozluk in 1998", 17 June 1999); P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999); P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998", 17 June 1999). *See also* Dušan Janc, T. 27015 (27 March 2012).

18863 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 39.

18864 *See* Dušan Dunjić, T. 41746–41747 (22 July 2013), T. 41881–41882 (24 July 2013). *See also* D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 16–18; D3893 (Dušan Dunjić's expert

This finding is supported by the evidence of Prosecution experts. For example, Baraybar testified that it is not possible to determine when an individual died through a naked-eye examination of a body, be it preserved or decomposed.[18865] Similarly, because of all the factors that could alter the decomposition of bodies within a gravesite, Lawrence acknowledged that he could not ascertain when Srebrenica victims died.[18866] Wright similarly testified that the date of death cannot be determined by merely looking at the remains of an individual.[18867]

(a) Information provided to Prosecution experts

5527. As a general objection to the Prosecution's evidence, the Accused claims that Prosecution experts were not informed about the combat activities in the area before July 1995 or about the possible casualties from such combat activities, and worked under the assumption that all the victims had died during incidents connected to the fall of Srebrenica.[18868] Experts were thus instructed to find victims of the alleged executions that took place in Srebrenica in July 1995, and did not investigate the date of death and burial, or the cause and manner of death.[18869] Consequently, the Accused claims that the experts' evidence does not support the conclusions the Prosecution wants the Chamber to reach.[18870] The Accused urges the Chamber to draw the appropriate conclusions from the 45 month-long military combat activity in the area.[18871]

5528. The Chamber notes that some experts confirmed that they were in fact told that the gravesites being exhumed contained bodies of men who had been executed after the fall of

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report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 57.

18865 Jose Baraybar, T. 22384 (2 December 2011).

18866 Christopher Lawrence, T. 22485–22486 (8 December 2011).

18867 Richard Wright, T. 22293–22294 (1 December 2011). However, in establishing the victims' date and time of death, Wright testified that watches worn by some of the victims were consistent with the date of the executions. Richard Wright, T. 22293–22294 (1 December 2011). The particular watches in question are Seiko mechanical or automatic watches that stop within 24 to 48 hours of the last movement of the watch. Richard Wright, T. 22293–22294 (1 December 2011); Fredy Peccerelli, P4137 (Transcript from *Prosecutor v. Tolimir*), T. 8481–8483; P4135 (Fredy Peccerelli report entitled "Lažete 1, Bosnia and Herzegovina, Excavation and Exhumation Report", 2 February 2001), e-court p. 32; P4136 (Final Report of Fredy Peccerelli entitled "Lažete 2 (LZ02C), Bosnia and Herzegovina, Excavation and Exhumation report", 1 May 2007), e-court p. 27. *See* P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court pp. 29–30, 181. Wright was told that the executions took place on Friday 14 July 1995, and eight of the ten watches found show the date of Saturday 15 July or Sunday 16 July 1995, consistent with the date of execution. Richard Wright, T. 22293, 22295 (1 December 2011); P4000 (Richard Wright's expert report entitled "Exhumations in Eastern Bosnia in 1998", 12 May 1999), e-court 29–32.

18868 *See* Defence Final Brief, paras. 2574–2575, 2634–2635, 2640, 2692, 2694. The Accused referred to this point during his cross-examination of Richard Wright, T. 22290–22292 (1 December 2011).

18869 Defence Final Brief, para. 2634. The Chamber will discuss the evidence relating to the cause and manner of death in the next section.

18870 Defence Final Brief, para. 2656.

18871 Defence Final Brief, paras. 2659, 2676.

Srebrenica.[18872] While some experts were aware that fighting had been taking place in the area for months prior to the fall of Srebrenica,[18873] others did not have this information when they first started working in the area.[18874] Experts focused on gravesites where there was information that people had been executed on 14 to 16 July 1995;[18875] as a result, they worked under the assumption that all the bodies exhumed from the Srebrenica-related gravesites were thought to be related to the fall of Srebrenica.[18876] Clark explained that, based on this understanding, experts were asked whether all of the bodies found within a single gravesite could have been related to one and the same incident.[18877]

5529. Experts also explained that they were provided with limited background information about the bodies in the gravesites, so that they could look at the findings objectively and not be biased.[18878] They were not told what they would, or should, find within the specific gravesites.[18879] Thus, as explained by Baraybar, experts were not asked by the Prosecution to make a finding one way or another, but to extract their findings in a scientific manner and to reach opinions based on their findings.[18880]

5530. The Chamber notes that the fact that experts were provided with limited background information about the bodies in the gravesites and, more generally, about the fall of Srebrenica, does not, in and of itself, taint their reports with bias or make them less reliable.

(b) Mixed gravesites

5531. The Accused claims that throughout the war the remains of soldiers killed in combat and those of the victims of execution were commingled in gravesites, and that single gravesites contained bodies from multiple burials.[18881] According to the Accused, the Prosecution is in possession of many documents indicating that multiple burials took place.[18882] Dunjić states that the discovery of a large number of bodies in a single mass grave does not automatically mean that all the victims whose bodies were exhumed died on the same day, in the same place, and in the

18872 *See e.g.* Christopher Lawrence, T. 22493 (8 December 2011); John Clark, T. 22707 (10 January 2012).
18873 *See* William Haglund, T. 23915 (31 January 2012).
18874 *See* Fredy Peccerelli, T. 22751–22752, 22784–22785 (11 January 2012); John Clark, T. 22707–22708 (10 January 2012).
18875 Jean-René Ruez, T. 23983–23984, 24000–24001 (1 February 2012).
18876 Richard Wright, T. 22289, 22291 (1 December 2011); John Clark, T. 22707 (10 January 2012).
18877 John Clark, T. 22707 (10 January 2012).
18878 *See* John Clark, T. 22707 (10 January 2012).
18879 *See* Jose Baraybar, T. 22383–22384 (2 December 2011).
18880 Jose Baraybar, T. 22358–22359 (2 December 2011).
18881 *See* Defence Final Brief, paras. 2566, 2699.
18882 Defence Final Brief, paras. 2592–2593.

same way.[18883] Dunjić claims that, in the present case, the forensic evidence supports the theory of enrichment, as it shows that bodies brought from different areas not directly connected to Srebrenica were buried subsequently in primary and secondary gravesites.[18884] Referring to evidence received on the fate of many of the men from the column as a result of ambushes by members of the Bosnian Serb Forces, Dunjić also claims that the many casualties were not buried immediately upon their deaths, but were only subsequently brought to the nearest places where they could be buried.[18885]

5532. Contrary to this, the Prosecution claims that there is no archaeological evidence of enrichment in the graves, and argues that all the evidence taken together demonstrates beyond reasonable doubt that all of the Srebrenica-related primary and secondary gravesites exclusively contain the bodies of Srebrenica-related execution victims,[18886] apart from a few exceptions.[18887] In support, the Prosecution refers to the following: first, the Prosecution's experts did not see any evidence that those whose bodies were exhumed from the Srebrenica-related graves died in combat; second, the experts saw no evidence that the Srebrenica-related graves had either been created on the sites of existing sites or subsequently re-opened; third, the cause and manner of death of bodies from each of the primary and secondary gravesites support the witness evidence of the executions at each of these sites; fourth, there were blindfolds and ligatures in the graves associated with some of the killing sites; fifth, some graves contained artefacts linking their contents to the specific site

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18883 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 39.

18884 Dušan Dunjić, T. 41751–41752 (22 July 2013), T. 41772 (23 July 2013); T. 41874–41875, 41878–41879, 41905 (24 July 2013). To support this claim, Dunjić refers to the layers of soil between the bodies, which can suggest burials at different time intervals or that the bodies were moved and reburied at different times. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 19.

18885 Dušan Dunjić, T. 41757–41758 (23 July 2013). In this regard, the Accused specifically refers to the testimony of KDZ045 to claim that the bodies of seven individuals who died while trying to flee Srebrenica were buried in Srebrenica-related gravesites. Defence Final Brief, paras. 2549–2556. *See also* Thomas Parsons, T. 26649 (22 March 2012), T. 26650–26651 (22 March 2012) (private session) (where the Accused questioned Parsons on this same issue). The Prosecution submits that among the seven individuals referred to by KDZ045, six were not buried in Srebrenica–related gravesites and thus were not included in Janc's computation; while the remains of the seventh individual were found in a Srebrenica-related gravesite, KDZ045 did not witness this individual being killed in the woods, but only heard that was the case. Prosecution Closing Argument, T. 47797–47798 (30 September 2014). *See* KDZ045 T. 22677–22679 (10 January 2012) (private session). Having analysed all the evidence in question, the Chamber is satisfied with the Prosecution's explanation, and rejects the Accused's argument in this respect.

18886 Prosecution Final Brief, Appendix D, para. 166; Prosecution Closing Argument, T. 47795–47796 (30 September 2014).

18887 Prosecution Closing Argument, T. 47795–47796 (30 September 2014). The Prosecution states that the exceptions relate to Glogova, Bljećeva, and Liplje 8, but adds that the numbers arising from these gravesites have been explained by Dušan Janc, and not included in the total number of Srebrenica victims in Janc's Report. *See* Prosecution Closing Argument, T. 47795 (30 September 2014). *See also* Dušan Janc, T. 27016–27017 (27 March 2012), T. 27040–27046, 27060 (28 March 2012).

where the detainees were killed; and sixth, there is no credible evidence that the secondary graves contain any bodies other than those of victims from the primary graves.[18888]

5533. The Chamber notes that Prosecution experts involved in the exhumation of Srebrenica gravesites stated that they had not seen any signs of enrichment when conducting their work.[18889] Manning explained that the experts did not see specific evidence pointing to Srebrenica gravesites containing evidence from a previous era, or to bodies buried through the sanitation process.[18890] Haglund testified that, while it was theoretically possible that bodies of combatants could have been previously buried in mass gravesites due to the sanitisation process during the war, his analysis of the gravesites did not support the theory that the victims had died in combat.[18891]

5534. The Chamber also notes that, when discussing the findings in his report for the Kozluk and Glogova gravesites, Clark acknowledged that, theoretically, he could not completely exclude the possibility that at least some of the bodies in such gravesites could have been from an earlier incident and buried in the same gravesite.[18892] However, the presence of blindfolds tied tightly around the vast majority of people's eyes, with a substantial number of bullet holes through blindfolds, led to Clark's opinion that the victims were not combatants.[18893] Similarly, Peccerelli testified that, while he could not entirely rule out the possibility that the victims exhumed from Lažete had died in combat, the evidence analysed left nothing that would lead him to believe that these were deaths resulting from combat.[18894] Peccerelli further explained, when questioned on how he would rule out the possibility of burials taking place in several stages, that bodies were placed without any layer of foreign soil between them, and that burials taking place in stages would be evidenced by a certain degree of disturbance to the grave, which was not seen at Lažete.[18895]

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18888 Prosecution Closing Argument, T. 47796 (30 September 2014). On this last point, the Prosecution states that the Accused has ignored all of the linkage between the primary and the secondary graves, apart from the DNA linkage, which includes soil, pollen, other artefacts, as well as the evidence from witnesses and documents about the reburial operation itself. Prosecution Closing Argument, T. 47796 (30 September 2014).

18889 *See* Richard Wright, T. 22307, 22312–22313 (1 December 2011); Fredy Peccerelli, T. 22741 (11 January 2012); William Haglund, T. 23912–23914 (31 January 2012).

18890 Dean Manning, T. 25855, 25884 (6 March 2012).

18891 William Haglund, T. 23915, 23922–23924, 23943–23944, 23952–23953 (31 January 2012). *See* Defence Final Brief, paras. 2614–2617 (where the Accused's challenges Haglund's evidence on this point).

18892 John Clark, T. 22707, 22712 (10 January 2012). *See also* P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated). Clark added that it was entirely possible that some of the victims in the gravesite were killed in combat. John Clark, T. 22709 (10 January 2012).

18893 John Clark, T. 22709–22710 (10 January 2012).

18894 Fredy Peccerelli, T. 22752–22753, 22781 (11 January 2012). *Cf.* Defence Final Brief, paras. 2575–2580 (challenging Peccerelli's methodology and findings on this point). Peccerelli referred to the presence of ligatures on some of the bodies, probable blindfolds on most of the others, and the organised way the bodies were arranged in the grave, amongst other evidence, to support his claim. *See* Fredy Peccerelli, T. 22753 (11 January 2012).

18895 *See* Fredy Peccerelli, T. 22755–22756, 22759–22760, 22762–22763, 22766–22767 (11 January 2012).

5535. To support the theory of the mixed gravesites, Dunjić claims that the strips identified as blindfolds found in various Srebrenica-related gravesites could either be: (i) simple pieces of cloth used to bandage the forehead, or (ii) headbands tied around the forehead by soldiers who belong to a military group or who want to show their affiliation to a religion.[18896] This argument was also put to experts by the Accused throughout the case.[18897] According to the Accused, it shows that these individuals were killed in combat.[18898] The Accused argued, *inter alia*, that it was customary to wear headbands around the forehead during combat, and that due to decaying tissue these headbands could slide down the head.[18899] He further argued that in circumstances where combatants cannot be differentiated based on race, language or faith, ribbons or other markings are used to prevent friendly fire.[18900]

5536. The Chamber notes that this theory was consistently discounted by Prosecution witnesses.[18901] For example, upon being questioned on whether they knew about Bosnian Muslim combatants wearing head pieces, both Peccerelli and Manning testified that, in relation to bodies found at Lažete, there was nothing to indicate that the blindfolds were actually headbands used by combatants.[18902] When discussing the Branjevo Military Farm gravesite, and upon being questioned on whether he knew about Bosnian Muslim combatants wearing bandanas and the possibility of these being mistaken for blindfolds, Haglund explained that the blindfolds were not bandannas because they had been tied tightly on the eyes and had not moved down.[18903] Similarly, Lawrence testified that, while he could not discard for certain the possibility that the blindfolds found in the Hodžići Road gravesites could be military headbands, he was of the opinion that,

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18896 Dušan Dunjić, T. 41755 (23 July 2013). *See* D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 19.

18897 *See e.g.* the Accused's line of questioning during cross-examination of Christopher Lawrence, T. 22468–22479, 22499 (8 December 2011); John Clark, T. 22710 (10 January 2012); and Dean Manning T. 25866–25881 (6 March 2012). *See also* Defence Final Brief, paras. 2583–2585, 2685–2690; Dušan Dunjić, T. 41755–41756, 41829, 41833–41834 (23 July 2013); D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 19.

18898 *See* Defence Final Brief, paras. 2584–2585, 2639. *See also* Accused's line of questioning during cross-examination of Dean Manning T. 25866–25881 (6 March 2012); D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 19 (where Dunjić reaches the same conclusion).

18899 *See* the Accused's line of questioning during cross-examination of Fredy Peccerelli, T. 22748–22749 (11 January 2012).

18900 *See* Fredy Peccerelli, T. 22751 (11 January 2012).

18901 *See e.g.* William Haglund, T. 23914 (31 January 2012); Christopher Lawrence, T. 22499 (8 December 2011); Dean Manning, T. 25867–25868 (6 March 2012); Fredy Peccerelli, T. 22752–22753 (11 January 2012).

18902 *See* Fredy Peccerelli, T. 22746–22750 (11 January 2012); Dean Manning, T. 25867–25868 (6 March 2012).

18903 William Haglund, T. 23914, 23947–23948 (31 January 2012). Haglund further explained that if the bodies had been on the surface, then the material could have moved from the eyes; however, this was not possible in cases where the bodies were buried compactly in the grave. William Haglund, T. 23914–23915 (31 January 2012).

based on other evidence, such as the presence of bodies of old people with severe disabilities, the victims were not combatants.[18904]

5537. The Chamber finds that in expounding on his theory on blindfolds, Dunjić ignores the considerable evidence to the contrary and, more generally, the circumstances surrounding the various Scheduled Incidents, as charged in the Indictment. Accordingly, the Chamber considers his analysis to be unacceptable.

5538. To further support the existence of mixed gravesites, the Accused argues that the existence of more than 1,000 surface remains[18905] confirms that there were many combat casualties and claims that, when examining the gravesites, the Prosecution did not make an effort to differentiate between those who died in combat and those who were allegedly victims of execution.[18906] Dunjić adds that while experts acknowledged having informed themselves with the events in Srebrenica before conducting their work, they neglected the possibility that there may have been subsequent burials and that bodies from the surface may have been brought to those gravesites later.[18907]

5539. Prosecution experts agreed that, in conducting their work, a holistic approach for the entire investigation needed to be adopted and that they had to examine the mass graves in context.[18908] The Chamber fully agrees with this. In so far as the various possibilities raised by the Accused are concerned, each piece of forensic evidence has to be considered in light of the totality of the evidence before the Chamber. In the present case, and subject to the Chamber's findings in relation to the Glogova and Blječeva gravesites as referred to below,[18909] the Chamber is satisfied that there is no evidence to prove the existence of mixed Srebrenica-related gravesites.

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18904 Christopher Lawrence, T. 22499 (8 December 2011).

18905 Janc explained that surface remains are body parts or bodies which were never buried and were subsequently found on the surface. Dušan Janc, T. 26982 (27 March 2012). However, as will be discussed below, these remains have not been included in Janc's computation of the total number of Srebrenica-related victims. Dušan Janc, T. 26984–26985 (27 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 5.

18906 Defence Final Brief, paras. 2589–2590, 2636, 2638, 2640.

18907 *See* D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 16 (referring in particular to evidence presented by Wright and Baraybar).

18908 *See* Fredy Peccerelli, T. 22781 (11 January 2012); William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3765.

18909 *See* para. 5594.

(c) Various degrees of decomposition

5540. The Accused also refers to the various degrees of decomposition of bodies found in individual gravesites which, he claims, point to the possibility of multiple burials, and thus support his theory that many of the victims died prior to the fall of Srebrenica.[18910]

5541. In this regard, Dunjić claims that the autopsy reports he reviewed, which describe the state of decomposition of skeletal remains, incontrovertibly point to various dates of death.[18911] Dunjić also notes that the features of the bodies and the changes to the skeletal remains, as noted in the autopsy reports, indicate varying dates of burial, and hence varying dates of death.[18912] Specifically, Dunjić challenges the conclusions of Prosecution experts that different degrees of putrefaction of remains in the same gravesite are attributable to the conditions in the gravesite.[18913] According to Dunjić, different degrees of putrefaction of exhumed bodies in one location could indicate that there are various times of death, subsequent times of burial, that the bodies were brought from other places, or that there were different causes of decomposition.[18914]

5542. The Prosecution claims that it is normal for bodies in a single gravesite to decompose at different rates.[18915] The Chamber heard evidence that differences in the state of preservation are not necessarily indicative of different periods of burial.[18916] Prosecution experts testified that there are many factors that could alter the decomposition of bodies, including how long they have been dead, the location of the body within the gravesite, whether they have been buried or exposed to air, the temperature, humidity and acidity of the soil, the degree of disarticulation of the body, and access of insects to the remains.[18917] Conditions in a mass grave can vary from top to bottom, depending on the amount of moisture present: with adipocere—a process which requires water—

18910 Defence Final Brief, paras. 2639, 2675.

18911 These reports are those for Liplje 4, Bišina, Sandići, Potočari, Nova Kasaba, Pilica, and Zeleni Jadar 5. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 14.

18912 Dušan Dunjić, T. 41749 (22 July 2013), T. 41761–41763 (23 July 2013); D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 13.

18913 Dušan Dunjić, T. 41747 (22 July 2013).

18914 Dušan Dunjić, T. 41747 (22 July 2013), T. 41875–41876, 41880–41882, 41914–41916 (24 July 2013); D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 120–121; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 17.

18915 Prosecution Final Brief, Appendix D, para. 166; Prosecution Closing Argument, T. 47795–47796 (30 September 2014).

18916 Richard Wright, T. 22307–22309 (1 December 2011).

being present at the bottom of a gravesite, and mummification of the body being present at the top of the gravesite.[18918] Thus, bodies buried at the edge of the mass gravesite will decompose at slightly faster rate than bodies in the middle of the mass grave, where there is almost no oxygen present and remains are protected from the environment.[18919] It is therefore common to find almost complete loss of tissue in remains close to edge of the gravesite, and entirely preserved remains in the middle of the gravesite.[18920] Bodies might also decompose differently due to their weight, size, and sex.[18921]

5543. The Chamber finds that various degrees of decomposition within a single gravesite could, in some circumstances, be indicative of bodies having been buried at different times. However, the evidence on the various degrees of decomposition within the Srebrenica-related gravesites ought to be considered in light of the totality of evidence before the Chamber, including that of insiders and eye-witnesses to the killings and burial operations. The Chamber is therefore satisfied with the explanation provided by the Prosecution experts and finds that, in the present case, the existence of various degrees of decomposition within a single gravesite is not indicative of various times of burial and/or of various dates of death.

(d) Victims' clothing

5544. Dunjić states that some of the bodies found at the various gravesites were wearing winter clothes, which suggests that they were more probably killed in winter, before or after the fall of Srebrenica, and that the time of death of victims within one gravesite differs.[18922] The Accused claims that bodies found with multiple layers of clothes serve to prove that they died prior to the fall of Srebrenica.[18923]

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18917 *See* Christopher Lawrence, T. 22482, 22485 (8 December 2011); Fredy Peccerelli, T. 22742 (11 January 2012); Richard Wright, T. 22306–22307 (1 December 2011); William Haglund, T. 23924–23926 (31 January 2012). *See also* William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3738.

18918 Christopher Lawrence, T. 22509 (8 December 2011).

18919 Richard Wright, T. 22306–22307 (1 December 2011); Christopher Lawrence, T. 22509 (8 December 2011); Fredy Peccerelli, T. 22742–22743 (11 January 2012). *But see* Dušan Dunjić, T. 41878–41881 (24 July 2013) (specifically challenging Wright's findings on different degrees of putrefaction in the Glogova gravesites).

18920 Richard Wright, T. 22306–22307 (1 December 2011); Christopher Lawrence, T. 22509 (8 December 2011).

18921 Fredy Peccerelli, T. 22742 (11 January 2012).

18922 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 18. *See* Dušan Dunjić, T. 41847–41849 (23 July 2013).

18923 Defence Final Brief, para. 2678. *See* Accused's line of questioning during cross-examination of Christopher Lawrence, T. 22492–22493, 22502–22503 (8 December 2011).

5545. The Chamber has received evidence showing that men fleeing Srebrenica in July 1995 were often wearing multiple layers of clothes.[18924] The Chamber is thus not persuaded by the Accused's argument and dismisses it in its entirety.

(2) Cause and manner of death

5546. As discussed in the findings relating to each specific Scheduled Killing Incident, the forensic reports tendered by the Prosecution indicate that the main cause of death was determined to be gunshot injury. However, in a considerable number of cases, the cause of death could not be determined for a number of reasons, including the substantial damage visible on the remains, and their high degree of decomposition.[18925]

5547. The Chamber notes that Clark testified that the primary purpose of autopsies is to examine the bodies for injuries in an attempt to determine the cause of death.[18926] Due to the length of time that the bodies were buried in the Srebrenica-related gravesites, the majority of bodies had skeletonised and the only option was to examine the bones.[18927] Clark explained that *postmortem* injuries include "crushing injuries" caused by the weight of bodies in the grave or vehicles driving over the surface of the graves; *perimortem* injuries, such as blunt force injuries caused by beatings, can unavoidably be wrongly interpreted as *postmortem* damage.[18928] As a result, Clark acknowledged that it is difficult to determine if a particular injury had been caused before or after death, as it is only possible to do so when looking at soft tissue damage such as bruising or

18924 *See e.g.* P4909 (Photographs of men, 10 April 2012), e-court pp. 2–4; P667 (Zoran Petrović-Pirićanac's video footage), at 00:00:54, 00:00:59, 00:01:14, 00:23:34, 00:23:50; P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 160–161. *See also* Christopher Lawrence, T. 22515 (8 December 2011).

18925 Christopher Lawrence, T. 22456, 22512 (8 December 2011). *See e.g.* P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 8, 20–22; P4055 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 3, August–September 1998", 17 June 1999), e-court pp. 2, 6–9, 32; P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 4, 11, 40; 43; P4056 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 3, October 1998", 17 June 1999), e-court pp. 7–8, 14–15; P4057 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 4, October 1998", 17 June 1999), e-court pp. 6, 22; P4058 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Hodžići Road Site 5, October 1998", 17 June 1999), e-court pp. 7–8; P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zelani Jadar Site 5, October 1998", 17 June 1999), e-court pp. 9, 31; P4060 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Liplje Site 2, October 1998", 17 June 1999), e-court pp. 8, 20. *See also* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 20–21.

18926 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), p. 3.

18927 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), p. 3; John Clark, T. 22706 (10 January 2012); P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 3; John Clark, John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3906.

haemorrhaging.[18929] Clark thus assumed that the vast majority of gunshot and other relevant injuries occurred in life and explained that the fact that the vast majority of bodies examined showed evidence of gunshot injury suggests that the gunshot damage occurred when victims were alive; the alternative assumption would be that the victims died in an obscure and undetected way and were shot *postmortem*.[18930] When determining the cause of death, based on the assumption that these gunshots were fired *perimortem*, Clark concluded that evidence of the bullet passing through the skull, chest or abdominal area would be fatal.[18931] In cases where there was evidence that the bullet passed through the limbs, the cause of death could not be established and, in the absence of any other findings, the cause of death was listed as unascertained.[18932]

5548. The Chamber also notes that Lawrence similarly acknowledged that, while in a number of cases the cause of death was determined, in a considerable number of cases the cause of death could not be determined with certainty due to the high degree of decomposition and disarticulation of the bodies.[18933] In these cases, Lawrence explained, the injuries would be described as probable or possible cause of death.[18934] There were other cases, however, where the bodies were so severely disarticulated that a real cause of death could not be determined.[18935] In these cases, the cause of death was undetermined.[18936]

5549. In relation to the manner of death, the Chamber notes that Haglund testified that one would need to look at the gravesite in context when attempting to determine whether the injuries to the

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18928 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), p. 3; John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3906–3908.

18929 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), p. 3; P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 3; John Clark, T. 22706 (10 January 2012); John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3906–3907.

18930 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), pp. 3–4; P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), p. 3; John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3906–3907. Clark acknowledged the possibility of *postmortem* injuries to the skeletons. *See* John Clark, T. 22713–22714 (10 January 2012).

18931 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), pp. 3–4; John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3906–3907, 3910, 3950.

18932 P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), p. 4; John Clark, P4110 (Transcript from *Prosecutor v. Krstić*), T. 3910, 3950.

18933 Christopher Lawrence, T. 22457–22458, 22512 (8 December 2011); P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court p. 32.

18934 Christopher Lawrence, T. 22458 (8 December 2011). *See* P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 2, 22.

18935 Christopher Lawrence, T. 22458–22459 (8 December 2011). *See* P4053 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from the Dam Site June 1998", 17 June 1999), e-court pp. 2, 22; P4054 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Čančari Road Site 12, August 1998", 17 June 1999), e-court pp. 3, 32, 43.

18936 Christopher Lawrence, T. 22457, 22459, 22513 (8 December 2011).

bodies were the result of combat operations or of executions.[18937] Haglund explained that if all the bodies found at a gravesite were shot, and the majority had their hands bound, he would conclude that the gunshot injuries were the result of an execution.[18938] Similarly, in graves where a significant number of bodies had blindfolds on, there was an assumption that they were not killed in combat, but were rather executed.[18939]

5550. Dunjić criticises the reports prepared by the Prosecution experts and claims they are solely "summary reports" with "cut-and-dried" diagnoses and conclusions, and do not analyse in detail the manner in which injuries were caused.[18940] In particular, Dunjić states that the reports reviewed failed to give a detailed description of the observed injuries, and drew "prearranged" conclusions that the injuries were gunshot injuries.[18941] It was thus impossible for him to establish if the injuries present were indeed gunshot injuries.[18942]

5551. Dunjić claims that, "according to forensic doctrine", the cause of death cannot be established with certainty and precision, and must be given very conditionally.[18943] Similarly, it is very difficult to determine in decomposed and skeletonised bodies whether injuries are *antemortem*, that is, that they were inflicted when the victims were still alive, or *perimortem*, that is, that they were inflicted either immediately before or after death.[18944] Yet, Prosecution experts all categorically speak of injuries occurring in life, immediately before death.[18945]

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18937 William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3765.

18938 *See* William Haglund, P4310 (Transcript from *Prosecutor v. Krstić*), T. 3765, 3769; Dušan Janc, T. 27020–27022 (27 March 2012) (supporting this theory).

18939 *See* William Haglund, T. 23914, 23952 (31 January 2012).

18940 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 39; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 8.

18941 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 7, 9.

18942 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 9; Dušan Dunjić, T. 41780 (23 July 2013).

18943 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 4; D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 118.

18944 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 51; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 12. *See* Dušan Dunjić, T. 41779–41780 (23 July 2013).

18945 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 51–52, 118; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents

5552. Dunjić challenges the findings in the relevant autopsy reports and states that, except for the cases where it had been established beyond reasonable doubt that the bodies were bound by ligatures, wires, or ropes, the findings in such reports could not allow for one to reach the conclusion that individuals had been victims of execution.[18946] According to Dunjić, there were between 400 and 500 bodies found with ligatures in Srebrenica-related gravesites which could be considered as being victims of executions; this is irrespective of the injuries present on those bodies.[18947] Further, only a very limited number of bodies presented injuries which would allow for the conclusion that such individuals had been executed; the cause of death for the remainder could be various, including shrapnel and projectiles, which could indicate that the person in question died in combat.[18948]

5553. Specifically referring to the reports prepared by Clark and Lawrence, Dunjić claims that the conclusions on the cause and manner of death contained therein were drafted on the basis of wrong assumptions.[18949] Dunjić explains that both experts adopted the assumption that the injuries on the victims were caused when they were still alive, and thus the victims had died as a result of those particular injuries.[18950] These assumptions were, according to Dunjić, also accepted by Baraybar, Haglund, and Wright.[18951] However, Dunjić claims that in a case of a skull perforation caused by a

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Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 12. *See* Dušan Dunjić, T. 41779–41780 (23 July 2013).

18946 Dušan Dunjić, T. 41749 (22 July 2013); T. 41887–41888, 41898–41899 (24 July 2013). The Chamber notes that Manning prepared a chart containing a list of blindfolds and ligatures located between 1996 and 2001, as well as the gravesites from which they were exhumed. Dean Manning, T. 25821–25822 (6 March 2012); P4507 (Chart of photographs of blindfolds, ligatures, and location). Manning's methodology in creating the chart included physically examining each item, examining documentation for each item, including photographic logs, evidence logs, autopsy reports, and observations by pathologists, crime scene officers, and other experts. Dean Manning, T. 25821 (6 March 2012). Manning explained that some of the blindfolds and ligatures were located only at the time of autopsy and examination of the body, and on occasion by the time the bodies arrived in the mortuary the blindfolds and ligatures had fallen off or become disassociated with the body. Dean Manning, T. 25821–25822 (6 March 2012). The final numbers in Manning's chart were 423 ligatures and 448 blindfolds; these numbers did not necessarily match with the other experts' numbers because his conservative numbers were based on the examination of all aspects of the exhumation and autopsy process. Dean Manning, T. 25823–25824 (6 March 2012).

18947 Dušan Dunjić, T. 41893–41894, 41898–41899 (24 July 2013).

18948 Dušan Dunjić, T. 41749–41750 (22 July 2013).

18949 Dušan Dunjić, T. 41775–41777, 41803 (23 July 2013), T. 41860 (24 July 2013). *See* Dušan Dunjić, T. 41802–41803 (23 July 2013); D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 8. *See* D3896 (Dušan Dunjić's expert report entitled "Forensic Analysis of Exhumation Reports from the Bišina Site and Documents Relating to the Update to the Summary of Forensic Evidence from Graves in the Srebrenica Area", April 2009), p. 212.

18950 Dušan Dunjić, T. 41776–41777 (23 July 2013), T. 41859–41860 (24 July 2013); D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 50–51, 54–55; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 7–8.

18951 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 12. *See* Dušan Dunjić, T. 41777, 41803–41804 (23 July 2013).

shot from a firearm, this can be the cause of death only if it is proven that the person was alive before the injury was inflicted, which can only be done on fresh bodies.[18952] Consequently, the experts' characterisation of injuries as *perimortem* was not properly done.[18953]

5554. Dunjić refers to Clark's evidence acknowledging the limitations faced when conducting his examination of remains found at the Kozluk and Glogova gravesites.[18954] Similarly, Dunjić refers to Lawrence's evidence acknowledging that in a large number of cases he was not able to determine the cause of death.[18955] Dunjić goes even further and claims that Lawrence's findings that *postmortem* injuries tended to obscure *perimortem* injuries were absolutely arbitrary, if not actually malicious.[18956]

5555. The Chamber notes that the advanced state of skeletonisation and putrefaction of the bodies exhumed from Srebrenica-related gravesites presented problems for the Prosecution experts, particularly when determining the cause of death. While the Chamber acknowledges these difficulties, it is satisfied with the methodology followed by the experts in reaching their conclusions, and with the reliability of such conclusions. Further, the Chamber finds Dunjić's evidence on cause of death to show a complete disregard for the evidence on the various Scheduled Killing Incidents, which comes from many witnesses, including survivors and insider witnesses, such as direct perpetrators, and those involved in the burial and reburial of bodies.

5556. In relation to the manner of death, the Accused argues that at minimum 1,000 individuals, but likely many more, died as a result of mines, suicides, or legitimate combat activities after the fall of Srebrenica.[18957] Dunjić also claims that, contrary to Clark's findings that for most cases

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18952 In putrefied and skeletonised bodies, without soft tissue, such skull perforation is only a possible cause of death given that the person could have died before the injury was inflicted, from many other causes. D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 8.

18953 Dušan Dunjić, T. 41777–41778 (23 July 2013). *See* D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 8.

18954 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 7–8 (referring to P4103 (John Clark's expert report entitled "Report of Chief Pathologist, Srebrenica Grave Sites (1999)", undated), e-court pp. 3–4). *See also* Defence Final Brief, para. 2663 (where the Accused discusses the difficulties faced by Clark).

18955 Dušan Dunjić, T. 41781–41782 (23 July 2013). *See* D3896 (Dušan Dunjić's expert report entitled "Forensic Analysis of Exhumation Reports from the Bišina Site and Documents Relating to the Update to the Summary of Forensic Evidence from Graves in the Srebrenica Area", April 2009), p. 212.

18956 D3896 (Dušan Dunjić's expert report entitled "Forensic Analysis of Exhumation Reports from the Bišina Site and Documents Relating to the Update to the Summary of Forensic Evidence from Graves in the Srebrenica Area", April 2009), p. 212; Dušan Dunjić, T. 41782–41783, 41821–41824 (23 July 2013).

18957 Defence Final Brief, paras. 2557–2561, 2565, 2571, 2636, 2638.

death cannot be linked to combat, there is a lot of evidence proving the contrary.[18958] Dunjić refers to evidence supporting his claim, such as the fact that in a large number of cases the relevant autopsy report indicates extensive injuries characteristic of injuries caused by large projectiles or shells, and to the fact that a large presence of individual injuries on different parts of the body is more indicative of combat.[18959] Dunjić also refers to various witness statements to claim that a large number of the Srebrenica victims were members of the ABiH who died as a result of the armed conflict and at numerous sites around Srebrenica.[18960]

5557. The Chamber notes that it received evidence of wounds caused by shells and shrapnel in connection with the killings at the Kravica Warehouse.[18961] While Dunjić argues that these injuries could have been the result of combat activities, the Chamber finds that Dunjić looked at the evidence in question in isolation. The examples referred to by Dunjić relate to gravesites which have been associated with the killings at the Kravica Warehouse.[18962] The Chamber recalls that it received evidence that a series of hand-grenades were thrown in the warehouse through the windows while the detainees were still inside.[18963] Accordingly, the Chamber rejects the Accused's argument and Dunjić's evidence in this regard.

(C) ICMP

5558. Thomas Parsons testified as an expert for the Prosecution in this case. Parsons joined the ICMP as director of forensic sciences, in March 2006.[18964] The ICMP is an organisation established in 1996 whose mission is to assist governments with locating and identifying

18958 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 11. *See* Dušan Dunjić, T. 41889–41890, 41892–41894 (24 July 2013).

18959 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), p. 11. *See* Dušan Dunjić, T. 41781 (23 July 2013); T. 41903–41904 (24 July 2013).

18960 D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 13–15; Dušan Dunjić, T. 41904 (24 July 2013).

18961 *See* paras. 5255, 5263. *See also* P4105 (John Clark's expert report entitled "Report of the Chief Pathologist, Srebrenica Grave Sites (2001)", 24 May 2003), pp. 16, 22, 25–26; P4059 (Christopher Lawrence's expert report entitled "Report on Autopsies of Human Remains from Zelani Jadar Site 5, October 1998", 17 June 1999), e-court pp. 18, 20; P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court pp. 13–15; Dean Manning, T. 25855–25856 (6 March 2012); Dušan Janc, T. 27046 (28 March 2012).

18962 *See* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 48. *See also* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 50–53, 55–56.

18963 *See* para. 5233.

18964 Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20867; Thomas Parsons, T. 26590 (21 March 2012); P4638 (Thomas Parsons' 2011 *curriculum vitae*).

individuals who have disappeared during armed conflicts or as a result of human rights violations.[18965]

5559. As director of forensic sciences, Parsons supervises three main forensic science divisions: the archaeology and anthropology division, the DNA laboratories, and the identification co-ordination division.[18966] The archaeology and anthropology division provides technical assistance in the exhumation of mass gravesites, the recovery of human remains, and the anthropological and pathological analysis in mortuary facilities.[18967] The DNA laboratories—which have been active since 2001—perform DNA typing from bone or blood samples received from mortuary facilities and from family members of the missing.[18968] Finally, the identification co-ordination division oversees the reception of DNA samples and, once the DNA typing is done, matches the samples from family members of the missing and the genetic data from the victims.[18969]

5560. Parsons explained that once the identification co-ordination division receives samples from mortuary facilities and blood samples from an average of three family members of the missing individual, it enters the data into the ICMP system and assigns each sample a random bar code number, ensuring the anonymity of the sample when it reaches the DNA laboratories; this allows for objective testing.[18970] The ICMP maintains a single DNA database within a forensic data management system, comprising of several subprojects from the areas around the world in which it operates.[18971]

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18965 P4644 (ICMP Methodology Report on 2001–2008 DNA Process, 15 January 2008), e-court p. 2; Thomas Parsons, T. 26592–26593 (21 March 2012). *See* Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20867, 20881. The ICMP is currently headquartered in Sarajevo. P4644 (ICMP Methodology Report on 2001–2008 DNA Process, 15 January 2008), e-court p. 2. Parsons explained that the ICMP has an ISO-17025 accreditation since October 2007, and goes annually through technical audits on methods used, results obtained, and processes involved. Thomas Parsons, T. 26556, 26599–26601 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20872, 20893, 20913, 33400; P4637 (ICMP report on DNA testing protocol, 14 February 2011), para. 2. Parsons further testified that the ICMP is considered the world's leader in forensic identifications of missing persons. Thomas Parsons, T. 26597, 26601 (21 March 2012).

18966 Thomas Parsons, T. 26554–27556 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20868.

18967 Thomas Parsons, T. 26555–26556, 26592–26593, 26601–26602 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20868, 20880–20881.

18968 Thomas Parsons, T. 26555, 26601 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20868, 20870; P4644 (ICMP Methodology Report on 2001–2008 DNA Process, 15 January 2008), e-court pp. 2–3; P4651 (ICMP statement on Srebrenica killings of July 1995, 30 November 2007).

18969 Thomas Parsons, T. 26555 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20868.

18970 Thomas Parsons, T. 26555, 26573 (21 March 2012), T. 26628–26631 (22 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20868, 20872, 20876, 20885, 20899. *See also* P4651 (ICMP statement on Srebrenica killings of July 1995, 30 November 2007).

18971 Thomas Parsons, T. 26604 (21 March 2012), T. 26606–26607 (22 March 2012).

5561. Parsons testified that the testing at the ICMP DNA laboratories is conducted in accordance with pre-existing standard operating procedures ("SOPs"), which define the actions and procedures of analysts during DNA testing.[18972] This specific process—a well established technology accepted in the scientific community as a standard for forensic diagnosis—involves extracting DNA from the skeletal remains and performing a polymerase chain reaction amplification of the short tandem repeat locus—a particular place on the DNA that is unique to individuals—resulting in the unique DNA profiles that can be used for genetic comparison.[18973]

5562. As a next step in the process, the laboratories send the testing results to the identification co-ordination division which then uses software to match the unique DNA profiles from the skeletal remains to the anonymous DNA profiles taken from family members.[18974] To obtain a positive match, a minimum of 99.95% certainty is required.[18975] A DNA match report is then prepared indicating findings, *inter alia*, with regard to a DNA match between a human remains sample and a set of family reference DNA profiles, and the location of the gravesite where the human remain sample originated from.[18976] In total, almost 15,000 DNA match reports have been processed in relation to Srebrenica.[18977]

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18972 Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20869, 20909–20910; Thomas Parsons, T. 26556–26557 (21 March 2012); P4644 (ICMP Methodology Report on 2001–2008 DNA Process, 15 January 2008), paras. 5–6. The SOPs used are not unique to the ICMP but are widely used by other laboratories internationally. Thomas Parsons, T. 26557 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20909–20910. The ICMP SOPs have been evolving over the years in order to reflect, *inter alia*, new models of laboratory equipment, enhanced quality control measures, and validation of new methods. *See* Thomas Parsons, T. 26556–26557 (21 March 2012); P4637 (ICMP report on DNA testing protocol, 14 February 2011).

18973 Thomas Parsons, T. 26658–26659 (22 March 2012). *See* Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20870–20871; P4644 (ICMP Methodology Report on 2001–2008 DNA Process, 15 January 2008), paras. 5–6. Parsons explained that the ICMP previously used an industry standard extraction method where chemical manipulations were performed on bone samples to retrieve relatively pure DNA. Thomas Parsons, T. 26551–26552, 26559 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20870–20871. Since then, a new extraction method that isolates DNA from degraded skeletal remains resulting in a higher DNA extraction success rate, has been introduced. Thomas Parsons, T. 26551–26552, 26559 (21 March 2012); P4637 (ICMP report on DNA testing protocol, 14 February 2011), pp. 1–2.

18974 P4644 (ICMP Methodology Report on 2001–2008 DNA Process, 15 January 2008), paras. 23–24; Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20868, 20876. *See* Thomas Parsons, T. 26628–26629 (22 March 2012); P4651 (ICMP statement on Srebrenica killings of July 1995, 30 November 2007).

18975 Thomas Parsons, T. 26616 (22 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20877.

18976 Thomas Parsons, T. 26560, 26572–26573 (21 March 2012), T. 26608–26609 (22 March 2012). *See* P4640 (DNA reports of persons exhumed from Koričanske Stijene on 3 October 2003). The DNA match reports are reviewed by two experts to verify the matches done by the software. *See* P4644 (ICMP Methodology Report on 2001–2008 DNA Process, 15 January 2008), para. 27.

18977 Thomas Parsons, T. 26611–26613 (22 March 2012). Parsons explained that this number, which is significantly higher than the total number of Srebrenica missing, is the result of the fragmentation of many of the mortal remains, and multiple samples belonging to the same individual being tested. Thomas Parsons, T. 26612–26613 (22 March 2012).

5563. The information identifying an individual from the DNA match reports is then incorporated into the ICMP database which, Parsons explained, includes a subproject relating to the entire war period in BiH.[18978] The Chamber notes that from this BiH subproject, a specific list including the name of victims associated with the events surrounding the fall of Srebrenica was created ("Srebrenica List").[18979] The Srebrenica List contains information on the names and dates of birth of victims, protocol IDs (an internal number assigned by the ICMP relating to a DNA match report), case IDs (designated to the sample sent to the ICMP), and ICMP IDs (internally assigned by the ICMP and referring to the reported missing person).[18980] The Srebrenica List also contains information regarding the location and date of disappearance of Srebrenica-related missing persons as provided by their families.[18981] In this regard, Parsons explained that due to the difficulty in obtaining a consistent place of disappearance, based on the differing accounts from multiple family members, only two categories of place of disappearance were recorded, namely: "Potočari", to refer to men and boys that remained at the DutchBat facility in Potočari and surrounding areas; or "Forest", indicating that the individual attempted to flee Srebrenica by an overland route.[18982]

5564. Parsons further explained that the DNA profiles correspond to individuals who have been identified and named, with the exception of indistinguishable siblings, who are listed twice.[18983] Inconclusively associated cases, referring to cases where siblings have been reported missing, with one associated with Srebrenica and the other from an unrelated event, are also included on the Srebrenica List, as the DNA information received from the family samples will not allow for the distinction between such siblings.[18984] Unmatched unique DNA profiles, referring to unidentified individuals but who are uniquely represented by their DNA, are also incorporated into the list.[18985]

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18978 Thomas Parsons, T. 26604 (21 March 2012), T. 26606–26607 (22 March 2012).

18979 Dušan Janc, T. 26938–26939 (27 March 2012). *See e.g.* P5915 (ICMP report on identified victims, 3 July 2008).

18980 Thomas Parsons, T. 26573–26575 (21 March 2012), T. 26640–26641 (22 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20874–20875. *See* Dušan Janc, T. 26940–26942 (27 March 2012).

18981 Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20873, 20875; Thomas Parsons, T. 26575 (21 March 2012).

18982 Thomas Parsons, T. 26574–26575 (21 March 2012); Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20875–20876; P4651 (ICMP statement on Srebrenica killings of July 1995, 30 November 2007). *See* P5913 (ICMP list of identified Srebrenica victims, 15 December 2011).

18983 Thomas Parsons, T. 26584 (21 March 2012). *See* P5913 (ICMP list of identified Srebrenica victims, 15 December 2011). *See also* Dušan Janc, T. 26965—26966 (27 March 2012), T. 27029–27030 (28 March 2012).

18984 Thomas Parsons, T. 26576–26577, 26584 (21 March 2012). *See* P5913 (ICMP list of identified Srebrenica victims, 15 December 2011).

18985 Thomas Parsons, T. 26584–26585 (21 March 2012). *See* P5913 (ICMP list of identified Srebrenica victims, 15 December 2011).

5565. The ICMP database is updated periodically due to the identification and exhumation of new graves.[18986] The ICMP has released updates to the Srebrenica List on multiple occasions, including in July 2008 ("July 2008 ICMP List"),[18987] December 2010 ("December 2010 ICMP List"),[18988] December 2011 ("December 2011 ICMP List"),[18989] and January 2012 ("January 2012 ICMP List").[18990]

5566. The Chamber recalls that on numerous occasions the Accused challenged the ICMP methodology with regard to the identification of Srebrenica victims through DNA analysis.[18991] Specifically, the Chamber recalls that the Accused requested that he be provided with the ICMP database, which the ICMP refused to do on the basis that it would take a significant amount of time to obtain consent from the affected families.[18992] The Chamber agreed that the Accused should be able to engage his own DNA expert to run DNA identification tests for the purpose of checking the accuracy of the ICMP's identifications and, if relevant, challenging Parsons' evidence.[18993] An agreement was then reached between the parties and the ICMP, where 300 cases would be selected from which the ICMP would seek the consent of family members before providing their genetic information to the Accused's expert.[18994] In 2012, upon the refusal of family members in relation to 14 cases, the Accused requested that the Chamber compel the ICMP to make DNA case files

18986 Dušan Janc, T. 26920–26921, 26936 (27 March 2012).

18987 Thomas Parsons, T. 26639 (22 March 2012). *See* P4662 (ICMP report on identified victims, 3 July 2008) (under seal); P5915 (ICMP report on identified victims, 3 July 2008).

18988 *See* P4768 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010) (under seal); P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010); Dušan Janc, T. 26937–26938 (27 March 2012).

18989 Thomas Parsons, T. 26572–26573, 26583–26584 (21 March 2012). *See* P4642 (ICMP list of identified Srebrenica victims, 15 December 2011) (under seal); P5913 (ICMP list of identified Srebrenica victims, 15 December 2011).

18990 Ewa Tabeau, T. 28249–28250, 28258–28259 (1 May 2012). *See* P5005 (2012 ICMP updated list of Srebrenica missing) (under seal); P5916 (2012 ICMP updated list of Srebrenica missing).

18991 *See* para. 6160.

18992 *See* Order on Selection of Cases for DNA Analysis, 19 March 2010, p. 2.

18993 Order on Selection of Cases for DNA Analysis, 19 March 2010, pp. 2–3; Decision in Relation to Selection of Cases for DNA Analysis, 23 September 2011, p. 2. *See also* Decision on the Accused's Motion for Binding Order to International Commission for Missing Persons, 4 March 2013, para. 1.

18994 Order on Selection of Cases for DNA Analysis, 19 March 2010, pp. 2–3; Decision in Relation to Selection of Cases for DNA Analysis, 23 September 2011, p. 2. *See also* Decision on the Accused's Motion for Postponement of Trial, 26 February 2010, para. 35, fn. 57; Submission Pursuant to the Trial Chamber's Order Setting Deadline for Further Submissions, 22 February 2010, Annex C; Prosecution's Further Response to Karadžić's Motion for the Postponement of Trial Pursuant to Trial Chamber's Order of 3 February 2010 with Confidential Appendices A–F, 9 February 2010, Confidential Appendix A, p. 5. The parties agreed that 295 cases would be selected by a random sampling method, whilst five would be hand picked by the Accused. Interim Order on the Accused's Motion for Binding Order to International Commission for Missing Persons, 19 July 2012, p. 2. *See also* Order on Selection of Cases for DNA Analysis, 19 March 2010; Decision in Relation to Selection of Cases for DNA Analysis, 23 September 2011; Notification on the Accused's Non-Compliance with the Trial Chamber's Order on Selection of Cases for DNA Analysis and Request for Further Orders with Public Appendix C and Confidential Appendices A–B and D–F, 21 June 2011, pp. 1–2.

available to him irrespective of the lack of such consent.[18995] The Chamber denied the request in March 2013 noting, *inter alia*, that the sample list of 286 cases was sufficiently large for credible testing.[18996] Despite having a sizeable number of sample names, the Accused refused the ICMP's offer to test selected cases and filed a motion requesting that the Chamber exclude all the DNA analysis conducted by the ICMP; this motion was denied by the Chamber on 16 April 2013, finding that the Accused would still be able to test the ICMP's results and challenge Parsons' evidence based on the available sample test cases.[18997]

5567. Despite this, the Accused chose not to present additional expert evidence to the Chamber challenging the ICMP's methodology and/or results.[18998] The Chamber notes, however, that during Parsons' and Janc's testimony, the Accused tried to challenge, *inter alia*, the existence of potential bias by the ICMP due to funding by governmental donors and private foundations, the apparent lack of independent verification and investigation procedures, and portions of the ICMP methodology, including, but not limited to, the integrity of the transfer processes in the samples arriving at the ICMP laboratories.[18999]

5568. The Chamber finds the ICMP to be a reputable, impartial, and reliable institution. Further, having reviewed Parsons' evidence and the ICMP related exhibits admitted through him, the Chamber is satisfied with the propriety and reliability of the ICMP methodology and the reliability of the DNA analysis conducted under Parsons' supervision.

(D) Demographic evidence

5569. Ewa Tabeau, the Head of the Prosecution's Demographic Unit from 2000 to 2011, testified as an expert for the Prosecution in this case.[19000] Tabeau gave evidence on demographics related to three components of the case, namely Municipalities, Sarajevo, and Srebrenica.[19001] In relation to the Srebrenica component of the case, Tabeau was tasked, *inter alia*, with using the most reliable sources on missing and identified persons to arrive at a reliable estimate of the total number of

18995 Motion for Binding Order to International Commission for Missing Persons, 15 May 2012, paras. 1, 7, 28–29.

18996 Decision on the Accused's Motion for Binding Order to International Commission for Missing Persons, 4 March 2013, paras. 27, 29–30, 34, 36. *See also* Prosecution's Response to Accused's Motion for Binding Order to International Commission for Missing Persons, 29 May 2012, paras. 1, 16; Reply Brief: Motion for Binding Order to International Commission for Missing Persons, 11 June 2012; Prosecution's Sur-Reply to Accused Reply Brief: Motion for Binding Order to International Commission for Missing Persons, 11 June 2012.

18997 Decision on the Accused's Motion to Exclude DNA Evidence, 16 April 2013, paras. 6–7, 9. *See also* Motion to Exclude DNA Evidence, 11 March 2013; Prosecution's Response to Motion to Exclude DNA Evidence, 25 March 2013.

18998 *See* Prosecution's Final Brief, Appendix D, para. 169.

18999 *See e.g.* Thomas Parsons, T. 26593–26599 (21 March 2012), T. 26609–26611 (22 March 2012); Dušan Janc, T. 27010–27014 (27 March 2012).

19000 Ewa Tabeau, T. 28117 (25 April 2012).

people killed or still missing after the fall of Srebrenica.[19002] For this purpose, Tabeau, along with Helge Brunborg and Arve Hetland, created a series of lists aimed at cross-referencing and integrating different lists of Srebrenica missing with ICMP lists on DNA identifications; this series of lists was admitted into evidence as P6705 ("2009 Srebrenica Lists of Missing").[19003] As part of the same exercise, Tabeau and her colleagues co-authored a report presenting summary statistics, which was admitted into evidence as P4995 ("Tabeau's 2009 Report").[19004] The sources and methodology used in producing these documents is explained in detail below.

5570. Tabeau testified that the two main sources used in compiling Tabeau's 2009 Report and the 2009 Srebrenica Lists of Missing include, first, selected ICRC data pertaining to missing persons, as found in a list of missing persons compiled in 2005 by the Prosecution and, second, an update to the Srebrenica List released by the ICMP in November 2008 ("November 2008 ICMP List").[19005]

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19001 *See e.g.* Ewa Tabeau, T. 28119 (25 April 2012), T. 28172–28173 (26 April 2012), T. 28232 (1 May 2012).

19002 *See* P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 2, 35.

19003 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 1, 5, 64. *See* P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009). The under seal version of P6705 is P4996 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009) (under seal). *See also* Dušan Janc, T. 27025–27026 (28 March 2012).

19004 *See* P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009).

19005 Ewa Tabeau, T. 28232–23233 (1 May 2012). The Chamber notes that the November 2008 ICMP List, which has not been admitted into evidence in this case, is an update to the July 2008 ICMP List referred to above. *See* P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009) pp. 46, 64–66. *See also* para. 5565. Tabeau explained that the November 2008 ICMP List was consulted and used as it was the latest update at the time of preparing Tabeau's 2009 Report and the 2009 Srebrenica Lists of Missing. Ewa Tabeau, T. 28233 (1 May 2012). Other sources utilised during the preparation of Tabeau's 2009 Report and the 2009 Srebrenica Lists of Missing include the 1991 Population Census for BiH, the BiH Voters Registers of 1997, 1998, and 2000, and documents pertaining to the official registration of internally displaced persons and refugees in BiH as of 2000. P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 2, 5; Ewa Tabeau, T. 28233–28234 (1 May 2012). The Chamber notes Pašalić's challenge on the validity and reliability of the data used by the Prosecution experts in their method of data matching and, more specifically, on the methodology used in Tabeau's 2009 Report. D3125 (Stevo Pašalić's expert report entitled "Ethnic Composition, Displaced Persons and Refugees from 27 Municipalities in the Territory of BiH, 1991–1997", August 2012), pp. 18–20, 105–112; Stevo Pašalić, T. 35359–35363 (13 March 2013), T. 35451–35454, 35466–35467 (14 March 2013). However, the Chamber finds Pašalić's evidence unfounded due to his inability to properly differentiate between the "primary" sources he used and the apparent supplementary nature of the sources consulted by Tabeau and her colleagues, as well as his unsubstantiated argument that Tabeau relied on "imaginary forms and calculations". The Chamber is therefore satisfied with the methodology utilised by Tabeau and her colleagues in arriving at a reliable estimate of the total number of people killed or still missing after the fall of Srebrenica. *See generally* P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009).

The Chamber has explained in detail above how the ICMP lists are created.[19006] This applies as well to the November 2008 ICMP List.

5571. In relation to the list of missing persons compiled by the Prosecution, Tabeau explained that the ICRC started collecting tracing requests for missing persons throughout the war in BiH and during its aftermath.[19007] The ICRC thus collected data relating to the surname, first name, father's name, sex, date and place of birth, and date and place of disappearance for each individual reported as missing, as obtained from the missing person's close relatives.[19008] As a result of this exercise, the ICRC published various volumes of lists of missing persons for the whole war in BiH.[19009] Tabeau explained that the Prosecution created its own list of missing persons for Srebrenica based on one of the ICRC volumes, by excluding records of persons reported missing throughout the war in relation to events unconnected to the fall of Srebrenica.[19010] In relation to the data provided for the date and place of disappearance of missing persons, Tabeau explained that the date of disappearance was not necessarily the date the individual may have been killed, but when he was last seen alive, with records of a reported disappearance between 1 July and 31 August 1995 being deemed the most relevant in the circumstances.[19011] The place of disappearance referred to the place the individual was last seen alive.[19012] The Chamber notes that the information in the 2009 Srebrenica Lists of Missing with respect to the place of disappearance of victims does not correspond to the information in the ICMP's Srebrenica List, which only refers to the two

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19006 *See* paras. 5559–5565.

19007 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 37–38.

19008 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 38–39. *See also* Dušan Janc, T. 26947 (27 March 2012), T. 27026, 27089–27090 (28 March 2012) (testifying that, for purposes of determining the exact date of disappearance for individuals identified after the fall of Srebrenica, the ICRC is a more reliable source, since the ICMP simply listed individuals as having disappeared on 11 July, while the ICRC collected detailed information from family members and acknowledging also that the ICRC data is not very accurate with respect to some individuals, and cautioning against fully relying on it).

19009 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), p. 37.

19010 Ewa Tabeau, T. 28239 (1 May 2012). The relevant records pertaining to the victims of the fall of Srebrenica were extracted from the general ICRC list by using, first, the place criterion, which refers to the area of Srebrenica municipality and surrounding municipalities, and, second, the time criterion, which refers to the persons who went missing from July to December 1995. Ewa Tabeau, T. 28239 (1 May 2012). Tabeau and her colleagues used a 2005 version of the ICRC list when compiling the 2009 Srebrenica Lists of Missing. P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), p. 37.

19011 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), p. 34. *See also* P5010 (Courtroom Presentation of Ewa Tabeau 25 April 2012, summarizing main findings discussed in testimony), e-court p. 18 (Figure 1 illustrating the Srebrenica-related missing and dead by month of disappearance).

19012 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), p. 34. *See also* P5010 (Courtroom Presentation of Ewa Tabeau 25 April 2012, summarizing main findings discussed in testimony), e-court p. 19 (Figure 3 illustrating the Srebrenica-related missing and dead by place of disappearance).

designated locations of "Potočari" and "Forest". Given that the 2009 Srebrenica Lists of Missing actually aim at providing precise information as to where Srebrenica victims were last seen, this, in the Chamber's view, makes them more probative than the general method used by the ICMP in compiling the corresponding information in the Srebrenica List.

5572. In relation to the methodology followed, Tabeau explained that the list of Srebrenica missing persons compiled by the Prosecution and the November 2008 ICMP List were cross-referenced as two independent sources—a method known as record linkage—to determine the number of individuals reported missing who were later found in Srebrenica-related gravesites, and thus identified as individuals who died during the fall of Srebrenica.[19013] This exercise first resulted in the 2009 Srebrenica Lists of Missing, a series of lists containing information from both the Prosecution's list of missing and the ICMP.[19014] Tabeau and her colleagues then proceeded to draft Tabeau's 2009 Report detailing the methodology and results of the exercise conducted when compiling the 2009 Srebrenica Lists of Missing.[19015] This document reported, *inter alia*, on the overlap between ICMP and Prosecution lists confirming the number of Srebrenica-related victims.[19016] The Chamber notes that, according to Tabeau's 2009 Report, the 2009 total of Srebrenica missing and dead amounted to 7,905 persons.[19017]

5573. In 2012, Tabeau prepared a report incorporating the January 2012 ICMP List with information on Srebrenica victims listed on the 2009 Srebrenica Lists of Missing ("Tabeau's 2012 Report").[19018] Tabeau's 2012 Report was created with the aim of identifying the number of additional victims identified by the ICMP since Tabeau's 2009 Report and how these new

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19013 Ewa Tabeau, T. 28235, 28237 (1 May 2012); P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), p. 5. Tabeau explained that the 1991 Population Census for BiH was used as a reference source to validate the information on missing persons, whilst the BIH Voters' registers and lists of refugees were used to eliminate possible survivors. Ewa Tabeau, T. 28233–28235 (1 May 2012).

19014 *See* P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009).

19015 *See* P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009).

19016 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 28–29; P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court pp. 3–4; Ewa Tabeau, T. 28237–28240 (1 May 2012); P5010 (Courtroom Presentation of Ewa Tabeau 25 April 2012, summarising main findings discussed in testimony), e-court pp. 18–19.

19017 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), pp. 28, 30; P6705 (Ewa Tabeau's expert report entitled "Srebrenica Missing: Persons Reported Missing and Dead after the Take-Over of the Srebrenica Enclave by the Bosnian Serb Army on 11 July 1995", 9 April 2009), e-court p. 3. *See also* P5010 (Courtroom Presentation of Ewa Tabeau 25 April 2012, summarising main findings discussed in testimony), e-court p. 20.

19018 P5004 (Ewa Tabeau's report describing integration of new 2012 ICMP update to 2009 list of Srebrenica Missing persons), p. 1. *See* P5005 (2012 ICMP updated list of Srebrenica missing) (under seal); P5916 (2012 ICMP updated list of Srebrenica missing).

identifications overlapped with the 2009 Srebrenica Lists of Missing.[19019] Tabeau's 2012 Report concluded that the total number of missing from the fall of Srebrenica is also totalled at 7,905 persons.[19020]

5574. The Chamber notes Dunjić's challenge that certain victims listed as missing or dead after the fall of Srebrenica on the 2009 Srebrenica Lists of Missing appear to have been ABiH soldiers and military personnel killed between 1992 and July 1995.[19021] Dunjić specifically refers to a document containing information on the date of death of 142 victims, which is inconsistent with the corresponding information in the 2009 Srebrenica Lists of Missing; according to Dunjić, while these 142 individuals are included in the 2009 Srebrenica Lists of Missing and their remains were identified from various Srebrenica-related gravesites, they were actually killed prior to the fall of Srebrenica, between 1992 and July 1995.[19022]

5575. The Chamber notes that while Dunjić stated in his report that the above document was attached thereto,[19023] it was neither attached to the report nor tendered as a separate exhibit. However, the Chamber understands the above document to be the one included in pages 7 to 10 of D3815 (hereinafter "so-called ABiH List").[19024] The Prosecution, having obtained the so-called

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19019 P5004 (Ewa Tabeau's report describing integration of new 2012 ICMP update to 2009 list of Srebrenica Missing persons), p. 3.

19020 Ewa Tabeau, T. 28257–28258 (1 May 2012); P5004 (Ewa Tabeau's report describing integration of new 2012 ICMP update to 2009 list of Srebrenica Missing persons), pp. 1, 6; P5010 (Courtroom Presentation of Ewa Tabeau 25 April 2012, summarizing main findings discussed in testimony), e-court p. 20. The total of 7,905 individuals identified as Srebrenica-related missing was calculated by taking the 7,905 identified individuals from the 2009 Srebrenica Lists of Missing and adding 103 new cases from the January 2012 ICMP List, and then deducting 103 cases which were not associated with Srebrenica but with Žepa. *See* Ewa Tabeau, T. 28257–28258 (1 May 2012); P5004 (Ewa Tabeau's report describing integration of new 2012 ICMP update to 2009 list of Srebrenica Missing persons), p. 4.

19021 *See* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 26–35; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 21–22; Dušan Dunjić, T. 41760–41774 (23 July 2013). The Chamber notes that Dunjić refers to the 2009 Srebrenica Lists of Missing as "Brunborg's list". *See* Dušan Dunjić, T. 41760 (23 July 2013); D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 26. The Chamber understands this list to be an older version of the 2009 Srebrenica Lists of Missing and, for purposes of this discussion, equivalent to it.

19022 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 31; Dušan Dunjić, T. 41763–41766, 41790–41791 (23 July 2013). *See* Defence Final Brief, para. 2630.

19023 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 31.

19024 D3815 (Collection of documents of BiH Federal Ministry of Defence), pp. 7–10. This exhibit is a compilation of documents related to the Prosecution's request for assistance sent to the BiH Ministry of Defence and the latter's response to the request. D3815 (Collection of documents of BiH Federal Ministry of Defence) pp. 1, 5, 11. *See* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area",

ABiH List from the BiH Ministry of Defence in 2001, made a request for assistance to the BiH Ministry of Defence in June 2004 regarding the circumstances of the death or disappearance of the 142 individuals listed in the so-called ABiH List—requesting, *inter alia,* further confirmation of their date of death—and the BiH Ministry of Defence responded to the request in August 2004.[19025]

5576. Dunjić testified that the names of 88 of the above 142 individuals were actually ABiH soldiers or military personnel killed between 1992 and July 1995.[19026] Further, the Accused tendered two additional exhibits, D2217 and D3812, which are compilations of parts of the 2009 Srebrenica Lists of Missing, the 2008 ICMP List, and the so-called ABiH List, with apparent discrepancies as to the date of disappearance for a number of individuals included as Srebrenica-related victims in the report prepared by Janc for this case.[19027]

5577. However, neither Dunjić, even upon the Chamber's specific inquiry, nor any other Defence witness, provided an explanation as to the provenance, authenticity, or accuracy of the so-called ABiH List, D2217, or D3812.[19028] Dunjić further acknowledged that he had not independently verified the data in those documents.[19029] The Chamber therefore is not satisfied with the authenticity or veracity of either the so-called ABiH List or D2217 and D3812, and thus cannot rely on those documents. Further and more importantly, according to the BiH Ministry of Defence, contrary to the information on the so-called ABiH List, 135 of the 142 individuals listed therein indeed died or went missing after the fall of Srebrenica.[19030] This corresponds with the information in the 2009 Srebrenica Lists of Missing. In conclusion, the Chamber is not persuaded by Dunjić's arguments in this respect.

5578. Having reviewed Tabeau's evidence and related exhibits, the Chamber is satisfied with the methodology followed by Tabeau and her colleagues in compiling the 2009 Srebrenica Lists of

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27 August 2009), p. 31 (referring to the ERN numbers of the so-called ABiH List). *See also* Dušan Dunjić, T. 41761–41773, 41790–41794 (23 July 2013).

19025 The so-called ABiH List was attached to these documents.

19026 Dunjić lists these 88 individuals in his report. D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 31–35. *See* Dušan Dunjić, T. 41760–41774 (23 July 2013).

19027 *See* D2217 (Examples of identified persons from Prosecution database and ABiH database); D3812 (List of soldiers killed or missing before July 1995). *See also* Dušan Janc, T. 27051–27057 (28 March 2012); Dušan Dunjić, T. 41760–41774 (23 July 2013); Defence Final Brief, paras. 2609–2610.

19028 Dušan Dunjić, T. 41766–41767 (23 July 2013). *See also* D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 31.

19029 *See* Dušan Dunjić, T. 41767–41768, 41772–41773 (23 July 2013).

19030 *See* D3815 (Collection of documents of BiH Federal Ministry of Defence), pp. 11–20. The BiH Ministry of Defence stated in the same response that information regarding the remaining seven individuals was not available. D3815 (Collection of documents of BiH Federal Ministry of Defence), p. 11.

Missing and in creating Tabeau's 2009 Report and Tabeau's 2012 Report. Specifically regarding the 2009 Srebrenica Lists of Missing, the Chamber has taken into consideration the difficulties faced by the ICRC when obtaining data on the missing,[19031] and accepts the fact that, due to a number of circumstances, including human error on the part of family members when providing information to the ICRC, a few mistakes on the list would be inevitable. Nevertheless, the Chamber finds no reason not to rely on the information contained in the 2009 Srebrenica Lists of Missing, and has used the information therein—taking into consideration the fact that it cannot be considered as completely accurate—when analysing and weighing conflicting forensic evidence before it in relation to each of the various Scheduled Killing Incidents.

(E) Dean Manning

5579. Dean Manning, a former investigator for the Prosecution, testified before the Chamber.[19032] The Chamber admitted reports prepared by Manning, as will be discussed below.

5580. While working for the Prosecution from 1996 to 2001, Manning was tasked with co-ordinating the activities of the investigation, exhumation, and autopsy teams working on the Srebrenica sites, and with providing assistance to the various experts on each team.[19033] As part of these efforts, Manning visited gravesites, in some cases while the exhumation process was ongoing; examined physical evidence obtained from the exhumation process; assisted experts in preparing their respective reports; summarised the work produced by the respective teams; and presented this evidence in proceedings before the Tribunal.[19034] Manning wrote one report in 2000, one in 2001, and one in 2003, which were admitted into evidence as P4502, P4503, and P4504, respectively.[19035] These reports summarise the findings of the experts engaged by the Prosecution during the forensic

19031 P4995 (Ewa Tabeau's expert report entitled "The 2009 Integrated Report on Srebrenica Missing Including a Progress Report on DNA-based Identification", 9 April 2009), p. 38. *See* Thomas Parsons, T. 26626 (22 March 2012) (explaining that, generally, lists of missing persons "are very dynamic things to try to resolve" and that often information provided by the families of those missing is contradictory/vague); Amor Mašović, T. 27289 (10 April 2012) (referring to information provided by family members on whether a missing person should be labelled as civilian or combatant). *See also* Thomas Parsons, P4643 (Transcript from *Prosecutor v. Popović et al.*), T. 20875–20876.

19032 Dean Manning, T. 25801 (6 March 2012).

19033 Dean Manning, T. 25801–25802 (6 March 2012). The Prosecution's exhumations team included archaeologists, anthropologists, surveying experts, police photographers and police evidence handlers, forensic dentists, and X-ray experts. Dean Manning, T. 25803 (6 March 2012). The Prosecution also employed the skills of ballistics and explosives examiners, soil experts, cloth experts, and DNA experts, all of whom provided reports that were summarised by Manning. Dean Manning, T. 25803 (6 March 2012).

19034 Dean Manning, T. 25801–25802 (6 March 2012). *See also* Dušan Janc, T. 26924 (27 March 2012).

19035 Dean Manning, T. 25805–25806, 25820 (6 March 2012). *See* P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001); P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003); P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000).

programme in Srebrenica, and include details of Manning's own examination of the sites he visited, as well as of the artefacts recovered from the exhumation process.[19036]

5581. In his reports, Manning also calculated the Minimum Number of Individuals ("MNI") located in the Srebrenica-related gravesites, through the anthropological examination of specific bones conducted by the experts.[19037] When trying to determine the number of individuals buried in the Srebrenica-related graves, experts realised that it was not possible to calculate the exact figure, due to the degree of disarticulation of the remains.[19038] When bodies are not complete, a body count will not be adequate to determine the exact number of victims buried in each gravesite, and a conservative number needs to be calculated instead.[19039] This conservative number is reached by counting the most widely present type of bone throughout the gravesite which can be either a bone, part of a bone, or one of a pair of body parts.[19040] Thus, when reporting on the forensic evidence from Srebrenica-related gravesites, Manning calculated that the MNI with respect to all exhumations conducted between 1996 and 2001 was 2570.[19041]

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19036 Dean Manning, T. 25802, 25805–25806 (6 March 2012).

19037 *See* P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 3; P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003), e-court p. 2; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 5.

19038 P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), e-court p. 5; Jose Baraybar, T. 22347, 22388 (2 December 2011). *See* P4502 (Dean Manning's Report, entitled "Summary of Forensic Evidence, Mass Graves Exhumed in 2000 - Lazete 1, Lazete 2C, Ravnice, Glogova 1", February 2001), e-court p. 3; P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003), e-court p. 2; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 5.

19039 P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), pp. 3–4; P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), pp. 5–6; P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 18–19.

19040 *See* Jose Baraybar, T. 22350–22551 (2 December 2011); P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), pp. 3–4; P4030 (Jose Baraybar's expert report entitled "Report on the Anthropology Examination of Human Remains from Eastern Bosnia in 1999", 8 December 1999), pp. 5–6. *See also* Jose Baraybar, P4029 (Transcript from *Prosecutor v. Krstić*), T. 3795, 3803–3804. The MNI is calculated per gravesite, so taking into account the separate examination of each gravesite, the overall total MNI would be inflated, as the calculation would not take into account the overlap between remains of individuals found in both primary and secondary gravesites. P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), pp. 5–7; Jose Baraybar, T. 22350–22351 (2 December 2011). A Minimum Minimal Number of Individuals ("MMNI") is then calculated taking into account the merging of the MNI of primary and secondary gravesites, and is thus an underestimation of the number of individuals found in each gravesite. P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), pp. 5–6; Jose Baraybar, T. 22351 (2 December 2011).

19041 P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003); e-court p. 2. Baraybar subsequently updated this number, concluding that the MNI was 2691. P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal

5582. Using the anthropological calculation of the MNI as the initial phase to determine a preliminary number of individuals, experts then moved to DNA testing to corroborate such findings.[19042] In 2005, Manning was tasked with producing two reports summarising the DNA-related findings of the BiHCMP and ICMP in relation to Srebrenica-related gravesites.[19043] Manning examined the records of ICMP exhumations and DNA analysis of identified individuals in order to collate them with primary and secondary Srebrenica-related gravesites.[19044]

(F) Dušan Janc

5583. Dušan Janc, a former investigator for the Prosecution, also testified before the Chamber.[19045] In 2006, Janc took over the DNA-related work initiated by Manning, and started updating the reports prepared by Manning while also preparing his own reports.[19046] Based on this exercise, Janc prepared a report in 2012 summarising evidence related to the investigation of the Srebrenica-related gravesites, including DNA and other analysis of the human remains found therein, which was admitted into evidence as P4772 ("Janc's Report").[19047]

5584. The main source of Janc's Report was the December 2010 ICMP List, as well as other documentary evidence obtained from the BiH authorities and the ICMP.[19048] More specifically,

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Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), p. 7; Jose Baraybar, T. 22351–22352 (2 December 2011). In his report, Manning explained that a MMNI was yet to be calculated for all sites. P4503 (Dean Manning's Report, entitled "Srebrenica Investigation, Summary of Forensic Evidence - Execution Points and Mass Graves 2001", 24 August 2003); e-court p. 2. Baraybar later provided this number, concluding that the MMNI for Srebrenica-related gravesites was 2541. P4037 (Jose Baraybar's expert report entitled "Calculation of the Minimal Number of Individuals Exhumed by the ICTY between 1996 and 2001", 4 January 2004), p. 7; Jose Baraybar, T. 22351–22352 (2 December 2011).

19042 *See* Jose Baraybar, T. 22353–22354 (2 December 2011).

19043 Dean Manning, T. 25802, 25819 (6 March 2012).

19044 Dean Manning, T. 25819 (6 March 2012).

19045 Dušan Janc, T. 26917–26918 (27 March 2012).

19046 Dušan Janc, T. 26919–26921, 26924, 27005–27007 (27 March 2012); Dean Manning, T. 25819–25820 (6 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 2.

19047 Dušan Janc, T. 26918–26920, 26991, 27007 (27 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) . There is a confidential version of Janc's Report which contains data from the December 2010 ICMP List, including names of identified individuals; this version was admitted as P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) (under seal).

19048 Dušan Janc, T. 26920, 26930, 26934 (27 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 3. Janc testified that he only received the January January 2012 ICMP List—which contains approximately 80 new cases of persons identified from the Srebrenica gravesites—days before finalising his report and thus was not able to adequately analyse, and incorporate, the new data into his report. Dušan Janc, T. 26934–26937 (27 March 2012). *See* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 6. *See also* P5916 (2012 ICMP updated list of Srebrenica missing).

Janc compiled records provided by the ICMP, the ICRC, the BiHCMP and later the BiHIMP,[19049] and other local authorities in BiH, as well as previous reports from Prosecution experts, to create a list of all individuals recovered and identified from gravesites associated with the fall of Srebrenica.[19050]

5585. The primary section of Janc's Report is a table summarising the total number of Srebrenica-related victims who have been exhumed and identified, and who have been associated with each individual primary or secondary gravesite.[19051] The report also includes four annexes: Annex A contains a summary of relevant findings for each of the exhumed gravesites determined to be connected to the fall of Srebrenica, including information on the exhumation process, the numbers of identified individuals, and the results of the autopsies conducted on those individuals;[19052] Annex B details the number of identified surface remains found in and around Srebrenica;[19053] Annex C details the number of DNA connections between disturbed "primary/primary" and "secondary/secondary" gravesites, and includes diagrams showing some of those connections;[19054] finally, Annex D contains the names of each of the individuals identified in the December 2010 ICMP List, grouped as per the individual Srebrenica-related gravesite where the specific remains were found.[19055]

5586. Janc cross-checked the December 2010 ICMP List with the 2009 Srebrenica Lists of Missing, in order to ensure that each individual identified by the ICMP matched with a person

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19049 Janc testified that the BiHCMP was renamed in 2008 or 2009 and is now called the BiHIMP. Dušan Janc, T. 26921 (27 March 2012).

19050 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 2; Dušan Janc, T. 26920–26922, 26924–26925 (27 March 2012).

19051 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 2–5. *See* Dušan Janc, T. 26919 (27 March 2012).

19052 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 7–42; Dušan Janc, T. 26922 (27 March 2012). Annex A also contains a summary table showing the primary and secondary mass graves linked to each Scheduled Killing Incident charged in the Indictment, and the total numbers of bodies linked to each incident. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 40–42.

19053 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 43–46; Dušan Janc, T. 26922 (27 March 2012). *See also* Dušan Janc, T. 26982–26983 (27 March 2012), T. 27066–27069 (28 March 2012); P4770 (Maps of surface remains); D2219 (Map of location of surface remains marked by Dušan Janc) (referring to the location where surface remains were found).

19054 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 47–87; Dušan Janc, T. 26922–26923, 26967–26973 (27 March 2012).

19055 P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) (under seal), e-court pp. 88–625; Dušan Janc, T. 26923 (27 March 2012).

reported missing following the fall of Srebrenica.[19056] To compile his report, Janc also referenced information provided to him by the ICMP on DNA profiles extracted from remains found at various gravesites, but which have not yet been matched with a missing person.[19057] This group includes 260 unidentified individuals, which Janc included in his report because they were found in graves shown to be connected to the fall of Srebrenica.[19058] In addition, Janc included data of 35 individuals identified as missing following the fall of Srebrenica by Physicians for Human Rights and the ICRC, before the ICMP began its DNA identification process in 2001.[19059]

5587. Janc compiled his report by separating all entries in the December 2010 ICMP List into separate spreadsheets organised by case ID, ensuring that every spreadsheet referred to only one gravesite or location.[19060] When calculating the number of individuals per gravesite, Janc counted only the "main cases" representing unique DNA profiles, excluding all "re-association" cases to ensure that each individual was counted only once, even when multiple body parts of one individual were collected from one or more gravesites.[19061] Janc repeated this process for all 14,303 entries in the December 2010 ICMP List, as well as the unidentified entries provided by the

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19056 *See* Dušan Janc, T. 26947, 27020 (27 March 2012), T. 27027–27035 (28 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 2–3.

19057 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 2; Dušan Janc, T. 26925–26926, 26991–26995 (27 March 2012). These unmatched DNA profiles come from lists that Janc especially requested from the ICMP. Dušan Janc, T. 26956–26958, 26991–26992 (27 March 2012). *See* P4773 (ICMP unmatched DNA victim profiles related to Srebrenica, 23 December 2011); P4774 (ICMP lists of unmatched unique DNA victims profiles related to Srebrenica, 15 February 2010); P5914 (ICMP tables concerning identified Srebrenica victims, 31 January 2009); P4656 (ICMP tables concerning identified Srebrenica victims, 31 January 2009) (under seal).

19058 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 2; Dušan Janc, T. 26925–26926, 26952, 26956–26961 (27 March 2012), T. 27039–27040 (28 March 2012). *But see* Defence Final Brief, para. 2621 (where the Accused argues that the evidence strongly indicates that these remains are not related to the fall of Srebrenica).

19059 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 2; Dušan Janc, T. 26925, 26953–26954 (27 March 2012). These 35 individuals were identified based on *antemortem* and *postmortem* data, primarily through identification of clothing and personal belongings found on the bodies by family members. *See* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court p. 96. 44 individuals were identified in total by the ICRC and Physicians for Human Rights, but nine of them were re-identified by the ICMP and included in the ICMP's December 2010 List. P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 2, fn. 4. *See generally* P4504 (Dean Manning's Report, entitled "Summary of Forensic Evidence - Execution Points and Mass Graves", 16 May 2000), e-court pp. 96–114; P5917 (ICMP DNA identifications concerning identified victims related to Srebrenica, 6 December 2010).

19060 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 6; Dušan Janc, T. 26942–26943, 26947–26948 (27 March 2012).

19061 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 6; Dušan Janc, T. 26948, 26950–26951 (27 March 2012).

ICMP.[19062] The resulting data is summarised by gravesite in Annex A of Janc's Report, which includes the total number of individuals found in each gravesite, as well as in Annex D, which lists each individual found in each gravesite by name, listing every individual only once.[19063]

5588. In addition, Janc analysed the ICMP data to establish DNA connections between gravesites.[19064] To do so, he sorted the ICMP data by its protocol ID; when one protocol ID appeared at different sites, this meant that body parts from the same individual were found in multiple locations.[19065] When an individual's DNA profile was found in more than one gravesite, Janc counted a "connection" between the gravesites.[19066] Janc used these DNA connections between primary gravesites and secondary gravesites to establish a link between each of these gravesites and a Scheduled Killing Incident.[19067]

5589. Through this process, Janc arrived at 5,977 as the total number of individuals identified in Srebrenica-related gravesites as of January 2012.[19068] Janc also arrived at the total number of individuals identified per execution site, by adding the number of individuals identified in the relevant primary and corresponding secondary gravesites linked to each site.[19069]

5590. The Chamber notes that the Prosecution has relied on Janc's Report in determining the number of Srebrenica victims found in each gravesite and the number of individuals killed at most of the individual Scheduled Killing Incidents charged in the Indictment. The Chamber also notes that there is significant overlap between the 5,977 individuals included in Janc's Report as

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19062 Dušan Janc, T. 26947–26948, 26950–26951 (27 March 2012), T. 26949 (27 March 2012) (private session).

19063 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 7–42; P4771 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012) (under seal), e-court pp. 88–625.

19064 *See* Dušan Janc, T. 26961–6962 (27 March 2012).

19065 Dušan Janc, T. 26961–6966 (27 March 2012). *See* para. 5563.

19066 Dušan Janc, T. 26961–26965, 26968 (27 March 2012). Janc clarified that, even if more than one body part from the same person was distributed between two different gravesites, this was still counted as one "connection." Dušan Janc, T. 26964 (27 March 2012). According to Janc, these connections between different sites mean that bodies or body parts were disposed in multiple locations, and provide a clear indication of which gravesites are interconnected. Dušan Janc, T. 26961–26962 (27 March 2012).

19067 *See* Dušan Janc, T. 26961–26965 (27 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 40–42, 48–50, 82, 85, 87.

19068 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 2, 5. *See* Dušan Janc, T. 26923–26924 (27 March 2012).

19069 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 40–42; Dušan Janc, T. 26973–26975 (27 March 2012).

identified in Srebrenica-related gravesites, and the 5,115 individuals[19070] found by the Chamber to have been killed in the specific circumstances alleged in Schedule E of the Indictment.[19071]

5591. The Accused claims that Janc's task was to corroborate what was already known to the Prosecution and that he manipulated the evidence received from the ICMP to adjust his findings.[19072] By considering that all exhumed bodies were victims of execution, Janc approached his investigation backwards and, when facts got in his way, he simply excluded them.[19073]

5592. Similarly, Dunjić challenges various portions of Janc's Report. The Chamber notes in this regard that Dunjić comments upon, and refers to, an earlier version of Janc's Report, dated 13 March 2009—and not admitted into evidence in the present case—as well as D1975, a *corrigendum* prepared by Janc to that report.[19074] For purposes of this section, given that most, if not all, of Dunjić's challenges can be applied to Janc's Report, the Chamber will consider them in its analysis of this latter document.

5593. The Chamber understands the main challenge to Janc's evidence to be the assertion that the Srebrenica-related gravesites are mixed gravesites containing bodies of victims of execution of the various Scheduled Killing Incidents, as well as bodies of individuals who died prior to the fall of Srebrenica and/or as a result of combat activities. In addition to the Chamber's considerations on this issue discussed above, the Chamber will refer below to some of the main arguments raised by the Accused and Dunjić on this point.

5594. Dunjić uses the information in D1975 to conclude that at particular sites connected with Srebrenica, there were also remains of individuals who were killed in various circumstances

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19070 *See* para. 5519.

19071 The Chamber notes that these figures do not fully match for a number of reasons. First, the figures from a number of gravesites relating to incidents which are not charged in the Indictment have not been included by the Chamber in reaching its total number. Further, the Chamber recalls its finding that it was not satisfied beyond reasonable doubt that the incident at the Cerska Valley, as alleged in the Indictment, took place (*see* para. 522), and therefore has not included the remains found at the Cerska Valley gravesite. Finally, due to the particularity of the executions and the fact that a connection to a specific gravesite has not been established, the Chamber cannot be sure whether the remains of those killed in some of the Scheduled Killing Incidents, such as at the Jadar River, the Sandići Meadow, and Potočari, have been included in Janc's total number of identified individuals.

19072 Defence Final Brief, para. 2622. *See* Dušan Janc, T. 27007–27010 (27 March 2012). According to the Accused, Janc did not consider burials of casualties from combat activities, different dates of burials, and other discrepancies. *See* Defence Final Brief, paras. 2623–2624.

19073 Defence Final Brief, para. 2625. *See also* the Accused's line of questioning during cross-examination of Dušan Janc, T. 27083 (28 March 2012).

19074 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), p. 11; Dušan Dunjić, T. 41744 (22 July 2013). *See* Dušan Janc, T. 26918–26919 (27 March 2012); D1975 (Dušan Janc's corrigendum to report entitled "Update to Summary of Forensic Evidence- Exhumation on the Graves Related to Srebrenica –March 2009", 9 April 2009).

unconnected to the fall of Srebrenica.[19075] Similarly, referring to Janc's findings with respect to the Blječeva and Glogova gravesites, the Accused argues that it is undisputed that there were mixed graves in which remains not connected to the Srebrenica events were buried together with the remains of people reported missing after the fall of Srebrenica.[19076] The Chamber accepts the existence of a number of mixed gravesites connected to the Scheduled Killing Incidents. However, such evidence before the Chamber is limited to the Blječeva 1 and the Glogova gravesites. The Chamber has discussed in detail the implications of D1975 in its section of the Judgement related to the killings at the Kravica Warehouse, and will not repeat its findings here.[19077]

5595. According to the Accused, the DNA connections in Janc's Report only relate to less than 10% of the remains found in secondary gravesites.[19078] The remainder of the bodies have not been associated with Srebrenica-related execution sites and thus must result from other events at other times.[19079] He therefore claims that sites which were labelled as secondary gravesites were indeed gravesites in the vicinity of the confrontation line where casualties had been buried.[19080] Supporting this theory, Dunjić adds that it is impossible to extrapolate on the basis of DNA analysis that all the bodies from the secondary gravesites originate from the primary gravesites with which a DNA connection has been established.[19081] According to Dunjić, these connections only related to a significantly smaller number of bodies found in the secondary gravesites which are linked to the executions at the Kravica Warehouse, the field near Orahovac, the dam near Petkovci, Kozluk, or the Branjevo Military Farm, and not the much larger number provided by Janc.[19082] In other words,

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19075 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 13–14; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 20, 22. *See* Dušan Dunjić, T. 41746 (22 July 2013); T. 41876–41878, 41905–41908 (24 July 2013).

19076 Defence Final Brief, paras. 2597–2598, 2601, 2604. *See* the Accused's line of questioning during cross-examination of Dušan Janc, T 27016–27017 (27 March 2012). The Accused also refers to the Liplje 8 gravesite, which is not associated with a Scheduled Killing Incident, and to surface remains found adjacent to the execution at Kozluk. Defence Final Brief, confidential, para. 2601.

19077 *See* paras. 5258, 5281–5282, fn. 17879.

19078 *See* Defence Final Brief, paras. 2605, 2608.

19079 Defence Final Brief, confidential, para. 2605.

19080 Defence Final Brief, para. 2603. *See also* Accused's line of questioning during cross-examination of Dušan Janc, T. 27071–27081 (28 March 2012).

19081 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 13–17; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 20–24; Dušan Dunjić, T. 41746 (22 July 2013). *See* Dušan Dunjić, T. 41818 (23 July 2013).

19082 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 13–15, 17–18; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 21–24. *See* Defence Final Brief, para. 2607. *See also* P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to

the Accused and Dunjić claim that the only reasonable conclusion is that, for more than 90% of the remains for which DNA connections have not been established, the so-called secondary gravesites were indeed primary gravesites where individuals who died in combat were buried for the first time.[19083]

5596. To challenge Janc's Report, Dunjić refers to the same arguments raised when objecting to the forensic and demographic evidence. Referring back to the arguments used in his challenge to the 2009 Srebrenica Lists of Missing, discussed above, Dunjić claims that some of the individuals identified from various Srebrenica-related gravesites are also listed in other documents as having died prior to the fall of Srebrenica.[19084] However, as discussed above, the Chamber is not satisfied with the authenticity or veracity of the documents which formed the basis for Dunjić's argument, *i.e.*, the so-called ABiH List, D2217, or D3812, and is thus not persuaded by Dunjić's argument in this respect.[19085]

5597. Dunjić also claims that finding parts of a single body in two different locations would indicate that a particular person died and the body putrefied, and then due to external conditions the body parts were separated.[19086] In this case, Dunjić claims, it is likely that the body was separated before burial and thus the two gravesites where the remains were found ought to be considered primary gravesites with respect to the specific body parts found in each of them.[19087] However, the Chamber does not accept Dunjić's theories with respect to the existence of body parts of a same individual within two or more gravesites; his theories simply ignore the extensive evidence before

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Srebrenica - January 2012", 13 January 2012), e-court pp. 40–42, 48–50. This is irrespective of whether there is other evidence, such as that from ballistic findings, which establishes a connection between the primary and secondary gravesites. Dušan Dunjić, T. 41883–41884 (24 July 2013).

19083 *See* Defence Final Brief, paras. 2605, 2608; D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 15–17; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 18, 22–23. *See* Dušan Dunjić, T. 41751 (22 July 2013); T. 41882–41883 (24 July 2013). *But see* Dušan Janc, T. 27071–27072 (28 March 2012) (where Janc discarded this possibility).

19084 Dušan Dunjić, T. 41760–41774 (23 July 2013); D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 26–35; D3894 (Dušan Dunjić's expert report entitled "Forensic Analysis of Documents Pertaining to Exhumations, Autopsies and Identification of Bodies in the Srebrenica Area", 26 August 2012), pp. 21–22. *See* D3812 (List of soldiers killed or missing before July 1995); D3815 (Collection of documents of BiH Federal Ministry of Defence), BCS, pp. 7–10 (the so-called ABiH List); D2217 (Examples of identified persons from Prosecution database and ABiH database).

19085 *See* para. 5577.

19086 Dušan Dunjić, T. 41749 (22 July 2013). As an example, Dunjić refers to a person who had an open wound which would attract wild animals and which would then lead to the disarticulation of the body parts which would then be found in different gravesites. Dušan Dunjić, T. 41749 (22 July 2013). *See* Defence Final Brief, para. 2620 (where the Accused adopts Dunjić's theory).

the Chamber on the reburial operation which was conducted between September and October 1995. The fact that Dunjić was so quick to craft such theoretical conclusions while wilfully ignoring evidence to the contrary is a serious stain on his credibility as an expert. Further, based on the anthropological, forensic, and witness evidence on burials and reburials of bodies, the Chamber is satisfied, subject to its findings in relation to the Glogova and Blječeva gravesites as referred to above, that there was no enrichment of Srebrenica-related gravesites.

5598. Referring more specifically to the findings in Annex B of Janc's Report on surface remains, the Accused argues that at a minimum, the 1,000 individuals counted by Janc must be subtracted from the total of 4,000 individuals which, in his view, may be considered as unaccounted for after the fall of Srebrenica.[19088] The Accused adds that, while some of these remains have been subtracted from the total list of victims in Janc's Report, Janc's total is still not entirely correct, given that there is evidence showing that victims who died in artillery attacks, as well as some of those who died in combat but who were buried during the sanitation process, were also included in Janc's total count.[19089] The Chamber recalls that Annex B of Janc's Report explains that out of a total of 982 surface remains cases, 702 have been identified as Srebrenica-related individuals.[19090] However, these numbers have not been included in the total number of Srebrenica-related victims provided by Janc.[19091]

5599. Having analysed Janc's evidence in its entirety, the Chamber is satisfied with the methodology he followed in reaching his conclusions, and with the reliability of such conclusions. In this regard, the Chamber recalls that it received other forensic evidence, in addition to the DNA connections between Srebrenica-related primary and secondary gravesites, pointing to additional links between the gravesites. Furthermore, the accepted evidence from many witnesses, including survivors and insiders—such as direct perpetrators, those guarding the detainees, and those involved in the burial and reburial of bodies—as to the circumstances surrounding the Scheduled Killing Incidents, corroborates and supports Janc's Report. For all these reasons, the Chamber is satisfied that there is no evidence that primary or secondary gravesites were enriched and therefore

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19087 D3893 (Dušan Dunjić's expert report entitled "Forensic Analysis of Reports on the Locations of Mass Graves in the Area of Eastern Bosnia and Documentation Relating to Exhumations in the Srebrenica Area", 27 August 2009), pp. 15–16.

19088 Defence Final Brief, confidential, para. 2559. *See also* Defence Final Brief, paras. 2557–2558, 2560–2561, 2565, 2571, 2589, 2636, 2638.

19089 Defence Final Brief, para. 2636. *See also* Defence Final Brief, para. 2653.

19090 P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court pp. 44–46. *See* Dušan Janc, T. 26982–26985 (27 March 2012).

19091 Dušan Janc, T. 26984–26985 (27 March 2012); P4772 (Dušan Janc's report entitled "Update to the summary of Forensic Evidence - Exhumation of the Graves and Surface Remains Recoveries related to Srebrenica - January 2012", 13 January 2012), e-court p. 5. *See also* Prosecution Closing Argument, T. 47799 (30 September 2014).

considers that all the bodies found in Srebrenica-related primary and secondary gravesites can be linked to the corresponding Scheduled Killing Incidents.

2. Legal findings on crimes

a. Chapeau requirements for Articles 3 and 5 of the Statute

5600. In the Srebrenica component of the case, in addition to a count of genocide under Article 4 of the Statute, the Accused is charged with a count of violations of the laws or customs of war under Article 3 of the Statute, namely murder, as well as five counts of crimes against humanity under Article 5 of the Statute, namely persecution, murder, extermination, deportation, and forcible transfer as an inhumane act.[19092] The Prosecution alleges that there was a state of armed conflict at all times relevant to the Indictment.[19093] It further alleges that all acts and omissions charged as crimes against humanity, except those that formed part of the sniping and shelling campaign in Sarajevo, were part of a widespread or systematic attack directed against the Bosnian Muslim and Bosnian Croat civilian populations of BiH.[19094]

*i. Article 3 of the Statute*

5601. The Chamber found that there was an armed conflict throughout the period relevant to the crimes alleged in the Indictment. At the time of the events charged in the Srebrenica component of the case, namely July 1995, the armed conflict was still ongoing; it officially ended with the signing of the Dayton Agreement on 14 December 1995.[19095]

5602. For murder charged under Article 3 of the Statute, the Chamber has examined whether it was closely related to the armed conflict and made such findings where relevant in this Judgement.[19096]

5603. In relation to the four so called "*Tadić* Conditions", the Chamber refers to the applicable law sections of this Judgement, which expanded on the legal basis for each of the crimes charged in the Indictment under Article 3 of the Statute.[19097] In relation to murder, the prohibition stems from Common Article 3 which is deemed to be part of customary international law.[19098] Further, the

19092 *See* para. 5.
19093 Indictment, para. 89.
19094 Indictment, para. 88.
19095 *See* paras. 312, 437.
19096 *See* para. 5611.
19097 *See* Section III.A.1.a: General requirements for violations of the laws or customs of war.
19098 *Čelebići* Appeal Judgement, para. 143.

Appeals Chamber has confirmed that violations of the provisions of Common Article 3 entail individual criminal responsibility.[19099] The Chamber is therefore satisfied that the four *Tadić* Conditions are met, and consequently that the chapeau requirements for Article 3 of the Statute are fulfilled, in relation to murder.

*ii. Article 5 of the Statute*

5604. As found above, there was an armed conflict in BiH throughout the period of the Indictment. The Chamber also found that there existed a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH at all times relevant to the crimes charged in the Indictment. As reflected below, the Chamber is also satisfied that the crimes upon which the Chamber has entered findings formed part of that attack and that the perpetrators knew of the attack and that the crimes were part of it.[19100]

5605. As elaborated earlier in this Judgement, Bosnian Serb Forces attacked Srebrenica on 6 July 1995 and succeeded in taking it over by 11 July.[19101] Following the take-over of the enclave, between 11 and 13 July 1995, up to 30,000 Bosnian Muslim women and children, as well as some elderly men, were forcibly displaced from inside the Srebrenica enclave to Bosnian Muslim-held territory.[19102] The Chamber further found that at least 5,115 Bosnian Muslim males were killed by Bosnian Serb Forces in the weeks following the fall of Srebrenica on 11 July 1995.[19103] The Chamber is satisfied that the co-ordinated actions of the Bosnian Serb Forces in a short period of time in various locations in Srebrenica, Bratunac, and Zvornik, as well as the sheer number of Bosnian Muslims killed and forcibly displaced establish both the systematic and widespread aspects of this part of the attack.

5606. The Chamber is therefore satisfied that the chapeau requirements for the crimes charged under Article 5 of the Statute are met.

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19099 *Čelebići* Appeal Judgement, paras. 167, 170, 173–174 (holding at para. 173: "It is universally acknowledged that the acts enumerated in common Article 3 are wrongful and shock the conscience of civilised people, and thus are, in the language of Article 15(2) of the ICCPR, 'criminal according to the general principles of law recognised by civilised nations'.").

19100 *See* paras. 5612, 5620, 5642, 5652.

19101 *See* paras. 5010–5033.

19102 *See* para. 5623, 5641.

19103 *See* para. 5516, fn. 18844.

b. Crimes

*i. Murder: Counts 5 and 6*

(A) Killing incidents

5607. The Chamber found in Section IV.C.1 above that at least 5,115 Bosnian Muslim males were killed by Bosnian Serb Forces in the weeks following the fall of Srebrenica on 11 July 1995.[19104] The Chamber also recalls that it did not have sufficient evidence to make a finding beyond reasonable doubt that the incident relating to the killing on 13 July 1995 of 150 Bosnian Muslim men in an area along a dirt road in the Cerska Valley took place, as alleged in the Indictment.[19105]

(B) Intent of perpetrators

5608. The Chamber also recalls its findings that the death of the victims for each of the incidents identified above was a result of the acts of Bosnian Serb Forces. The Chamber finds that the perpetrators of each of these incidents acted with the intent to kill the victims or at least wilfully caused serious bodily harm, which they should reasonably have known might lead to death.

5609. In reaching that conclusion, the Chamber had regard to the circumstances and the manner in which the victims were killed. In all cases, the Chamber found that the victims were deliberately shot.[19106] The Chamber also found that many of the victims presented multiple gunshot injuries.[19107] Further, the Chamber found that, in many instances, the victims were taken to remote locations in a systematic and organised way, and then executed.[19108]

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19104 *See* para. 5519. *See* fn. 18844, referring to 15 Bosnian Muslim men killed at the Jadar River, 755 Bosnian Muslim men at the Kravica Warehouse, ten Bosnian Muslim men at the Sandići Meadow, 21 Bosnian Muslim men at the Luke School, 841 Bosnian Muslim men at Orahovac, 815 Bosnian Muslim men at Petkovci, 815 Bosnian Muslim men at Ročević School and Kozluk, 1,735 Bosnian Muslim men at Kula School, the Branjevo Military Farm, and the Pilica Cultural Centre, two Bosnian Muslim men at Snagovo, 39 Bosnian Muslim men at Bišina, six Bosnian Muslim men at Trnovo, ten Bosnian Muslim men at Potočari, and 51 Bosnian Muslim men at Bratunac Town. In relation to the killings at Trnovo, the Chamber recalls its finding that they were committed by members of the Scorpions. Trnovo, Scheduled Incident E.13.1.

19105 Cerska Valley, Scheduled Incident E.2.1.

19106 Jadar River, Scheduled Incident E.1.1; Kravica Warehouse, Scheduled Incident E.3.1; Sandići Meadow, Scheduled Incident E.4.1; Luke School, Scheduled Incident E.5.1; Orahovac, Scheduled Incidents E.6.1, E.6.2; Petkovci, Scheduled Incidents E.7.1, E.7.2; Ročević, Scheduled Incidents E.8.1, E.8.2; Kula and Branjevo Military Farm, Scheduled Incidents E.9.1, E.9.2; Pilica Cultural Centre, Scheduled Incident E.10.1; Snagovo, Scheduled Incident E.11.1; Bišina, Scheduled Incident E.12.1; Trnovo, Scheduled Incident E.13.1; Potočari, Scheduled Incidents E.14.1, E.14.2; and Bratunac Town, Scheduled Incidents E.15.1, E.15.3.

19107 Kravica Warehouse, Scheduled Incident E.3.1; Orahovac, Scheduled Incidents E.6.1, E.6.2; Petkovci, Scheduled Incidents E.7.1, E.7.2.

19108 Orahovac, Scheduled Incidents E.6.1, E.6.2; Petkovci, Scheduled Incidents E.7.1, E.7.2; Ročević, Scheduled Incidents E.8.1, E.8.2; Kula and Branjevo Military Farm, Scheduled Incidents E.9.1, E.9.2; Pilica Cultural Centre, Scheduled Incident E.10.1.

(C) Status of victims

5610. The Chamber also finds that the victims of each of these incidents were civilians or had been rendered *hors de combat* at the time of their killing. Some of the victims were as young as eight or as old as 85.[19109] Some were killed after being captured by members of the Bosnian Serb Forces;[19110] some were killed while trying to escape from members of the Bosnian Serb Forces;[19111] and some were killed after being detained by members of the Bosnian Serb Forces.[19112]

(D) Conclusion

5611. The Chamber found that there was an armed conflict in BiH throughout the period relevant to the Indictment. As demonstrated by the Chamber's factual findings explained above, the Chamber finds that the killings referred to in this section were closely related to that armed conflict and thus constitute murder as a violation of the laws or customs of war.

5612. The Chamber also found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat populations of BiH. The Chamber finds that the killings referred to above were part of this widespread and systematic attack and the perpetrators of these killings knew of the attack and that their crimes were part of it. In reaching that conclusion, the Chamber considered the locations, time period, and the identity of the victims of these killings, which correspond with the scope of the widespread and systematic attack, as well as the magnitude of the attack on the Bosnian Muslim population of BiH, which had been ongoing for more than three years prior to the events charged in the Srebrenica component of the case. The Chamber therefore finds that these killings thus constitute murder as a crime against humanity.

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19109 Kravica Warehouse, Scheduled Incident E.3.1; Orahovac, Scheduled Incidents E.6.1, E.6.2; Ročević, Scheduled Incidents E.8.1, E.8.2; Kula and Branjevo Military Farm, Scheduled Incidents E.9.1, E.9.2.

19110 Sandići Meadow, Scheduled Incident E.4.1; Snagovo, Scheduled Incident E.11.1; Bišina, Scheduled Incident E.12.1; Trnovo, Scheduled Incident E.13.1; Potočari, Scheduled Incidents E.14.1, E.14.2; Bratunac Town, Scheduled Incidents E.15.1, E.15.3.

19111 Kravica Warehouse, Scheduled Incident E.3.1; Luke School, Scheduled Incident E.5.1; Orahovac, Scheduled Incidents E.6.1, E.6.2; Ročević, Scheduled Incidents E.8.1, E.8.2; Kula and Branjevo Military Farm, Scheduled Incidents E.9.1, E.9.2.

19112 Jadar River, Scheduled Incident E.1.1; Kravica Warehouse, Scheduled Incident E.3.1; Luke School, Scheduled Incident E.5.1; Orahovac, Scheduled Incidents E.6.1, E.6.2; Petkovci, Scheduled Incidents E.7.1, E.7.2; Ročević, Scheduled Incidents E.8.1, E.8.2; Kula and Branjevo Military Farm, Scheduled Incidents E.9.1, E.9.2; Pilica Cultural Centre, Scheduled Incident E.10.1; Bratunac Town, Scheduled Incidents E.15.1, E.15.3.

*ii. Extermination: Count 4*

5613. Earlier in this Judgement, the Chamber recalled that there is no minimum threshold of victims for the purposes of extermination; it still has to be satisfied that the killings occurred on a mass scale and needs to conduct a case-by-case assessment in that regard.[19113]

5614. Further, as previously noted, extermination may be established based on the accumulation of separate incidents.[19114] However, it has been found that "as a general matter, the element of killing on a large scale cannot be satisfied by a collective consideration of distinct events committed in different prefectures, in different circumstances, by different perpetrators, and over an extended period of time".[19115]

5615. Based on its factual findings above, the Chamber notes that each of the killing incidents identified above was committed by Bosnian Serb Forces in the context of the events surrounding the fall of Srebrenica in July 1995. The overwhelming majority of the killings were committed within a few days in Potočari, and in the Bratunac and Zvornik areas. Further, the manner and circumstances in which the killings occurred—including the same violence with which they were committed and the identity of the perpetrators as members of the Bosnian Serb Forces—demonstrate that they formed part of the same widespread and systematic attack against the Bosnian Muslims in Srebrenica. The Chamber also found that all the victims were Bosnian Muslims from Srebrenica.[19116]

5616. With regard to the killings which took place in other locations in the days following 17 July, the Chamber found that, while the killings at Snagovo and Bišina took place a number of days after the rest of the killing incidents, they were nevertheless connected to the Srebrenica operation, as they were also committed against Bosnian Muslim males from Srebrenica captured following the take-over of the enclave.[19117] In relation to the killings at Trnovo, the Chamber notes that it was unable to precisely determine the date when they took place. The Chamber also notes the geographic distance between Trnovo and Srebrenica. Nevertheless, the Chamber recalls that the killings were committed by members of the Scorpions unit which had been deployed as part of the

19113 *See* paras. 483, 2457.

19114 *See* paras. 484, 2458.

19115 *See* paras. 484, 2458.

19116 Jadar River, Scheduled Incident E.1.1; Kravica Warehouse, Scheduled Incident E.3.1; Sandići Meadow, Scheduled Incident E.4.1; Luke School, Scheduled Incident E.5.1; Orahovac, Scheduled Incidents E.6.1, E.6.2; Petkovci, Scheduled Incidents E.7.1, E.7.2; Ročević, Scheduled Incidents E.8.1, E.8.2; Kula and Branjevo Military Farm, Scheduled Incidents E.9.1, E.9.2; Pilica Cultural Centre, Scheduled Incident E.10.1; Snagovo, Scheduled Incident E.11.1; Bišina, Scheduled Incident E.12.1; Trnovo, Scheduled Incident E.13.1; Potočari, Scheduled Incidents E.14.1, E.14.2; and Bratunac Town, Scheduled Incidents E.15.1, E.15.3.

19117 Snagovo, Scheduled Incident E.11.1; Bišina, Scheduled Incident E.12.1; Trnovo, Scheduled Incident E.13.1.

joint VRS and MUP forces operating on the Sarajevo front, and which was involved in transporting multiple groups of Bosnian Muslim males who had been detained in Srebrenica after the take-over, including the six men who were ultimately killed.[19118] Consequently, the Chamber finds that the killings at Trnovo were also connected to the Srebrenica operation.

5617. The Chamber finds that at least 5,115 Bosnian Muslims were killed in Srebrenica between 12 July and early August 1995 and that this satisfies the mass scale element of the killings for the purposes of extermination.

5618. The Chamber also notes that a number of the killing incidents referred to above independently reach the level of massiveness required for the purpose of extermination as a crime against humanity. This is the case for instance with respect to the following killing incidents: (i) Kravica Warehouse; (ii) Orahovac School and Field near Orahovac; (iii) Petkovci School and Dam near Petkovci; (iv) Ročević School and Drina River near Kozluk; and (v) Kula School, Branjevo Military Farm, and Pilica Cultural Centre.

5619. The Chamber found above that the perpetrators of each of the killing incidents above acted with the intent to kill the victims or at least wilfully caused serious bodily harm, which they should reasonably have known might lead to death. Having regard to the scale of the killings and the organised manner in which they occurred, the Chamber further finds that with respect to the killing incidents in the previous paragraphs, there was the intention to kill on a mass scale.

5620. The Chamber also found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat populations of BiH. The Chamber finds that the killings referred to above were part of this widespread and systematic attack and the perpetrators of these killings knew of the attack and that their crimes were part of it. In reaching that conclusion, the Chamber considered the locations, time period, and the identity of the victims of these killings, which correspond with the scope of the widespread and systematic attack, as well as the magnitude of the attack on the Bosnian Muslim population of BiH, which had been ongoing for more than three years prior to the events charged in the Srebrenica component of the case. The Chamber therefore finds that these killings constitute extermination as a crime against humanity.

[19118] Trnovo, Scheduled Incident E.13.1.

5621. The Chamber will deal with the issue of cumulative convictions later in this Judgement and, if relevant, the impermissibility of entering convictions for both extermination and murder under Article 5 of the Statute where the elements of both crimes have been established.[19119]

*iii. Inhumane acts (forcible transfer): Count 8*[19120]

5622. The Prosecution contends that acts of forcible transfer were carried out by Bosnian Serb Forces as part of the objective to eliminate the Bosnian Muslims in Srebrenica.[19121] The Accused concedes that a large number of Bosnian Muslims from Srebrenica were transported from Potočari to Bosnian Muslim-held territory, but contends that this event did not constitute the crime of forcible transfer.[19122] The Chamber will address his arguments below where relevant.

(A) *Actus reus*

(1) Movement of population

5623. The Chamber recalls its findings in Section IV.C.1 of this Judgement that between 11 and 13 July, up to 30,000 Bosnian Muslim women and children, as well as some elderly men, from Srebrenica, were displaced from inside the Srebrenica enclave to Bosnian Muslim-held territory.[19123] The Chamber therefore finds that, having been lawfully present in Srebrenica, these Bosnian Muslim women and children, as well as some elderly men, were displaced within the national boundaries of BiH.

(2) Forcible nature of movement

5624. The Chamber has found that Directive 7, which was issued on 8 March 1995, ordered the Drina Corps to "create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa".[19124] Between that date and the eventual commencement of the attack on the enclave on 6 July 1995, the inhabitants of Srebrenica suffered months of deprivation of basic necessities which resulted from the restrictions placed on

19119 *See* para. 6020.

19120 Although paragraph 74 of the Indictment alleges that this plan extended to deporting the Bosnian Muslim population of Srebrenica, the Prosecution clarified during closing arguments that it does not seek a finding that the Accused is responsible for deportation, under Count 7, in relation to Srebrenica. Prosecution Closing Argument, T. 48034 (7 October 2014).

19121 Indictment, paras. 20, 74–75. Alternatively, it is alleged that these acts of forcible transfer formed part of the objective to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory. Indictment, para. 75.

19122 Defence Final Brief, para. 2401.

19123 *See* paras. 5029–5030, 5101, 5108.

19124 *See* paras. 4979–4080.

humanitarian aid convoys by the Bosnian Serb Political Organs and the Bosnian Serb Forces.[19125] Similar restrictions were placed on DutchBat re-supply convoys, leading to the eventual negation of DutchBat's operational readiness to defend the enclave.[19126]

5625. Beginning in the early morning of 6 July 1995, Bosnian Serb Forces opened fire on the enclave; the town came under heavy shell fire which lasted until it fell to Bosnian Serb Forces on 11 July.[19127] Shells fell throughout the town and enclave in a scattered manner, and many civilians were wounded or killed.[19128] As the southern perimeter of the enclave began to collapse and the Bosnian Serb Forces advanced towards Srebrenica town, thousands of refugees streamed towards the centre of the enclave and gathered near the Bravo Company compound and the hospital.[19129] Bosnian Serb Forces burned Bosnian Muslim houses as they approached Srebrenica town.[19130] Panic and fear increased as more refugees arrived from the outskirts of town, reporting that the Bosnian Serb Forces were burning their villages, and the representatives of international organisations began to depart for Potočari.[19131] Upon arriving in Srebrenica town, Bosnian Serb soldiers called on the few people who remained in their houses to leave.[19132] Desperate to reach safety, the Bosnian Muslims who were gathered outside the Bravo Company compound ultimately broke through the compound's defences.[19133] When the Bosnian Serb Forces shelled the Bravo Company compound, DutchBat soldiers and panicked Bosnian Muslim civilians began to move towards Potočari, and the Bosnian Serb Forces shot and shelled at the column as it moved towards the UNPROFOR main base.[19134] By the evening of 11 July, the DutchBat compound in Potočari was overcrowded with thousands of fearful Bosnian Muslims who had fled Srebrenica town.[19135]

5626. There was constant shelling throughout the night of 11 July and into the following morning.[19136] As Bosnian Serb soldiers approaching in attack formation came into view, the Bosnian Muslim population in Potočari grew even more fearful.[19137] At the same time, there was

19125 *See* paras. 4985, 4989–4992.
19126 *See* paras. 4988–4950.
19127 *See* paras. 5010–5012, 5014, 5021–5022, 5027–5028.
19128 *See* paras. 5010–5011, 5022, 5028.
19129 *See* paras. 5013, 5022, 5028.
19130 *See* para. 5027.
19131 *See* paras. 5014, 5022. As the Bosnian Serb Forces attempted to enter the town on 10 July, some civilians began to move towards Potočari, but were stopped by members of the Muslim Forces of Srebrenica, who asked them to return to town. *See* para. 5024.
19132 *See* para. 5032.
19133 *See* para. 5028.
19134 *See* paras. 5029–5030. The town hospital was also shelled on 10 July; it was hit twice by 155 mm artillery shells. *See* para. 5022.
19135 *See* para. 5073.
19136 *See* paras. 5073–5074.
19137 *See* paras. 5075, 5079.

insufficient water, food, and medicine, and for this reason—in addition to the lack of hygienic facilities available in Potočari—the humanitarian situation was catastrophic.[19138] During the night between 12 and 13 July, the Bosnian Muslims, gathered in Potočari, could hear the sound of gunfire in the vicinity of the UN compound; some observed members of the Bosnian Serb Forces beating and sexually assaulting other Bosnian Muslims, while other Bosnian Muslims were taken away by members of the Bosnian Serb Forces and did not return.[19139] As the vehicles on which the Bosnian Muslims would be transported arrived on the morning of 12 July, DutchBat soldiers stationed near the bus premises were disarmed by members of the Bosnian Serb Forces at gunpoint.[19140] Many Bosnian Serb soldiers stood near the buses and trucks aligned along the road outside the UN compound; some were visibly drunk and were accompanied by German Shepherd dogs.[19141]

5627. Bosnian Serb Forces supervised the boarding process.[19142] Bosnian Muslims were led towards, and began to board, the buses, which were guarded by Bosnian Serb soldiers with guns.[19143] Bosnian Serb soldiers threatened those who tried to withdraw towards the back of the group and physically forced them to board the vehicles.[19144] By 8 p.m. on the evening of 13 July, up to 30,000 Bosnian Muslims had been transported from Potočari to ABiH-held territory.[19145]

5628. The Chamber notes that in relation to the issue of whether the movement of the population was voluntary, the Accused contends that the departure of Bosnian Muslims from Potočari reflected a genuine choice on the part of the population, and that this choice was communicated to the Bosnian Serb Forces by UNPROFOR, with whom the suggestion to transport the population from Potočari originated.[19146] .

5629. As mentioned in Section Section IV.C.1 above, the Chamber received evidence indicating that the municipal authorities in Srebrenica attempted to contact the BiH authorities in Sarajevo multiple times throughout the day on 9 July 1995.[19147] One of these communications included a request that Izetbegović and Delić arrange a meeting with the Bosnian Serbs to explore the

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19138 *See* para. 5076. The Chamber recalls some women gave birth in the open, while conditions were so dire that other people died or committed suicide. *See* para. 5076.

19139 *See* para. 5077.

19140 *See* para. 5080. That morning, members of the Bosnian Serb Forces also conducted "check-ups" for Bosnian Muslims of military age and cursed Bosnian Muslims. *See* para. 5079.

19141 *See* para. 5093.

19142 *See* para. 5099.

19143 *See* paras. 5094–5095.

19144 *See* para. 5095. A Bosnian Serb soldier caught a woman by her hair and pushed and kicked her; she had tried to run after her brother, who had been separated and sent towards the White House. *See* para. 5095.

19145 *See* paras. 5107–5108.

19146 Defence Final Brief, paras. 2414, 2443. *But see* Prosecution Closing Argument, T. 47812 (30 September 2014).

19147 *See* para. 5015, fn. 16945.

possibility of opening a corridor in order to allow the population to the nearest Bosnian Muslim-held territory.[19148] The Accused contends that this request should be regarded as demonstrative of the wish of the population to leave the enclave.[19149] However, these communications occurred on the day that the UNMOs departed the PTT building for Potočari, as the southern perimeter of the enclave began to collapse, and as the population began to panic.[19150] The Chamber therefore does not consider that such a request to the BiH authorities was the product of genuine choice.[19151]

5630. The Accused also contends that at the first two meetings at the Hotel Fontana, "it was made clear to the Bosnian Serbs that both the UN and the civilian population wanted the people of Srebrenica to be transported from the enclave", and that Mladić made it clear that the population could stay if they wished to do so.[19152] The Prosecution submits that Mladić's statements should be viewed in the context of "his menace and his threats".[19153] Indeed, the Chamber has found that Mladić dictated the terms of the first Hotel Fontana meeting, the first ten minutes of which were extremely tense as Mladić berated Karremans for, *inter alia*, having fired at Bosnian Serb Forces that day.[19154] Throughout the meeting, Mladić alternated his invitations to Karremans to make suggestions regarding the situation with veiled threats; for example, with regard to the DutchBat members being held at the hotel, he stated that they would not be hosted for long if NATO kept bombing, since "we know how to bomb too".[19155] A few minutes later, Mladić told Karremans: "You can either all leave, all stay, or all die here."[19156] At the second Hotel Fontana meeting,

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19148 P4150 (Srebrenica Presidency's message to President of BiH and Commander of ABiH, 9 July 1995).

19149 Defence Final Brief, paras. 2402, 2407.

19150 *See* paras. 5014–5015. *See also* D2235 (Report of Presidency of Srebrenica Municipality, 9 July 1995) (reporting intense panic and fear); D2236 (Report of Presidency of Srebrenica Municipality, 9 July 1995) (reporting that the population had no food reserves and that during the last 3 days 4,000 people had left their homes); P4150 (Srebrenica Presidency's message to President of BiH and Commander of ABiH, 9 July 1995) (reporting that "chaos and panic prevail").

19151 *See also* P4140 (Witness statement of Joseph Kingori dated 8 January 2012), paras. 107–108 (commenting that P4150 was written out of desperation once the UNMOs disclosed their intent to depart to Potočari and that the population "had to look for a safe way out, not necessarily because of their own will to leave the enclave but because they were forced by circumstances [...] they were left with no option but to try to escape").

19152 Defence Final Brief, para. 2422. *See also* Defence Final Brief, paras. 2409–2414, 2420–2421, 2426–2427 (citing P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 210–213, 216–218, 220–221, 230, 235, 237–238, 254). The Accused further contends that at the Third Hotel Fontana Meeting, Mladić communicated that anyone who wished to do so would be allowed to remain in Srebrenica. Defence Final Brief, para. 2426 (quoting P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 248–249).

19153 Prosecution Closing Argument, T. 47812 (30 September 2014).

19154 *See* para. 5041.

19155 *See* para. 5042. When Karremans quipped: "Don't shoot the piano player," Mladić responded: "You're one lousy piano player". P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 217; P4201 (Updated Srebrenica Trial video), 00:55:09–00:55:26.

19156 P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 221; P4201 (Updated Srebrenica Trial video), 01:01:45–01:01:55. The Chamber further observes that Karremans' statements explicitly reflected the dependent situation in which he found himself, as he couched his first request to be allowed to leave the enclave in the admission that "it's a request because I'm not in a position to demand anything". P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 210; P4201 (Updated Srebrenica Trial video), 00:43:39–00:43:52. *See also* P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 216; P4201

Mladić demanded that Mandžić provide him with "a clear position on the representatives of your people on whether you want to survive [...] stay or vanish".[19157] He advised Mandžić that "the future of your people is in your hands, not only in this territory".[19158] When regard is had to such statements, the Chamber finds that Mladić's questioning of Karremans and Mandžić did not solicit answers grounded in genuine choice.[19159]

5631. As described in Section IV.C.1 above, at a meeting held in Potočari on 17 July, Mandžić and Franken were asked to sign a statement declaring, *inter alia*, that each individual had been allowed to choose whether to stay in the enclave or leave, and that "*we* decided that the entire population move out of the enclave and be evacuated to the territory of Kladanj municipality".[19160] Franken testified that these portions of the 17 July 1995 Statement were "nonsense", and that he had only signed it in order to ensure that the evacuation of DutchBat and the wounded proceeded smoothly.[19161] Franken also explained that he had added a proviso to one of the statements in an effort to neutralise the false language in the 17 July 1995 Statement.[19162] In light of Franken's testimony as well as the prevailing circumstances in Potočari described in more detail above, the Chamber does not consider the 17 July 1995 Statement to be demonstrative of the population's genuine choice to leave the enclave. Moreover, the Chamber recalls that an agreement concluded by military commanders or representatives of the parties to a conflict cannot render displacement lawful *per se*; commanders and representatives cannot consent on an individual's behalf.[19163]

5632. The Accused also points to evidence on the record which demonstrates that Akashi sent a code cable to Annan at 9:34 p.m. on 11 July, conveying the report of a UNHCR local staff member

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(Updated Srebrenica Trial video), 00:53:30–00:53:40 (requesting the "release" of the population). Over the course of the meeting, Karremans explained the desperate situation of his battalion, including its lack of fuel and food, as well as its inability to provide for the population gathered in Potočari. P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 211, 213; P4201 (Updated Srebrenica Trial video), 00:46:08–00:46:45, 00:49:39–00:49:46.

19157 P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 241; P4201 (Updated Srebrenica Trial video), 01:35:00–01:35:10. *See also* Albert Rave, T. 22236 (30 November 2011) (testifying that Mladić's tone implied a threat).

19158 P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 241; P4201 (Updated Srebrenica Trial video), 01:36:40–01:37:00.

19159 Indeed, the Chamber recalls that Akashi's entire communication to Annan was predicated at the outset on the assessment that "the situation on the ground" at the time "necessitate[d] that [UN] actions in Srebrenica in the coming days be conducted with the consent of the Bosnian Serbs". D1039 (UNPROFOR report, 11 July 1995), p. 1. *See also* P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 105 (stating that the population did not have a realistic opportunity to stay); P5206 (UNPROFOR report, 12 July 1995), e-court p. 1 (reporting that Mladić had insisted that the movement of people from Potočari begin immediately).

19160 P4185 (Declaration by the Civilian Affairs Committee for Srebrenica re: proper implementation of evacuation procedures , 17 July 1995) (emphasis added), cited in para. 5128.

19161 P4175 (Witness statement of Robert Franken dated 15 January 2012), paras. 106–107.

19162 P4175 (Witness statement of Robert Franken dated 15 January 2012), para. 106, cited in fn. 17384.

19163 *See* para. 490.

that day that "virtually everyone in the enclave want[ed] to leave".[19164] However, by the time the cable was sent, tens of thousands of Bosnian Muslims had fled the relentless shelling of Srebrenica town during the Bosnian Serb attack, and had dodged the shooting and shelling of the civilian column as it proceeded north to Potočari. They arrived there only to discover that DutchBat and the other international organisations present, having been under-supplied for months, were woefully unable to accommodate such a number of people. The Chamber finds that these circumstances, which resulted from the actions of Bosnian Serb Forces, were coercive.

5633. The Chamber therefore considers, on the basis of the evidence described above, that the circumstances arising from the imposition of restrictions of humanitarian aid pursuant to Directive 7, the attack on Srebrenica, as well as the atmosphere in Potočari, all of which resulted from the acts of Bosnian Serb Forces, created a coercive environment in which the Bosnian Muslims had no other viable alternative but to leave the enclave in order to stay alive.[19165] Accordingly, the Chamber finds that the removal of the Bosnian Muslim women, children, and some elderly men from the Srebrenica enclave was forced.

5634. The Chamber further considers that because the catastrophic humanitarian situation in Potočari resulted from the actions of Bosnian Serb Forces, the humanitarian crisis that existed in Potočari does not justify the forcible nature of such displacement. The Chamber also observes that, particularly since military operations had ceased by the time the Bosnian Serb Forces entered Srebrenica town on 11 July, there was no need to remove the population for security reasons. Accordingly, the Chamber finds that the forced nature of the removal of Bosnian Muslims from Potočari was not justified under international law.

(B) *Mens rea*

5635. As mentioned in Section IV.C.1 above, with the issuance of Directive 7 on 8 March 1995, the Drina Corps was ordered to "create an unbearable situation of total insecurity with no hope of

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19164 D1039 (UNPROFOR report, 11 July 1995), p. 2; P5203 (UNPROFOR report, 11 July 1995; Letter from John Ryan to Yasushi Akashi, 11 July 1995), p. 2. The Chamber further notes that Akashi testified that he met with UNHCR on 11 July and that he formed the impression that the Bosnian Serb government wished to permit those who wished to stay to do so, while UNHCR advocated that those who wished to leave should be allowed to do so. Yasushi Akashi, T. 37743 (25 April 2013). The Chamber observes that these impressions were not formed firsthand through personal contact with any member of the Bosnian Serb government and thus does not consider Akashi's testimony to be probative of any intent that could be attributable to the Accused.

19165 The Accused argues that it is improper to consider the coercive effect on the population of earlier events, such as convoy restrictions and the shelling of civilians, as evidence of the intent of the Bosnian Serb Forces because the transportation of the population did not take place until after the population and UNPROFOR had specifically requested it. Defence Final Brief, para. 2437. However, the forcible nature of the movement of a population can be established by reference to coercive circumstances; the Chamber has considered the deliberate imposition of restrictions on humanitarian aid together with all the other evidence in establishing the coercive nature of the environment as described above.

further survival or life for the inhabitants of Srebrenica and Žepa".[19166] Bosnian Serb Forces implemented Directive 7 by further restricting humanitarian aid and re-supply convoys over the following months.[19167]

5636. On 10 July, the Bosnian Serb Forces issued an ultimatum to DutchBat, stating, *inter alia*, that DutchBat would be permitted to leave the enclave with the civilian population if they left their equipment and weapons behind.[19168] The Bosnian Serb ultimatum further proposed that only representatives of international organisations should be allowed into the UN Compound, and that the Bosnian Muslim population should remain outside.[19169] Moreover, members of the Bosnian Serb Forces in fact took action to mobilise buses even prior to the commencement of the third meeting at the Hotel Fontana.[19170] The Chamber therefore does not accept either the Accused's assertion that the VRS only took action to mobilise buses after the conclusion of the Hotel Fontana meetings or his suggestion that such a fact—even if established—would demonstrate that the Bosnian Serb Forces had no intention of forcing the population to leave before that point.[19171]

5637. The Chamber notes that in an intercepted conversation at 12:50 p.m., Mladić was heard telling an unidentified male person: "They've all capitulated and surrendered and we'll evacuate them all—those who want to and those who don't want to."[19172] The Accused asserts that as transcribed, this intercept "stands alone as an outlier" and suggests that the word "accommodate" was omitted during transcription such that Mladić's statement should read, "we'll evacuate them all—those who want to and [accommodate] those who don't want to".[19173] The Chamber observes that no evidence on the record supports the Accused's assertion that a word was omitted. The Chamber also notes that it received the testimony of the intercept operator who transcribed this conversation, who testified that a series of dots were used to denote any passages where the speakers were not well heard.[19174] The Chamber observes that no dots were inserted between the words "and" and "those" in the original transcription. The Chamber is therefore satisfied that the original transcription of the conversation accurately reflected Mladić's statement.

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19166 *See* para. 5624.

19167 *See* paras. 4989–4992. The Chamber also notes that humanitarian aid had already diminished even prior to the issuance of Directive 7. *See* paras. 4986–4987.

19168 *See* paras. 5023, 5026. This ultimatum was conveyed to the Bosnian Muslim military and civilian authorities on the night of 10 July 1995. *See* para. 5026.

19169 *See* fn. 16997.

19170 *See* paras. 5082–5086.

19171 Defence Final Brief, paras. 2422–2423.

19172 P6694 (Intercept of conversation between Ratko Mladić and unknown, 12 July 1995).

19173 Defence Final Brief, paras. 2430–2431.

19174 KDZ357, P4628 (Transcript from *Prosecutor v. Tolimir*), T. 2077–2078.

5638. Moreover, the Chamber considers that the statement is not an "outlier" when viewed in the overall context of the numerous intimidating statements that Mladić made to Karremans, DutchBat members, and the representative of the Bosnian Muslim population during the first two meetings at the Hotel Fontana, some of which have been highlighted above.[19175] Additionally, at the third Hotel Fontana meeting, which was held on the morning of 12 July, Mladić opened the meeting by telling the representatives of the Bosnian Muslim population in Potočari,

> I want to help you, but I want absolute co-operation from the civilian population because your army has been defeated. There is no need for your people to get killed [...]. All you have to do is say what you want. As I told this gentleman [Mandžić] last night, you can either survive or disappear.[19176]

In support of his challenge to the Prosecution's contention that the Bosnian Serb Forces intended to force the population to leave, the Accused points to a conversation intercepted at 12:40 p.m., approximately 1.5 hours after the end of the third Hotel Fontana meeting and just as the bussing operation in Potočari got underway,[19177] in which one speaker communicated to Main Staff headquarters that "I talked with them and we'll accept all of the civilians who want to and they can stay".[19178] The Accused claims that the speakers were a superior and a subordinate, that one speaker's reference to having spoken with "them" should be construed as having spoken to the civilian population, and that on the basis of that construction, along with the fact that the speaker on the ground called the Main Staff, the Chamber should infer that the interlocutor on the ground was Mladić.[19179] Even if the Chamber were to accept these premises, in light of the evidence of Mladić's other contemporaneous statements described above,[19180] the Chamber would not consider such a statement demonstrative of Mladić's true intent.

5639. Asserting that the Bosnian Muslim population would have been allowed to stay in Srebrenica had they "sheltered in place in their homes", the Accused contends that the fact that requests were conveyed to the Bosnian Serb Forces to transfer the population precludes the Chamber from concluding that the only reasonable inference is that the Bosnian Serb Forces intended to forcibly transfer the population.[19181] The Chamber notes, firstly, that it has already found that, on the contrary, Bosnian Muslims fled from Srebrenica town to Potočari as a result of

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19175 *See* para. 5630.

19176 P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 248.

19177 *See* paras. 5070, 5093.

19178 D2258 (Intercept of conversation between unidentified individuals in VRS, 12 July 1995).

19179 Defence Final Brief, paras. 2428–2429. The Prosecution contests this construction but did not elaborate further. *See* Prosecution Closing Arguments, T. 47813 (30 September 2014).

19180 *See* paras. 5630, 5638.

19181 Defence Final Brief, paras. 2438–2439, 2442.

the Bosnian Serb attack.[19182] Second, the Chamber recalls that, as mentioned above, the boarding process, which was coercive, was carried out under the direct supervision of the Bosnian Serb Forces.[19183] Members of the Bosnian Serb Forces physically forced some of the individuals gathered in Potočari to board the buses.[19184] Additionally, on 13 July, Radislav Janković ordered a member of the Bratunac Brigade MP to return to Srebrenica to see if any Bosnian Muslims were still there.[19185] Furthermore, the Chamber recalls that members of the Bosnian Serb Forces threatened to shoot an elderly patient who wished to remain in the Srebrenica hospital if the UNMOs did not remove her and take her with them.[19186]

5640. On the basis of all of this evidence, the Chamber considers that there is no doubt that the Bosnian Serb Forces intended to forcibly remove from the Srebrenica enclave the Bosnian Muslim women, children, and some elderly men who had gathered in Potočari by 11 July.

(C) Conclusion

5641. With respect to the transfer described in paragraphs 5623 to 5634 above, the Chamber finds that those who were displaced left their places of residence and belongings without any guarantee concerning the possibility to return in the future and that this caused the victims serious mental suffering or injury. Additionally, some of those displaced from Srebrenica had been previously displaced from their homes in other municipalities;[19187] their displacement from Srebrenica compounded their suffering. These acts were committed with the intent to inflict serious mental suffering, or with knowledge that these acts were likely to cause such suffering. These acts are of similar seriousness to deportation which is listed under Article 5(d) of the Statute. The Chamber therefore finds that these acts are sufficiently serious to amount to "other inhumane acts" pursuant to Article 5(i) of the Statute.

5642. The Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. The Chamber finds that acts referred to in paragraphs 5623 to 5634 of this section were part of this widespread and systematic attack and that the perpetrators of these acts knew of the attack and that their crimes were part of it. In reaching that conclusion, the Chamber considered the locations, time period, and the identity and status of the victims, which correspond with the scope of the widespread and systematic attack, as well as

19182 *See* paras. 5625, 5629–5630.
19183 *See* paras. 5626–5627.
19184 *See* para. 5627.
19185 Mile Janjić, P1194 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 9799–9800.
19186 *See* fn. 17367; P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 186.
19187 *See* para. 2465.

the magnitude of the attack on the Bosnian Muslim civilian population of BiH. The Chamber therefore finds that these incidents constitute other inhumane acts (forcible transfer) as crimes against humanity.

*iv. Persecution: Count 3*

(A) Killings

5643. Earlier in this Judgement, the Chamber found that many Bosnian Muslims were killed by Bosnian Serb Forces in the weeks following the fall of Srebrenica on 11 July 1995.[19188] The Chamber also found that the perpetrators of each of these incidents acted with the intent to kill the victims or at least wilfully caused serious bodily harm, which they should reasonably have known might lead to death.[19189] The Chamber therefore found that these killings constituted murder as a crime against humanity and a violation of the laws or customs of war charged under Counts 5 and 6 of the Indictment, respectively.[19190] The Chamber further found that the victims of each of these incidents were civilians or had been rendered *hors de combat* at the time of their killing.[19191]

5644. The Chamber found that all the victims of the killings mentioned above were Bosnian Muslims. Therefore, the Chamber finds that the perpetrators of these killings intentionally targeted their victims solely on the basis of their identities as Bosnian Muslims and that these killings were carried out on discriminatory grounds with discriminatory intent.

5645. As found earlier, these killings were part of a widespread and systematic attack against the Bosnian Muslim civilian population of BiH and the perpetrators knew of the attack and that the crimes were part of it.[19192] Therefore, the Chamber finds that these killings constitute persecution as a crime against humanity.

(B) Cruel and/or inhumane treatment

(1) Terrorising and abuse of Bosnian Muslims of Srebrenica in Potočari

5646. Earlier in this Judgement, the Chamber described the appalling conditions inflicted upon the panicked and fearful Bosnian Muslim population gathered at the DutchBat compound in Potočari between 11 and 13 July 1995.[19193] The Chamber will not repeat its description in full here, but

19188 *See* para. 5519.
19189 *See* para. 5608.
19190 *See* paras. 5611–5612.
19191 *See* para. 5610.
19192 *See* para. 5612.
19193 *See* para. 5626.

specifically recalls that at the DutchBat compound, where thousands of Bosnian Muslims sought shelter after having come under shell fire at the Bravo Company compound in Srebrenica town and while en route to Potočari, continuous shell fire could be heard between 11 and 12 July.[19194] The Chamber also recalls the incidents of physical violence—including physical and sexual assaults—perpetrated by Bosnian Serb Forces which occurred throughout the day and evening of 12 July and into the following day.[19195]

5647. The Chamber further found that in the midst of the fearful atmosphere in Potočari, Bosnian Serb Forces separated between 600 and 700 Bosnian Muslim men and boys from the women and children and took the men to the White House; this intensified the fear of the men as well as those from whom they were separated.[19196] Before entering the White House, the terrified men were stripped of their ID cards, which the Chamber considers they must have interpreted as a sign of the terrible fate that awaited them, further increasing their fear.[19197] They were forced to leave behind their other belongings and crowded together in the house without food or water.[19198] Outside, members of the Bosnian Serb Forces stood guard with German Shepherd dogs.[19199] During the course of the day on 12 July, the treatment of the Bosnian Muslim men inside the White House deteriorated even further; Bosnian Serb soldiers blocked two DutchBat members who managed to enter the house on the following day from entering an "interrogation room" by threatening them with weapons.[19200] Throughout their detention at the White House, the Bosnian Muslim men were visibly terrified.[19201]

5648. The Chamber has no doubt that these combined circumstances exacerbated the fear and panic permeating the atmosphere in Potočari and the acts of the Bosnian Serb Forces—namely the shelling of Potočari, the incidents of physical violence inflicted upon the Bosnian Muslims gathered there, and the separation and subsequent detention of Bosnian Muslim men and boys at the White House—deliberately inflicted serious physical and mental suffering on the Bosnian Muslims gathered there. The Chamber considers that this cruel and inhumane treatment is of equal gravity to the crimes listed in Article 5 of the Statute.

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19194 *See* paras. 5029–5030, 5074.
19195 *See* paras. 5077, 5095.
19196 *See* paras. 5095, 5109.
19197 *See* para. 5110.
19198 *See* paras. 5113–5115.
19199 *See* para. 5113.
19200 *See* paras. 5115–5116.
19201 *See* paras. 5113, 5116.

(2) Beating of men and boys of Srebrenica prior to their execution

5649. Earlier in the Judgement, the Chamber described the beatings inflicted upon the Bosnian Muslim men detained by Bosnian Serb Forces at various locations in Bratunac and Zvornik municipalities between 13 and 15 July 1995 prior to their execution.[19202] The Chamber finds that the circumstances in which these beatings took place clearly establish that they were performed deliberately.

5650. The Chamber also found that while inflicting these beatings, Bosnian Serb soldiers taunted the Bosnian Muslim detainees and cursed their "balija" mothers.[19203] The beatings were severe; those being beaten screamed and moaned such that they could be heard by the other detainees.[19204] The Chamber therefore finds that the Bosnian Serb Forces deliberately inflicted beatings causing serious physical and mental suffering on the Bosnian Muslim detainees. In the view of the Chamber, this cruel and inhumane treatment is of equal gravity to the crimes listed in Article 5 of the Statute.

(3) Conclusion on cruel and inhumane treatment

5651. As found above, the Bosnian Serb Forces deliberately inflicted serious physical and mental suffering upon Muslims gathered in Potočari, as well as upon the Bosnian Muslim men and boys who were subjected to beatings prior to their execution. The circumstances described above demonstrate that the Bosnian Serb Forces intentionally targeted their victims and subjected them to such cruel and inhumane treatment solely on the basis of their identities as Bosnian Muslims. This cruel and inhumane treatment was therefore carried out on discriminatory grounds with discriminatory intent.

5652. The Chamber found that there was a widespread and systematic attack against the Bosnian Muslim civilian population of BiH. The Chamber finds that the acts referred to above were part of this widespread and systematic attack and the perpetrators of these acts knew of the attack and that their crimes were a part of it. Therefore, the Chamber finds that such cruel and inhumane treatment constitutes persecution as a crime against humanity.

19202 *See* paras. 5296, 5299–5300, 5361–5362, 5422.
19203 *See* para. 5149.
19204 *See* paras. 5296, 5298, 5300, 5361, 5422.

(C) Forcible transfer

5653. The Chamber found above that inhumane acts (forcible transfer) was committed and constituted a crime against humanity as charged under Count 8 of the Indictment. The Chamber finds that the Bosnian Serb Forces who carried out that forcible transfer intentionally targeted their victims solely on the basis of their identities as Bosnian Muslims; the forcible transfer was therefore carried out on discriminatory grounds with discriminatory intent.

5654. As the Chamber found above, this forcible transfer formed part of a widespread and systematic attack against the Bosnian Muslim civilian population of BiH, and the perpetrators knew of the attack and that their crimes were a part of it. In addition, the Chamber found that the acts of forcible displacement within national boundaries were sufficiently serious to amount to "other inhumane acts". Therefore, the Chamber finds that this forcible transfer constitutes persecution as a crime against humanity.

*v. Genocide: Count 2*

5655. In Count 2 of the Indictment, the Prosecution charges the Accused with genocide pursuant to Article 4 of the Statute. It alleges that between 11 July and 1 November 1995, Bosnian Serb Forces killed over 7,000 Bosnian Muslim men and boys in Srebrenica and the surrounding area through, *inter alia*, large-scale executions carried out from 12 July until late July 1995.[19205] The Prosecution further contends that Bosnian Serb Forces caused serious bodily or mental harm to thousands of female and male members of the Bosnian Muslims of Srebrenica by separating the men and boys from their families and by forcibly removing the women, children, and some elderly men.[19206]

5656. The Accused contends that these killings were not committed with genocidal intent and therefore do not constitute genocide.[19207]

(A) The protected group

5657. As established above in relation to Count 1, the Chamber is satisfied that Bosnian Muslims were a protected group for the purpose of Article 4 of the Statute.[19208]

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19205 Indictment, paras. 41–42, 46–47, Schedule E (Part 1). *See also* Prosecution Final Brief, para. 1092. The Prosecution also alleges responsibility for other killings. Indictment, paras. 46, 47(a), Schedule E (Part 2).

19206 Indictment, paras. 46–47. *See also* Prosecution Final Brief, paras. 1093–1094.

19207 Defence Final Brief, para. 2720. *See also* Defence Final Brief, para. 2717.

19208 *See* para. 2574.

(B) *Actus reus*

5658. In relation to Count 2, the Prosecution charges two types of acts pursuant to Article 4(2) of the Statute: (i) the killing of over 7,000 Bosnian Muslim men and boys of Srebrenica through executions set out in Schedule E of the Indictment;[19209] and (ii) the causing of serious bodily or mental harm to thousands of female and male members of the Bosnian Muslims of Srebrenica, including but not limited to the separation of men and boys from their families and the forcible removal of women, young children and some elderly men from the enclave.[19210]

5659. The Chamber will examine below each of these charged categories.

(1) Killing members of the group

5660. The Chamber has found that in the aftermath of the fall of Srebrenica, at least 5,115 Bosnian Muslim males were killed by Bosnian Serb Forces.[19211] The Chamber is therefore satisfied for the purpose of Article 4(2)(a) of the Statute that members of the protected group were killed.

(2) Causing serious bodily or mental harm to members of the group

5661. Earlier in this Judgement, the Chamber has described in detail the harrowing circumstances under which thousands of Bosnian Muslim males faced the prospect of their imminent deaths.

5662. In this regard, the Chamber recalls the atmosphere of panic in Potočari. The Bosnian Muslims who travelled there with their families on 11 July endured a night permeated with fear as a result of the conditions created by the Bosnian Serb Forces.[19212] Once the transportation process began on the following day, the Bosnian Muslim males were abruptly separated from their families and stripped of their personal belongings, including identification cards;[19213] as stated above, the Chamber considers that the Bosnian Muslim males must have interpreted this as an ominous sign of the terrible fate that awaited them.[19214] The Bosnian Muslim males who were separated in Potočari

19209 Indictment, para. 47(a) (referring to the crimes listed in Schedule E (Part 1) and Schedule E (Part 2).

19210 Indictment, para. 47(b). The Chamber notes that, in contrast to the open-ended use of the term "including" which the Chamber has mentioned in fn. 13, in para. 47(b) of the Indictment, the Prosecution specifically states that its allegation regarding the causing of serious bodily or mental harm to the Bosnian Muslims of Srebrenica includes the phrase "but [is] not limited to" the separation of the men and boys from their families and the forcible removal of the women, young children, and some elderly men from the enclave. The Chamber will thus consider whether serious bodily or mental harm was caused to thousands of female and male members of the Bosnian Muslims of Srebrenica following the separation of the men and boys from their families as a result of both the killings and the forcible removal of the women, children, and some elderly men. *See* Prosecution Final Brief, para. 1094.

19211 *See* para. 5519. *See also* para. 5607.

19212 *See* paras. 5073–5077.

19213 *See* paras. 5095, 5101, 5109–5110.

19214 *See* para. 5647.

were crammed first into the White House and later moved to various overcrowded locations in Bratunac, where they were held in appalling sanitary conditions and given little if any food or water.[19215] In Bratunac, the Bosnian Muslim males from Potočari were joined by Bosnian Muslim males who had endured similar deprivation upon being captured or surrendering from the column.[19216] During their detention, many Bosnian Muslim males were subjected to physical and verbal abuse at the hands of the Bosnian Serb Forces; these conditions persisted upon their transfer from Bratunac to more remote locations in Zvornik.[19217] Once taken to the execution sites, the Bosnian Muslim males must have realised that they would be killed and thus spent their last terrifying moments in a state of hopelessness. The Chamber finds that the suffering endured by these men in the final days and hours before they were killed by Bosnian Serb Forces constituted serious bodily or mental harm.

5663. The Chamber also finds that the Bosnian Serb Forces caused serious bodily and mental harm to the Bosnian Muslim males who managed to survive the killings and lived to testify. Some witnesses described hiding underneath the bodies of their fellow detainees and escaping the killing sites under perilous circumstances.[19218] The Chamber is convinced that, in addition to the serious bodily or mental harm suffered by the survivors prior to their attempted execution, their respective close encounters with death have had long-lasting effects on their respective abilities to lead normal and constructive lives.

5664. Likewise, the Chamber finds that the killings of Bosnian Muslim males carried out by the Bosnian Serb Forces following the fall of Srebrenica inflicted serious mental harm upon the surviving family members and loved ones of those killed. Having fled their homes or places of refuge for the UN Compound, these women, children, and some elderly men also endured the sudden separations at Potočari, when their husbands, fathers, brothers and sons were taken away to await an unknown fate.[19219] The Chamber received evidence that many women suffered serious mental harm as a result of not knowing what happened to their missing male family members.[19220]

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19215 *See* paras. 5113, 5294–5295.

19216 *See* paras. 5168, 5176–5177, 5183, 5186.

19217 *See* paras. 5193, 5296, 5298–5299, 5323–5324, 5359–5360, 5418.

19218 *See* paras. 5152, 5236–5239, 5334, 5368–5370, 5432–5433, 5437. The Chamber recalls that one Bosnian Muslim man survived by throwing himself in the Jadar River after being hit by a bullet. *See* para. 5190.

19219 *See* paras. 5101–5108.

19220 Teufika Ibrahimefendic, P4646 (Transcript from *Prosecutor v. Krstić*), T. 5817–5818. *See e.g.* P391 (Witness statement of Hafiza Salihović dated 17 June 2000), pp. 2–3; P392 (Witness statements of Semija Suljić dated 17 June 2000), p. 2; P393 (Witness statement of Mejra Mešanović dated 19 June 2000), p. 3; P394 (Witness statement of Mevlida Bektić dated 16 June 2000), p. 3; P395 (Witness statement of Behara Krdžić dated 16 June 2000), p. 3; P396 (Witness statement of Hanifa Hafizović dated 16 June 2000), pp. 3–4; P397 (Witness statement of Razija Pašagić dated 15 June 2000), p. 3; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), pp. 3–4; P399 (Witness statement of Salih Mehmedović dated 15 June 2000), p. 4; P401 (Witness

The Chamber heard testimony of the unique nature of this suffering in that in the space of a few days, many women of Srebrenica had lost such large numbers of male family members that they were unable to envision the future.[19221] Their mental anguish continues in the form of anxiety as well as feelings of helplessness and betrayal, which underpin an unwillingness or inability to return to their former homes.[19222] Accordingly, the Chamber finds that the mental harm caused to the women, children, and some elderly men as a result of the killing of the men and boys and the forcible removal of the remainder of Bosnian Muslims has had long-lasting effects on the respective abilities of the surviving women, children, and some elderly men to live normal and constructive lives.

5665. The Chamber is therefore satisfied for the purpose of Article 4(2)(b) of the Statute that thousands of female and male members of the Bosnian Muslims of Srebrenica were subjected to serious bodily or mental harm as a result of actions of the Bosnian Serb Forces and that this harm was of such serious nature as to contribute or tend to contribute to the destruction of part of the group.

### (C) *Mens rea*

5666. The Prosecution contends that the Accused and other members of the Srebrenica JCE intended to destroy the Bosnian Muslims in Srebrenica, which formed a substantial part of the protected Bosnian Muslim group.[19223] According to the Prosecution, the intent to destroy the

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statement of Šehra Ibišević dated 21 June 2000), p. 4; P403 (Witness statement of Rahima Malkić dated 17 June 2000), pp. 2–4; P404 (Witness statement of Samila Salčinović dated 18 June 2000), p. 3.

19221 Teufika Ibrahimefendic, P4646 (Transcript from *Prosecutor v. Krstić*), T. 5815, 5817–5818, 5832. Considering the patriarchal society, many women endure financial insecurity as their husbands and sons were the main source of income, which renders the process of finding a permanent home difficult. *See e.g.* P391 (Witness statement of Hafiza Salihović dated 17 June 2000), p. 3; Semija Suljić, P392 (Witness statements of Semija Suljić dated 17 June 2000), p. 2; P393 (Witness statement of Mejra Mešanović dated 19 June 2000), p. 3; P394 (Witness statement of Mevlida Bektić dated 16 June 2000), p. 3; P395 (Witness statement of Behara Krdžić dated 16 June 2000), p. 3; P396 (Witness statement of Hanifa Hafizović dated 16 June 2000), p. 3; P397 (Witness statement of Razija Pašagić dated 15 June 2000), p. 3; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), p. 4; P399 (Witness statement of Salih Mehmedović dated 15 June 2000), pp. 3–5; P401 (Witness statement of Šehra Ibišević dated 21 June 2000), p. 4; P403 (Witness statement of Rahima Malkić dated 17 June 2000), p. 3; P404 (Witness statement of Samila Salčinović dated 18 June 2000), p. 3.

19222 Teufika Ibrahimefedić, T. 26681–26682 (22 March 2012). This stress manifests physically in the form of insomnia as well as problems with eating. Teufika Ibrahimefedić, T. 26682 (22 March 2012). Many are unable or unwilling to return home because of fear and loss of hope. *See e.g.* P391 (Witness statement of Hafiza Salihović dated 17 June 2000), p. 3; P392 (Witness statements of Semija Suljić dated 17 June 2000), p. 2; P393 (Witness statement of Mejra Mešanović dated 19 June 2000), p. 3; P394 (Witness statement of Mevlida Bektić dated 16 June 2000), p. 3; P395 (Witness statement of Behara Krdžić dated 16 June 2000), p. 3; P396 (Witness statement of Hanifa Hafizović dated 16 June 2000), p. 2; P398 (Witness statement of Saliha Osmanović dated 18 June 2000), p. 4; P401 (Witness statement of Šehra Ibišević dated 21 June 2000), p. 4; Rahima Malkić, P403 (Witness statement of Rahima Malkić dated 17 June 2000), p. 3; P404 (Witness statement of Samila Salčinović dated 18 June 2000), p. 4.

19223 Prosecution Final Brief, paras. 1095–1096. Alternatively, the Prosecution contends that it was foreseeable to the Accused that one or more members of the Overarching JCE might perpetrate genocide against the Bosnian

Bosnian Muslims in Srebrenica is evident from the scale of the killings and their level of co-ordination, as well as the systematic method through which they were carried out.[19224] The Prosecution argues that the killings, as well as the forcible removals and other acts which inflicted serious bodily or mental harm, "were intended to ensure that the Bosnian Muslim community of Srebrenica could not re-constitute itself.[19225] The Accused denies that he personally had or shared such intent with anyone else.[19226]

5667. The Chamber will address the Accused's mental state in the section concerning his responsibility below, and will limit its immediate consideration to whether the existence of genocidal intent is evident from the pattern of crimes.

(1) Intent to destroy a part of the protected group as such

5668. As stated above, the Chamber has found that the Bosnian Serb Forces killed at least 5,115 Bosnian Muslim males from Srebrenica following the fall of Srebrenica in July 1995.[19227] The Chamber notes the commencement of the killings outside the Vuk Karadžić School in Bratunac on the night of 12 July;[19228] the further killings at Potočari,[19229] Sandići Meadow,[19230] Jadar River,[19231] the Kravica Warehouse, [19232] Luke School near Tišća,[19233] and again outside the Vuk Karadžić School on 13 July;[19234] and the continued escalation of the killings following the decision on 13 July to transfer the Bosnian Muslim males in Bosnian Serb custody to Zvornik with killings at Orahovac,[19235] Petkovci, [19236] Ročević and Kozluk,[19237] and at Kula School, Branjevo Military Farm, and the Pilica Cultural Centre.[19238] All of these killings were carried out over a period of several days and in circumstances which demonstrated clear co-ordination between multiple layers and branches of the Bosnian Serb Forces. The Chamber considers that the consistent pattern evident from the movement of the prisoners from their places of detention—sometimes to

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Muslims of Srebrenica, that he was aware that such genocide was a possible consequence of implementing the objective of the Overarching JCE, and the Accused willingly took that risk. Indictment, para. 43.

19224 Prosecution Final Brief, para. 1096.

19225 Prosecution Final Brief, para. 1097.

19226 Defence Final Brief, paras. 3167–3169.

19227 *See* para. 5519. *See also* para. 5607.

19228 *See* para. 5298.

19229 *See* paras. 5141, 5145.

19230 *See* para. 5291.

19231 *See* para. 5205.

19232 *See* para. 5286.

19233 *See* para. 5154.

19234 *See* paras. 5299–5303, 5306.

19235 *See* para. 5354.

19236 *See* para. 5382.

19237 *See* para. 5413.

secondary or even tertiary holding sites—and ultimately to killing sites demonstrates the deliberate nature of the operation pursuant to which the Bosnian Muslim males were executed. The Chamber further observes that the vast scale of the executions as well as the horrendous manner in which they were carried out demonstrated a total disregard for the humanity of the Bosnian Muslim males of Srebrenica.

5669. The Chamber notes that the operation, which was carried out by the Bosnian Serb Forces who vigorously pursued the Bosnian Muslim males in the column, encompassed the killing of all Bosnian Muslim men in Bosnian Serb custody, irrespective of whether they were combatants or civilians and regardless of whether they were captured or had surrendered. The Chamber considers that this, combined with the manner as well as the systematic and highly organised nature of the killings, demonstrates a clear intent to kill every able-bodied Bosnian Muslim male from Srebrenica. Noting that killing every able-bodied male of a group results in severe procreative implications that may lead to the group's extinction,[19239] the Chamber finds that the only reasonable inference on the basis of such evidence is that members of the Bosnian Serb Forces orchestrating this operation intended to destroy the Bosnian Muslims in Srebrenica as such.

5670. Although a corridor was opened for a period of approximately 24 hours,[19240] the Chamber finds that this was done by a brigade commander for reasons of military necessity and notes that it was quickly closed, reinforcements were sent to the Zvornik area, and the Main Staff dispatched three colonels to the area to investigate why the corridor had been opened.[19241] In the following days, members of the Bosnian Serb Forces continued to kill Bosnian Muslim males who came into custody, as exemplified by the killings of Bosnian Muslim males at Snagovo,[19242] Bišina,[19243] and Trnovo.[19244] The Chamber is thus of the view that the opening of the corridor does not raise any doubt that members of the Bosnian Serb Forces intended to destroy the Bosnian Muslims in Srebrenica.

5671. On the basis of the evidence regarding the killing operation, in particular in light of the fact that the Bosnian Serbs tried to kill every able-bodied Bosnian Muslim male from Srebrenica,[19245]

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19238 *See* para. 5464.

19239 *See Krstić* Appeal Judgement, paras. 28-29.

19240 *See* para. 5470. The Chamber notes that the Main Staff initially denied Obrenović authorisation to open such a corridor. *See* para. 5468.

19241 *See* paras. 5468–5474.

19242 *See* para. 5481.

19243 *See* para. 5490.

19244 *See* paras. 5475–5476, 5497.

19245 In this regard, the Chamber considers the example of Rešid Sinanović—the former chief of the SUP in Bratunac—to be illustrative of this intention. The Chamber recalls that Sinanović was captured by Bosnian Serb

the Chamber finds that the only reasonable inference is that members of the Bosnian Serb Forces intended to destroy the Bosnian Muslims in Srebrenica as such. In addition, the Chamber recalls the near-simultaneous execution of the bussing operation which resulted in the removal of the remainder of the Bosnian Muslim population, namely the women, children, and some elderly men, from the Srebrenica enclave.[19246] The Chamber has found that this process, which also involved the abrupt separation of the Bosnian Muslim males from the women, children, and some elderly men, resulted in serious mental harm.[19247] Viewing the evidence in its totality, the Chamber considers that the Bosnian Serb Forces must have been aware of the detrimental impact that the eradication of multiple generations of men would have on the Bosnian Muslims in Srebrenica in that the killing of all able-bodied males while forcibly removing the remainder of the population would have severe procreative implications for the Bosnian Muslims in Srebrenica and thus result in their physical extinction. The Chamber therefore finds beyond reasonable doubt that these acts were carried out with the intent to destroy the Bosnian Muslims in Srebrenica as such.

(2) Substantiality of the targeted group

5672. The Chamber recalls that where part of a protected group is targeted for destruction, such part must be substantial.[19248] With regard to the targeted group, which was the Bosnian Muslims in Srebrenica, the Chamber recalls that the Appeals Chamber has found that although the Bosnian Muslim population in Srebrenica constituted a numerically small percentage of the Bosnian Muslim population, the enclave's seizure was of particular strategic importance due to its geographic proximity to Serbia, its symbolic stature as a refuge for Bosnian Muslims, and the fact that its elimination despite its status as a safe area would be demonstrative of the potential fate of all Bosnian Muslims.[19249] The Chamber agrees with this analysis and, accordingly, finds that the Bosnian Muslims in Srebrenica constituted a substantial part of the Bosnian Muslim population.

(3) Conclusion

5673. On the basis of the analysis set out above, the Chamber finds that—with the intent to destroy the Bosnian Muslims in Srebrenica, which constituted a substantial part of the Bosnian

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Forces on 13 July and held at the Konjević Polje intersection and later in Bratunac; he was then transferred to Zvornik on 14 July where he survived, and escaped from, a mass execution near Kozluk. *See* paras. 5171, 5192, 5199, fn. 17638. On 15 July, after having been found wounded and taken to the Loznica Hospital, the Bratunac SJB became aware of his whereabouts and informed members of the police in Zvornik, who then took Sinanović away. *See* fn. 17638. Sinanović's remains were ultimately identified from remains found in one of the Srebrenica-related secondary gravesites. *See* fn. 17638.

19246 *See* paras. 5093–5095, 5098–5108.

19247 *See* para. 5665.

19248 *See* para. 555.

19249 *Krstić* Appeal Judgement, paras. 15–16.

Muslim protected group—members of the Bosnian Serb Forces killed thousands of Bosnian Muslim males and caused serious bodily or mental harm to thousands of Bosnian Muslims in Srebrenica. The Chamber therefore finds that the acts described above constitute genocide within the meaning of Articles 4(2)(a) and 4(2)(b) of the Statute.

3. Srebrenica JCE and the Accused's responsibility

5674. The Prosecution alleges that the Accused committed each of the crimes referred to above in concert with others through his participation in a JCE, the common purpose of which was to "eliminate the Bosnian Muslims in Srebrenica by killing the men and boys of Srebrenica and forcibly removing the women, young children and some elderly men from Srebrenica" ("Srebrenica JCE").[19250] The Prosecution alleges that this objective amounted to or included the commission of genocide, persecution, extermination, murder, and forcible transfer as an inhumane act.[19251] According to the Prosecution, the Srebrenica JCE was "intrinsically related" to the Overarching JCE,[19252] as the Accused had long sought the removal of the Bosnian Muslim population from the enclaves in eastern BiH.[19253]

5675. The Prosecution contends that the Srebrenica JCE—and the Accused's participation therein—commenced in the days immediately preceding 11 July 1995.[19254] Other alleged members of the Srebrenica JCE include Ratko Mladić as well as republic level members of the Bosnian Serb Political and Governmental Organs; regional, municipal, and local level members of Bosnian Serb Political and Governmental Organs with responsibility in or for the Srebrenica, Vlasenica, Bratunac, and/or Zvornik areas; commanders, assistant commanders, senior officers, and chiefs of the VRS and MUP operating in or with responsibility over territory within the Drina Corps area of responsibility and/or Trnovo municipality; and members of a Serbian MUP unit called the Scorpions.[19255]

5676. The Prosecution alleges that beginning in March 1995, the Accused and Mladić oversaw a "final push to end the Bosnian Muslim presence in Srebrenica and eastern [BiH]" by implementing a plan to take over the Srebrenica enclave and forcibly transfer its Bosnian Muslim population,

19250 Indictment, para. 20.

19251 Indictment, paras. 20, 41–42, 48–49, 58, 61–62, 66, 68, 75. *See also* fn. 19120.

19252 Prosecution Final Brief, para. 799.

19253 Prosecution Final Brief, para. 801; Prosecution Closing Argument, T. 47769 (30 September 2014).

19254 Indictment, para. 20; Prosecution Final Brief, para. 798.

19255 Indictment, paras. 21–23. Alternatively, the Prosecution contends that some or all of these individuals were not members of the Srebrenica JCE but were used as tools by such members in order to carry out crimes committed in furtherance of the common purpose. Indictment, paras. 22–23. The Prosecution further specifies that the Scorpions only operated and committed crimes within Trnovo municipality. Indictment, para. 23.

which formed part of the objective of the Overarching JCE.[19256] According to the Prosecution, within days of the commencement of the attack on the Srebrenica enclave on 6 July 1995, the Accused and others formed the shared intent to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys and forcibly removing the women, young children, and some elderly men.[19257] The Prosecution contends that by 11 July, this objective had begun to be implemented through the killing of the Bosnian Muslim men and boys of Srebrenica, as well as the causing of serious bodily or mental harm to thousands of Bosnian Muslims of Srebrenica.[19258]

5677. The Accused denies that there was any plan for forcible transfer and contends that there was no plan to kill any detainees prior to the killings at Kravica Warehouse.[19259] The Chamber will address the Accused's specific arguments, where relevant, below.

5678. As a preliminary matter, the Chamber is of the view that the alleged common purpose of the Srebrenica JCE to eliminate the Bosnian Muslims in Srebrenica encompasses two distinct but related aspects: the killing of the men and boys along with the forcible removal of the women, children, and the elderly. Accordingly, the Chamber will examine the establishment and subsequent development of these two operations separately below.

a. The existence of a common plan to eliminate the Bosnian Muslims in Srebrenica

*i. Overarching JCE and a long term plan to remove the Bosnian Muslim population from Srebrenica*

5679. Earlier in this Judgement, the Chamber found that as early as May 1992, the Accused and Mladić, amongst others, shared the common purpose of permanently removing Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory through the crimes of, *inter alia*, inhumane acts (forcible transfer).[19260]

5680. As reflected in Directive 4, issued in November 1992, the VRS devised a military strategy to force the Bosnian Muslim population to leave the wider Srebrenica area.[19261] After several months of intense combat, the VRS launched a major offensive in the spring of 1993 which resulted in the forcible transfer of Bosnian Muslims from Vlasenica and Bratunac municipalities to Srebrenica and ultimately concluded with the proclamation of Srebrenica as a UN-protected safe

19256 Indictment, para. 44; Prosecution Final Brief, para. 801.
19257 Indictment, paras. 45, 58, 75.
19258 Indictment, paras. 45–47. *See also* Indictment, paras.58, 75; Prosecution Closing Argument, T. 47770–47771 (30 September 2014).
19259 Defence Final Brief, paras. 2402–2407, 2449–2518.
19260 *See* para. 3447.
19261 *See* paras. 4947–4948.

area.[19262] Even prior to the establishment of the safe area, the humanitarian situation in Srebrenica was catastrophic.[19263] The miserable conditions did not abate once the safe area was proclaimed in April 1993.[19264]

5681. On 8 March 1995, the Accused issued Directive 7, which included an order to the Drina Corps to "*create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa*".[19265] The Chamber finds that such language clearly indicates an intent to force the Bosnian Muslim population to leave the enclave. Directive 7 also included an order to the civilian and military organs responsible for co-operation with UNPROFOR to use

> the planned and unobtrusively restrictive issuing of permits, [to] reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, [thereby] making them dependent on our good will while at the same time avoiding condemnation by the international community and international public opinion.[19266]

5682. Earlier in this Judgement, the Chamber found that this directive was implemented through the restriction of humanitarian aid to Srebrenica following the issuance of Directive 7.[19267] The Chamber also found that, although the reference to "creat[ing] an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants" was not repeated in Directive 7/1 which was issued by Mladić on 31 March 1995, Directive 7/1 further elaborated upon Directive 7.[19268] Additionally, the Chamber recalls that the preparatory order as well as the active combat order issued by the Drina Corps Commander on 2 July 1995 drew reference from both Directives 7 and 7/1.[19269] The Chamber is therefore satisfied that the omission in Directive 7/1 of the language in Directive 7 which ordered the Drina Corps to "create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa" did not signal its revocation or abandonment, as it was still given effect.

5683. Even prior to the issuance of the Drina Corps orders of 2 July 1995, the Bosnian Serb Forces had begun to intensify military activities towards the Srebrenica enclave. The Chamber recalls that between April and the beginning of July 1995, the Bosnian Serb Forces—including units of the Drina Corps—intensified their firing on DutchBat positions surrounding the enclave

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19262 *See* paras. 2465, 2480, 4949, 4952–4956, 4962, 4968.
19263 *See* paras. 4949–4951, 4957–4961, 4965–4966, 4968.
19264 *See* paras. 4969, 4985, 4987–4988.
19265 P838 (Directive 7, 8 March 1995), p. 10 (emphasis added).
19266 P838 (Directive 7, 8 March 1995), p. 14. *See also* paras. 4979–4982.
19267 *See* paras. 4981, 4991.
19268 *See* para. 4984.

and that beginning in May 1995, they began to shell the enclave itself.[19270] At the beginning of June, the Bosnian Serb Forces took over DutchBat's OP Echo, forcing DutchBat to retreat towards Srebrenica town.[19271] Several weeks later, members of the 10th Sabotage Detachment, which was a unit directly subordinated to the Main Staff,[19272] and the Bratunac Brigade entered the enclave through an old mining tunnel and fired infantry weapons into Srebrenica town.[19273]

5684. Based on the foregoing, the Chamber is satisfied that at least by the time Directive 7 was issued in March 1995, the Accused and Mladić had devised a long-term strategy aimed at the eventual forcible removal of the Bosnian Muslims in Srebrenica through the deliberate restriction of humanitarian aid as well as the targeting of the enclave by the Bosnian Serb Forces.

*ii. Development of the plan to eliminate the Bosnian Muslim population in Srebrenica*

5685. The Chamber recalls that at the end of June 1995, the Accused and Krajišnik visited the Drina Corps Command in Vlasenica, where they met with Krstić and gave him a combat assignment, which Krstić and other members of the Drina Corps command then began to draft into a combat plan known as Krivaja 95.[19274] As the Chamber has found above, the Drina Corps order for active combat operations issued on 2 July 1995 did not originally anticipate the take-over of Srebrenica town; instead, it focused on splitting the enclaves of Srebrenica and Žepa and "reduc[ing] them to their urban areas".[19275]

5686. The Chamber recalls that after initially making slow progress following the commencement of active combat operations on 6 July, Mladić arrived in Bratunac on the afternoon of 8 July.[19276] That same day, the Accused spoke to Živanović regarding the possibility of obtaining reinforcements from the MUP.[19277] The Accused also told Živanović, "all right General, full speed

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19269 *See* para. 5005.

19270 *See* paras. 4995, 4997–4998.

19271 *See* para. 4999.

19272 *See* para. 175.

19273 *See* para. 5001.

19274 *See* para. 5004.

19275 *See* para. 5007.

19276 *See* paras. 5010–5012, 5017, fn. 16957.

19277 The Accused told Živanović to tell Krstić that although "we could probably reinforce you a little", aside from a group from Zvornik, "the entire MUP [wa]s engaged" and that "there [wa]s no other way"; the Drina Corps would "have to go with [its] own forces". P4484 (Dictaphone conversation between Radovan Karadžić and General Milenko Živanović, 8 July 1995), pp. 1–2 (also mentioning the seising of the Tri Sise feature that day); D2099 (VRS Main Staff Report, 8 July 1995), para. 6(b) (reporting the seising of the Tri Sise feature on 8 July). *See also* Ljubomir Obradović, T. 25321 (27 February 2012) (confirming that the reference to "Krle" in P4484 pertained to Krstić). In the Drina Corps' daily combat report to the Main Staff, Živanović requested that a company of Zvornik MUP forces be engaged as reserve forces for the Birač Brigade. P4930 (Combat Report of Drina Corps, 8 July 1995), para. 9.

ahead. Tell Krstić, order to go full steam ahead".[19278] Živanović replied, "we are working pretty much according to plan and it's going well".[19279] That evening, the Bosnian Serb Forces began to take over DutchBat's OPs.[19280] The enclave's southern perimeter then began to collapse, sending residents of the Swedish Shelter Project fleeing toward Srebrenica town.[19281]

5687. As the Bosnian Serb Forces pressed further into the enclave on 9 July, Tolimir spoke several times to members of UNPROFOR, denying their progress.[19282] That day, Mladić, Gvero, and Živanović joined Krstić, who had already been present for several days, at the Drina Corps IKM in Pribićevac.[19283] By the end of the afternoon, the Bosnian Serb Forces stood only one kilometre from Srebrenica town, and Krstić reported to the Main Staff that the conditions for "extending the attack towards Srebrenica" were created.[19284]

5688. The Chamber recalls that after Krstić reported to the Main Staff the favourable conditions for extending the attack on 9 July, Tolimir contacted the Accused, who approved the expansion of the Krivaja 95 plan and ordered the Bosnian Serb Forces to take over Srebrenica town.[19285] Tolimir then proceeded to draft a written order to this effect, which Mladić relayed to his subordinates in the field by encrypted radio.[19286] The order stated that "full protection" was to be given to UNPROFOR members and the Bosnian Muslim civilian population.[19287] Additionally, pursuant to an order from the Accused, a group of mixed special police units under the command of Borovčanin was redeployed from Sarajevo to the Srebrenica front on 10 July.[19288] The Main Staff also redeployed units assigned elsewhere towards Srebrenica.[19289]

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19278 P4484 (Dictaphone conversation between Radovan Karadžić and General Milenko Živanović, 8 July 1995), p. 2.

19279 P4484 (Dictaphone conversation between Radovan Karadžić and General Milenko Živanović, 8 July 1995), p. 2.

19280 *See* paras. 5010–5012.

19281 *See* paras. 5010–5013.

19282 *See* paras. 5014, 5016, 5019.

19283 *See* paras. 5008, 5017.

19284 *See* paras. 5015, 5017.

19285 *See* para. 5018.

19286 *See* para. 5018.

19287 *See* para. 5018.

19288 P2992 (Order of RS MUP, 10 July 1995); P2993 (Order of RS MUP, 10 July 1995). *See also* para. 5021 (describing the detachment and redeployment of a mixed group of MUP forces under the command of Borovčanin); Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6365–6366 (stating that only the Supreme Commander, at the request of the Ministry of the Interior, could engage a MUP unit for combat activities). Tomislav Kovač testified that while he was meeting with the Accused on 9 July, the Accused called Krstić and told the latter to convey a request for two special police detachments to be sent to Srebrenica before turning to Kovač and asking him to send some special police forces so that Mladić "would not get all the credit for the liberation of Srebrenica". D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), paras. 110–111; Tomislav Kovač, T. 42720–42721, 42724–72725 (31 October 2013), T. 42746–42747 (1 November 2013). Kovač claimed that he refused to issue such an order because the MUP forces were spread so thin around Sarajevo and because he anticipated "a conflict with Mladić", but that nevertheless, the Accused issued an order "for the police to start their activities in Srebrenica". D3960 (Witness Statement of Tomislav Kovač dated 28

5689. Meanwhile, members of the Main Staff colluded in attempting to deceive UNPROFOR.[19290] When Tolimir—who had already relayed to the Drina Corps IKM the Accused's order to take the town—spoke to Janvier at 11:10 p.m. on 9 July, he assured Janvier that the VRS "w[ould] do everything [they] c[ould] to calm down the situation".[19291] Likewise, although Mladić had already relayed the expanded orders received from Tolimir to the subordinate units of Bosnian Serb Forces, when he spoke to Janvier at 10:45 a.m. on 10 July, Mladić claimed: "[W]e are doing everything to keep the situation under control and for it not to escalate".[19292] That day, the Bosnian Serb Forces advanced further into the enclave and attempted to enter the town, but were repelled by ABiH and DutchBat fire.[19293] Nevertheless, the Bosnian Serb Forces continued to draw closer to the town while Tolimir maintained that combat operations had stopped when he spoke to Janvier.[19294] On the following day, Gvero sent an urgent warning to the Drina Corps Command and IKM, noting that "the monitoring of reactions from UNPROFOR representatives and the world public opinion indicates that the attitude of the VRS personnel towards UNPROFOR personnel and units in the

October 2013), paras. 112–113; Tomislav Kovač, T. 42721 (31 October 2011). The Chamber notes that Kovač further asserted that he went from Pale to Bijeljina in order to be "out of reach" in an attempt to avoid issuing such an order but that nevertheless, the Accused's order of 10 July was conveyed by a MUP duty officer "to the field" using Kovač's name but without his knowledge. D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 114. *See also* Tomislav Kovač, T. 42734 (1 November 2013). When Kovač was presented with his own testimony from a previous case in which he had testified that the Accused had called Karišik and Borovčanin to relay his order of 10 July directly, Kovač first asserted that the order had merely been "forwarded to the MUP institution where Karišik and Borovčanin were"; however, when presented with Karišik's testimony denying having seen the Accused's 10 July order at the time, Kovač then stated that the Accused had issued the order "to the MUP institution" and that Borovčanin had "received the order through MUP services", and asserted that "as for Karišik, I don't know whether he saw it the first or the second day, whether he passed it on [...] as my deputy he had insight into it [...]". Tomislav Kovač, T. 42733–42735 (1 November 2013). *See also* Tomislav Kovač, T. 42717 (31 October 2013) (attesting to the truthfulness of his testimony in the prior case). When asked specifically whether he stood by his prior testimony that the Accused had called Karišik directly, Kovač became evasive and eventually explained that he "didn't know who passed on the order until [he] saw documents in The Hague". Tomislav Kovač, T. 42735–42737 (1 November 2013) (further explaining that when he gave his previous testimony he thought Karišik had forwarded the order but later learned that that was incorrect). The Chamber will explain its assessment of Kovač's credibility in more detail in para. 5766 below, and considers that Kovač had an interest in distancing himself from the implementation of the Accused's 10 July order. *See* Tomislav Kovač, T. 42737–42738 (1 November 2013) (demonstrating awareness that the commander of the SBP, Goran Sarić, had recently been indicted in connection with the actions of SBP units following their deployment to Srebrenica pursuant to the Accused's order). The Chamber will therefore not rely on Kovač's testimony to the extent that it implicates Karišik in the order's forwarding. However, the Chamber is satisfied that the order was forwarded by the RS MUP and implemented as set out above. *See also* Christian Nielsen, T. 16335–16336 (7 July 2011).

19289 *See* para. 5021.

19290 Radislav Janković, an officer from the Intelligence Administration who had arrived in Srebrenica on 8 July 1995, informed Momir Nikolić that he would be taking over all contact with international organisations and DutchBat, relieving Nikolić of those duties. Momir Nikolić, T. 24604–24606 (13 February 2012).

19291 *See* para. 5019.

19292 P5268 (Intercept of conversation between Ratko Mladić and General Bernard Janvier, 10 July 1995), p. 1. Mladić also told Janvier that the DutchBat members who had crossed to Bosnian Serb territory when their OPs fell were not POWs, but "guests". P5268 (Intercept of conversation between Ratko Mladić and General Bernard Janvier, 10 July 1995), p. 2. *See also* fn. 16989.

19293 *See* para. 5024.

19294 *See* paras. 5025, 5027.

area of Srebrenica is in the focus of attention".[19295] Gvero further ordered the Drina Corps and its subordinate units to "ensure utmost decency in the attitude towards UNPROFOR personnel", as adopting such an attitude was "of multifarious importance for the realisation of the assignment at hand and of our set of objectives".[19296] The Chamber thus considers that the Main Staff was well aware of the need to maintain cordial relations with UNPROFOR while nevertheless advancing further towards the goal of taking over the enclave. Late in the afternoon of 11 July, Gvero spoke to Nicolai and—as Mladić and Tolimir had done the day before when speaking to Janvier—denied that the Bosnian Serb Forces were attacking UN positions or targeting the population.[19297] Soon thereafter, Gvero reported to the Accused what he had said to Nicolai and then added: "That's right, I told him, Mr. President. [...] Everything is going according to plan and do not worry."[19298] The Chamber finds that these conversations, especially when viewed in light of the clear advance of the Bosnian Serb Forces on the ground, clearly demonstrate that the members of the Main Staff deliberately lied to the UNPROFOR officials with whom they spoke on 10 and 11 July, and that the Accused was aware of this tactic.

5690. The Accused was also promptly informed by Gvero about the fall of Srebrenica in the late afternoon of 11 July.[19299] The Bosnian Serb Forces had by then entered what was mostly an empty town, although they called upon those who remained to leave their houses.[19300] Mladić ordered the Bosnian Serb Forces to proceed north towards the UN Compound, which was by then full of Bosnian Muslims who had fled the relentless shelling of the town earlier that day.[19301] Before leaving the centre of Srebrenica, Mladić turned to the television cameras and said: "Finally [...] the time has come to take revenge on the Turks in this region."[19302]

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19295 P5221 (VRS Main Staff warning re the treatment of UNPROFOR personnel, 11 July 1995).

19296 P5221 (VRS Main Staff warning re the treatment of UNPROFOR personnel, 11 July 1995).

19297 *See* para. 5034.

19298 P4629 (Intercept of conversation between Milan Gvero and Radovan Karadžić, 11 July 1995).

19299 P4630 (Intercept of conversation between Milan Gvero and Radovan Karadžić, 11 July 1995) (Gvero stating "Mr. President, Serbian silver, Serbian church, and Serbian flag"). *See also* P4629 (Intercept of conversation between Milan Gvero and Radovan Karadžić, 11 July 1995); P4633 (Intercept of conversation between Radovan Karadžić and an unidentified person, 11 July 1995). Gvero and the Accused then discussed the prospect of further NATO air strikes; Gvero told the Accused that UNPROFOR had no reason to attack the VRS and had probably come under fire from Bosnian Muslim forces, the Accused ordered Gvero to shoot down any planes that went into a dive, and Gvero remarked that planes were once again in the air. P4633 (Intercept of conversation between Radovan Karadžić and an unidentified person, 11 July 1995); P4630 (Intercept of conversation between Milan Gvero and Radovan Karadžić, 11 July 1995).

19300 *See* paras. 5030–5032. Members of the 10th Sabotage Detachment also summarily killed an able-bodied man who appeared near the centre of town. *See* para. 5032.

19301 *See* paras. 5028–5029, 5033. The Chamber recalls that Bosnian Serb shells followed the group of Bosnian Muslims as they moved northward and that Bosnian Serb Forces burned Bosnian Muslim houses as they approached Srebrenica town. *See* paras. 5029–5030, fn. 17012.

19302 *See* para. 5033.

(A) Forcible removal of the Bosnian Muslim women, children, and elderly men

5691. The Chamber recalls that on 10 July, the Bosnian Serb Forces conveyed a proposal to DutchBat that in exchange for being given safe passage out, the Bosnian Muslims would leave the enclave within 48 hours.[19303] After taking the town on 11 July, a series of meetings were held at Hotel Fontana, where the participants discussed what would happen to the Bosnian Muslims gathered in Potočari. As the Chamber has described in more detail earlier in this Judgement, Mladić set an intimidating tone at the outset of the first meeting.[19304] The atmosphere of intimidation persisted as Mladić alternated between inviting Karremans to make suggestions as to how to resolve the situation and issuing veiled threats to the well-being of the DutchBat soldiers who had surrendered to the Bosnian Serb Forces and were then being held in Bosnian Serb custody.[19305] The meeting concluded when Mladić dispatched Karremans back to Potočari to retrieve a representative of the Bosnian Muslim population to attend a second meeting that would commence at 11 p.m.[19306]

5692. In between the first and the second meeting on 11 July, Krstić, Pandurević, Andrić, Blagojević, and others met Mladić—who arrived with Živanović—at the Bratunac Brigade Command.[19307] There, Mladić ordered that the Drina Corps re-deploy towards Žepa under Krstić's command.[19308] Krstić testified that at the time, those present at the meeting were not aware of the column of Bosnian Muslim men attempting to reach Tuzla and that no information was received

19303 *See* para. 5026.

19304 *See* para. 5041. The Chamber recalls that the first meeting was also attended by Mladić and Živanović as well as Radoslav Janković of the Main Staff and Svetozar Kosorić of the Drina Corps, both of whom were intelligence officers. *See* para. 5040.

19305 *See* para. 5041–5042.

19306 *See* paras. 5042–5043.

19307 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6198, 6201. *See also* D3853 (Witness statement of Zvonko Bajagić dated 5 July 2013), paras. 31–33 (stating that he encountered Mladić, Krstić, Pandurević and others outside the Bratunac Brigade Command in the evening of 11 July, adding that they had just come out of a meeting); D3886 (Witness statement of Svetozar Andrić dated 16 July 2013), para. 20 (testifying that Mladić and Krstić visited the Birač Brigade on 12 July); D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 9 (also referring to Mladić's inspection of the troops on 12 July). Mladić told the participants that he and Živanović had returned from the first Hotel Fontana meeting, but according to Krstić, did not elaborate about that meeting any further. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6202. The Chamber notes that the parties agreed that, according to Trivić's diary, this meeting took place in the evening of 12 July. *See* T. 40523 (26 June 2013); D3748 (Excerpt from Mirko Trivić's diary), e-court p. 5. However, given that the majority of evidence received by the Chamber supports the fact that the meeting took place on 11 July, the Chamber considers that Trivić's evidence in fact refers to the same meeting attended by Krstić on 11 July.

19308 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6202, 6558, 6585. Although Trivić and Pandurević urged Mladić to allow the soldiers to rest, Mladić insisted that they proceed in liberating Žepa the next morning. D3747 (Witness statement of Mirko Trivić dated 22 June 2013), p. 16; D3748 (Excerpt from Mirko Trivić's diary), e-court p. 5. Mladić also gave orders regarding the route to be taken towards Žepa. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6220–6221, 6223. On 12 July, Mladić and Krstić conducted an inspection of the Birač Brigade subordinate units near Mount Viogor, and informed them of

during the meeting.[19309] Trivić testified that during the meeting, Mladić spoke to someone on the phone about logistical issues pertaining to the transport of civilians from the enclave, but did not elaborate further.[19310] At the end of the meeting, Mladić informed those present that he had received a decree from the Accused appointing Deronjić as civilian commissioner in Srebrenica.[19311]

5693. The Accused had indeed issued an order appointing Deronjić "civilian commissioner for the Serbian Municipality of Srebrenica" with the authority to—in consultation with the Accused and the RS Government—"establish the functions of the appointed municipal authority organs and ensure conditions for their efficient functioning".[19312] Deronjić was also tasked with establishing the functioning of a Bosnian Serb SJB.[19313] The terms of the order also specified that Deronjić was to "ensure that all civilian and military organs treat[ed] all citizens who participated in combat operations against the [VRS] as prisoners of war, and ensure that the civilian population c[ould] freely choose where they w[ould] live or move to".[19314] Finally, Deronjić was authorised to appoint his own associates.[19315] The Accused also issued an order to the RS MUP to form an SJB in "Serb Srebrenica".[19316] According to the order, "all citizens who participated in combat activities against the [VRS] will be treated as prisoners of war and in accordance with the law and international conventions".[19317] Others were to be free to choose their place of residence or place of emigration.[19318] The RS MUP was further instructed to establish close co-operation with Deronjić.[19319]

5694. That same evening, Deronjić held a meeting of about 20 people, including "Serb officials in Srebrenica", as well as managers of public and state-owned companies, at the SDS office in

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the forthcoming push towards Žepa. D3886 (Witness statement of Svetozar Andrić dated 16 July 2013), para. 20; D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 9.

19309 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6561–6562. Krstić further stated that brigade commanders of units involved in the take-over of Srebrenica that day were given clear orders not to engage in further assaults towards the town or Potočari, but should instead stop at the lines they had reached. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6509–6510, 6560.

19310 Mirko Trivić, T. 40549 (27 June 2013).

19311 Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6207–6208.

19312 D2055 (Decision of RS President, 11 July 1995), paras. 1–2.

19313 D2055 (Decision of RS President, 11 July 1995), para. 3.

19314 D2055 (Decision of RS President, 11 July 1995), para. 4.

19315 D2055 (Decision of RS President, 11 July 1995), para. 6.

19316 P2994 (Radovan Karadžić's Order, 11 July 1995). *See also* para. 226.

19317 P2994 (Radovan Karadžić's Order, 11 July 1995), para. 4.

19318 P2994 (Radovan Karadžić's Order, 11 July 1995), para. 4.

19319 P2994 (Radovan Karadžić's Order, 11 July 1995), para. 5. *See also* Christian Nielsen, T. 16337–16338 (7 July 2011).

Bratunac.[19320] There, Deronjić informed the attendees that he had been appointed civilian commissioner for Srebrenica and established a speaker phone connection with the Accused, who stated that Deronjić was "directly responsible with his life for all civilian affairs in Srebrenica", and that all others were to be directly responsible to Deronjić.[19321] Deronjić then appointed directors for all public enterprises and institutions in Srebrenica.[19322] The Chamber considers that the establishment of such Bosnian Serb structures, especially in light of the Bosnian Serb rhetoric advocating the separation of the population along ethnic lines and asserting an inability to co-exist,[19323] is demonstrative that the removal of the Bosnian Muslim population then envisaged by the Bosnian Serb Political and Governmental Organs was intended to be permanent.

5695. The Chamber recalls that Karremans returned to the Hotel Fontana for a second meeting which commenced around 11 p.m. on 11 July, bringing with him other DutchBat officers as well as Nesib Mandžić, a former schoolteacher, who had agreed to act as a spokesperson for the Bosnian Muslim population in Potočari.[19324] Mladić, Živanović, and intelligence officers Radoslav Janković and Svetozar Kosorić were joined at the second meeting by Krstić and Deronjić.[19325] As the Chamber has outlined in more detail above, although Mladić's words to Mandžić explicitly portrayed that the population's wishes would be respected, Mladić delivered them in a threatening manner by first stating that he wished to receive "a clear position [...] on whether you want to survive [...] stay or vanish" before reminding Mandžić that "the future of your people is your hands, not only in this territory".[19326] Mladić then sent Mandžić back to the UN Compound with instructions to return with a delegation of Bosnian Muslim representatives at 10 a.m. the next morning.[19327]

5696. Overnight, shelling continued around the UN Compound and panic was rampant amongst the Bosnian Muslims gathered there.[19328] Meanwhile, the Bosnian Serb Forces and Bosnian Serb

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19320 P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 59; D3561 (Witness statement of Dane Katanić dated 14 December 2012), para. 6; Dane Katanić, T. 38656 (22 May 2013); Milenko Katanić, T. 24463–24465, 24492 (10 February 2012); KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7868–7870 (under seal); KDZ480, T. 24227–24228 (7 February 2012) (closed session).

19321 P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 59; Milenko Katanić, T. 24465, 24468–24473 (10 February 2012); P4380 (Sketch drawn by Milenko Katanić); P4381 (Sketch drawn by Milenko Katanić). *See also* D3561 (Witness statement of Dane Katanić dated 14 December 2012), para. 6; KDZ480, P4355 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 7868–7870 (under seal); KDZ480, T. 24227–24229 (7 February 2012) (closed session).

19322 P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 60.

19323 *See* Section IV.A.3.i: Objectives of the Accused and the Bosnian Serb leadership.

19324 *See* paras. 5043–5044.

19325 *See* para. 5044.

19326 *See* para. 5046.

19327 *See* para. 5046.

19328 *See* para. 5074.

Political and Governmental Organs began to mobilise the resources for a massive transport operation. Mladić issued an order for the mobilisation of buses, which was then conveyed through the Main Staff to the RS Ministry of Defence.[19329] Early on 12 July, Živanović ordered the subordinate brigades of the Drina Corps to send all available buses and minibuses to the Bratunac stadium; this was completed by 10 a.m.[19330] Additionally, Krstić instructed Krsmanović to mobilise 50 buses from municipalities as far away as Pale and send them to the Bratunac stadium by 5 p.m. that day.[19331] Also that morning, acting pursuant to an order issued by Mladić on the previous evening, the Bosnian Serb Forces—including members of the Bratunac Brigade as well as Borovčanin's units—took control of OP Papa and, during the course of the morning, proceeded along the road towards the UN Compound in Potočari, where they took control by 1 p.m.[19332]

5697. In the meantime, Mandžić and two other Bosnian Muslim representatives of the population in Potočari—along with Karremans and Boering—returned to the Hotel Fontana for a third meeting with the Bosnian Serbs.[19333] With the exception of Živanović, all Bosnian Serb participants from the previous evening, as well as Popović and Dragomir Vasić, attended the third meeting.[19334] Although Mladić gave the impression that the Bosnian Muslim representatives' wishes would be respected,[19335] he also implied that they had no choice but to leave in order to survive.[19336] In fact, Mladić had already set in motion the mobilisation of both military and civilian resources to carry out the bussing operation as described above.

5698. When the third Hotel Fontana meeting ended, the Bosnian Muslim representatives were asked to return to the UN Compound to convey the message that transportation would be provided.[19337] When the vehicles for the transportation of the Bosnian Muslims began to arrive at

19329 *See* para. 5082. Pursuant to this request, the RS Ministry of Defence took immediate action to mobilise buses procured by its secretariats in Sarajevo and Zvornik—as well as departments in Milići, Vlasenica, Šekovići, and Bratunac—which were sent during the course of the day. *See* para. 5082.

19330 *See* paras. 5084–5085.

19331 *See* para. 5083.

19332 *See* paras. 5078–5079.

19333 *See* paras. 5067–5072.

19334 *See* para. 5067.

19335 Mladić told the representatives that he "wanted to help them" and they could "choose to stay in the territory or, if so you wish, go wherever you want". *See* paras. 5068, 5638.

19336 Mladić stated that "there is no need for your people to get killed [...] as I told this gentleman [Mandžić] last night, you can either survive or disappear". P4201 (Updated Srebrenica Trial video), Part 2, at 00:10:15–00:11:10; P4202 (Written compilation booklet: Srebrenica Trial video), e-court p. 248. *See also* paras. 5068, 5638.

19337 *See* paras. 5069–5070.

the UN Compound, DutchBat soldiers were disarmed at gunpoint by members of the Bosnian Serb Forces.[19338]

5699. The transportation of Bosnian Muslims from Potočari began at approximately 12:40 p.m. on 12 July.[19339] Members of the Jahorina Recruits and the Bratunac Brigade MP—assisted by other MUP members—controlled the boarding process.[19340] During the course of the afternoon, Mladić arrived and addressed the crowd, stating that the population could choose whether to go or stay and that the women and children would be transported first and would not be harmed.[19341] However, the Chamber notes that Mladić had previously expressed satisfaction at the commencement of the transportation process, adding: "they've all capitulated and surrendered and we'll evacuate them all—those who want to and those who don't want to".[19342] Overnight and the following day, the Bosnian Serb Forces subjected the Bosnian Muslims who still remained at the UN Compound to numerous incidents of physical and sexual violence.[19343]

5700. As the bussing operation entered its second day, Radoslav Janković reported to Živanović that approximately one third of the Bosnian Muslims in Potočari had been transferred, and estimated that there were approximately 10,000 left.[19344] Janković assured Živanović that "the job" was "being done [...] at full steam".[19345] Mladić returned to Potočari on 13 July and oversaw the boarding process again.[19346] The transportation process continued throughout the day and was completed by 8 p.m.[19347] As the buses proceeded towards Bosnian Muslim-held territory, they were escorted by members of the SJB or the Bratunac Brigade MP.[19348] Pursuant to an order issued earlier that day,[19349] members of the Bratunac Brigade regulated traffic as the buses passed through Bratunac en route to Konjević Polje.[19350] In total, between 11 and 13 July, up to 30,000 Bosnian

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19338 *See* para. 5080.
19339 *See* para. 5093.
19340 *See* para. 5099.
19341 *See* para. 5097.
19342 *See* para. 5100.
19343 *See* paras. 5077, 5095.
19344 P5366 (Intercept of conversation between Janković, an unidentified General, and an unidentified person, 13 July 1995), p. 1. [REDACTED].
19345 P5366 (Intercept of conversation between Janković, an unidentified General, and an unidentified person, 13 July 1995), p. 1.
19346 *See* para. 5100.
19347 *See* paras. 5098, 5107, 5125.
19348 *See* para. 5104. The Chief of the Drina Corps Intelligence Department, Kosorić, also escorted the vehicles. *See* para. 5104.
19349 During the course of the day, the Bratunac and Zvornik Brigades were ordered to regulate traffic at the Konjević Polje intersection so that priority could be given to "buses for evacuation". *See* para. 5088 (referring to P4574).
19350 *See* paras. 5088, 5104.

Muslim women and children, as well as elderly men, were bussed from Potočari to Bosnian Muslim-held territory.[19351]

(B) Killing of the Bosnian Muslim men and boys

5701. The Chamber recalls that by the time the Bosnian Serb Forces took over the town on the afternoon of 11 July, the vast majority of the able-bodied men of Srebrenica had fled on foot through the woods, fearing that they would be killed if they accompanied their families to Potočari.[19352] While some able-bodied men were present among the population in Potočari, most of the Bosnian Muslims gathered there consisted of women, children, and the elderly.[19353] At the time of the meetings at Hotel Fontana on the night of 11 July, the Bosnian Serb Forces were aware that there were at least 1,000 Bosnian Muslim men of military age among the Bosnian Muslims still moving from Srebrenica to Potočari, who were expected to arrive there overnight.[19354] As the Chamber will analyse further below, that same evening, the Bosnian Serb Forces also began to receive information about the formation and movement of the column of Bosnian Muslim men.[19355]

5702. The Chamber recalls that during a conversation that took place prior to the third meeting at the Hotel Fontana, which began around 10 a.m. the following morning, Popović told Momir Nikolić that the Bosnian Muslim women and children gathered in Potočari would be transferred to Bosnian Muslim-held territory, while the military-aged men would be separated.[19356] Popović then told Nikolić that "all the balijas should be killed".[19357] The Accused offers various arguments in an attempt to demonstrate why the Chamber should not consider Momir Nikolić a credible witness or rely on his testimony in relation to the formation of the plan to kill the Bosnian Muslim men and boys in Srebrenica.[19358] In this regard, the Chamber refers to its earlier discussion and findings on the reliability of Nikolić's testimony regarding his conversation with Popović prior to the commencement of the third Hotel Fontana meeting, and will not repeat them here.[19359]

19351 *See* paras. 5101, 5108.

19352 *See* paras. 5032–5033, 5036–5037.

19353 *See* para. 5073.

19354 Momir Nikolić, T. 24613–24615 (13 February 2012). *See also* P4202 (Written compilation booklet: Srebrenica Trial video), e-court pp. 230–231; P4201 (Updated Srebrenica Trial video), Part 1, at 01:13:55–01:14:27 (discussing the anticipated arrival of further Bosnian Muslims overnight).

19355 *See* paras. 5157–5158. *See also* para. 5731.

19356 *See* paras. 5049, 5066.

19357 *See* para. 5049. Nikolić and Popović also discussed possible locations where the men could be detained and then killed, including the Ciglana brick factory and the Sase mine. *See* para. 5050.

19358 *See generally* Defence Final Brief, paras. 2451–2504.

19359 *See* paras. 5048–5066.

5703. Once the third meeting got underway, Mladić announced that the Bosnian Muslim men in Potočari between the ages of about 15 and 70 would be subjected to a "screening" procedure.[19360] Immediately after the meeting, Radoslav Janković sent Momir Nikolić to Potočari with instructions to find Duško Jević, who was already there, and to assist with the separation of Bosnian Muslim men.[19361] After the first convoy departed on 12 July, Bosnian Muslim men and boys approaching the vehicles with their families began to be separated by members of the Bosnian Serb Forces—including members of the 10th Sabotage Detachment and the 65th Protection Regiment—who forced them to leave their personal belongings such as ID cards and valuables in piles along the road and took them to the White House.[19362] The Main Staff Security and Intelligence Administration was made aware of this separation process late that afternoon.[19363]

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19360 *See* para. 5069. *See also* para. 5111 (describing how, once in Potočari, Mladić informed Franken and Rave that the men would be separated and checked). The Chamber has already found that being a Bosnian Muslim man was the exclusive criterion for separation in Potočari. *See* paras. 5062, 5109–5113. Although Momir Nikolić attempted to check whether any Bosnian Muslim soldiers were inside the UN Compound on 12 and 13 July, no further effort was made to distinguish soldiers from civilians during the separations. *See also* para. 5112. The Chamber also recalls that some of those detained in Potočari were as young as 12 or 14 years old. *See* para. 5109.

19361 *See* para. 5071. The Accused asserts that the fact that both Blagojević and KW582, [REDACTED] testified that they did not know that those who were separated would be killed should weigh against the credibility of Momir Nikolić's testimony regarding the plan to kill. Defence Final Brief, paras. 2460–2461. Noting both of these witnesses' respective positions and the involvement of their subordinates in various aspects of the operation described below, the Chamber observes that both would have an incentive to disclaim any knowledge of such a plan. *See* paras. 5079, 5315. Moreover, the Chamber notes that Blagojević exhibited considerable partiality and evasiveness when asked to clarify even matters which were peripheral to his role in the events which took place in Srebrenica in July 1995. *See* Vidoje Blagojević, T. 45026, 45028–45032, 45035–45036 (12 December 2013). Finally, the Chamber considers that, even if both Blagojević's and KW582's testimonies were true, the fact that they both denied contemporaneous knowledge of the plan to kill would not demonstrate that such a plan did not exist.

19362 *See* paras. 5095, 5110. The Chamber recalls that the men were not allowed to collect their belongings when they later boarded buses bound for Bratunac, and that after all had left the White House by the evening of 13 July, these piles were set on fire. *See* paras. 5118–5119. Citing the evidence of two witnesses who testified that they were not required to surrender their personal identification documents, the Accused contends that "there is no evidence of systematic confiscation" of such material. Defence Final Brief, para. 2511. However, the Chamber recalls that numerous witnesses testified to having seen piles of personal belongings, including ID cards, money, wallets, luggage, clothing, and other valuables lying along the road approximately 30 to 40 metres away from the White House. *See* para. 5110. Moreover, the Chamber notes that both witnesses cited by the Accused testified that they had no personal belongings to surrender. Ahmo Hasić, P353 (Transcript from *Prosecutor v. Popović et al.*), T. 1252; KDZ039, P3940 (Transcript from *Prosecutor v. Popović et al.*), T. 17315. The Accused also asserts that the burning of the personal belongings of the Bosnian Muslim men and boys held in the White House should not be considered indicative of a plan to kill them because an equally reasonable inference is that all belongings left behind in Potočari were burned once the Bosnian Muslims had left. Defence Final Brief, para. 2512. However, the Chamber has not received any evidence that the ID cards or personal belongings of the Bosnian Muslims who were transported to Kladanj were confiscated in the same manner as those of the Bosnian Muslim men and boys detained at the White House. The Chamber also observes that the burning of the piles of ID cards and belongings of the men and boys detained in the White House appeared sufficiently anomalous as to motivate the DutchBat deputy commander to personally investigate the incident and another DutchBat officer to take photographs. P4175 (Witness Statement of Robert Franken dated 15 January 2012), para. 100; P3948 (Witness statement of Johannes Rutten dated 8 November 2011), para. 66; P4183 (Photograph of burning personal belongings at Potočari); P3961 (Photograph of burning personal belongings).

19363 P4388 (Drina Corps report to VRS Main Staff, 12 July 1995), p. 2.

5704. The Chamber has already described above how the Bosnian Muslim males separated from their families and detained in the White House were crammed into the house and not given any food or water.[19364] Although a total of between 600 and 700 Bosnian Muslim men and boys were separated over the course of 12 and 13 July, the Chamber recalls that beginning on the afternoon of 12 July and continuing throughout the following day, groups of males detained at the White House began to be led out of the house and crowded onto buses bound for Bratunac.[19365] Once the buses arrived in Bratunac, the Bosnian Muslim males were detained in equally crowded conditions in locations throughout the town, and although some food and water were provided at some detention points, it was woefully insufficient.[19366]

5705. As the Chamber has described earlier in this Judgement, beginning on the night of 11 July, the Bosnian Serb Forces began to receive information about the path of the column of Bosnian Muslim men attempting to reach Tuzla, and the VRS and MUP began taking co-operative actions to block it.[19367] That night, Kovač dispatched additional MUP units to the area and, on 12 July, members of the MUP forces under Borovčanin's command were deployed along the Bratunac–Konjević Polje Road, joining the VRS units present in the area.[19368] The column was tracked by both MUP and VRS units, and intelligence on the column's movement was relayed within the Bosnian Serb Forces throughout 12 and 13 July.[19369] Early in the morning of 13 July, Mladić,

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19364 *See* para. 5113. In that regard, the Chamber notes the Accused's argument that the cramped conditions in which the Bosnian Muslim men and boys were held at the White House should not be considered indicative of the existence of a plan to kill them, as he claims that the crowding and deprivation were equally attributable to the "chaotic conditions" which prevailed in Potočari. Defence Final Brief, paras. 2505–2506. The Accused also asserts that such treatment resulted from "negative attitude[s] towards the men of Srebrenica". Defence Final Brief, para. 2505. However, the Chamber will examine the existence or implementation of a plan to kill in light of the totality of the evidence.

19365 *See* paras. 5098, 5109, 5117–5118.

19366 *See* paras. 5292–5295. The Chamber received evidence of an intercepted conversation between Mladić and Beara at 11:05 p.m. on 13 July wherein Mladić ordered Beara to "take care of all that. Solve it so that there is no lack of food [...] find a way wherever you can find it so that the men are not hungry [...] excellent. Just keep working and feed them all. There are a lot of hungry mouths". D2682 (Intercept of conversation between Ratko Mladić and "Ljubo", 13 July 1995). However, particularly in light of the plethora of other intercepted communications in which Bosnian Serb interlocutors including Mladić used the term "Turk" to refer to Bosnian Muslims generally and euphemisms such as "parcel" to refer to the Bosnian Muslim male detainees, the Chamber considers it unreasonable to infer that when Mladić referred to "the men" being hungry, he was speaking about the detainees as opposed to his troops. *See e.g.* P5378 (Intercept of conversation between two unidentified persons, 13 July 1995), pp. 1, 3; P5366 (Intercept of conversation between Janković, an unidentified General, and an unidentified person, 13 July 1995); P5070 (Intercept of conversation between Major Jokić and Badem, 14 July 1995). The Chamber also recalls that there is no evidence that any food was provided to the detainees on 14 July or any subsequent day.

19367 *See* paras. 5158–5159.

19368 *See* paras. 5158, 5160.

19369 *See* paras. 5158–5159. *See e.g.* P6061 (Intercept of conversation, 12 July 1995); KDZ122, T. 26140–26141 (12 March 2012) (closed session); P5366 (Intercept of conversation between Janković, an unidentified General, and an unidentified person, 13 July 1995), p. 2 (Janković replying, "last night we were supposed to go with the blue one. They have something, they are working, it's going well"); P4946 (Intercept of conversation between Krstić and Borovčanin, 13 July 1995) (showing cooperation between the MUP and VRS).

Vasić, Krstić, Popović, and Pandurević met at the Bratunac Brigade Command.[19370] After the meeting, Mladić confronted Popović outside the building, swearing at him and urging him to "be more active".[19371] Additional MUP units under Borovčanin's command were deployed that day to reinforce those present along the Bratunac–Konjević Polje Road.[19372] Monitoring the movement of the column continued to be a priority for the Bosnian Serb Forces throughout 13 July, as the Main Staff sought information from the Drina Corps.[19373]

5706. The column was subjected to intense shelling by Bosnian Serb Forces since the morning of 12 July.[19374] Attacks on the column continued throughout the day and into the morning of 13 July, resulting in the encirclement of a large group of men from the column near the Konjević Polje intersection.[19375] The Chamber recalls that the Bosnian Serb Forces then began using a loudspeaker to call into the woods, urging the members of the column to surrender.[19376] Large numbers of Bosnian Muslim men began to surrender or to be captured along the Bratunac–Konjević Polje and Konjević Polje–Nova Kasaba Roads, where the various VRS and MUP units were deployed.[19377] When surrendering, the men were required to leave their belongings, including their ID cards, behind.[19378] The Chamber considers this as an indication that these men were marked for execution.

5707. On 13 July, between 1,500 and 2,000 Bosnian Muslim men came to be detained in each of three locations: the Konjević Polje intersection,[19379] the Sandići Meadow, and the Nova Kasaba football field.[19380] At each location, they were guarded by members of the Bosnian Serb Forces, namely the special MUP units under Borovčanin's command, and the MP of the 65th Protection

19370 Momir Nikolić, T. 24651 (14 February 2012).

19371 KW582, D4291 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 3529. Mladić remained in Bratunac that morning. *See* P4824 (Summary of intercepted conversation, 13 July 1995) (recording that Mladić was in Bratunac as of 10:15 a.m. on 13 July).

19372 *See* para. 5161.

19373 *See* P5366 (Intercept of conversation between Janković, an unidentified General, and an unidentified person, 13 July 1995), pp. 1–2; Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6298, 6716–6718; P5276 (Intercept of conversation between Zlatar duty officer and Badem duty officer, 12 July 1995). *See also* para. 5159.

19374 *See* para. 5162.

19375 *See* para. 5162.

19376 *See* paras. 5163–5165, 5171.

19377 *See* paras. 5106, 5166 (referring to detentions at the Konjević Polje intersection, the Nova Kasaba football field, and the Sandići meadow on 13 July).

19378 *See* paras. 5168, 5172, 5174–5176.

19379 From Konjević Polje, various groups of Bosnian Muslim men were taken towards Nova Kasaba. *See* paras. 5168, 5182. At one point that afternoon, a group of 15 Bosnian Muslim men who had been captured or surrendered in the area of the Konjević Polje intersection were executed by members of the Bosnian Serb Forces, including at least one member of the Bratunac SJB. *See* paras. 5189–5205.

19380 *See* paras. 5166, 5176.

Regiment.[19381] Mladić spent the afternoon and evening of 13 July travelling between the various detention sites, speaking to the detainees and assuring them that they would be exchanged.[19382] However, when Momir Nikolić asked Mladić what was going to happen to the detainees, Mladić made a sweeping gesture across his waist and smiled.[19383]

5708. In the late afternoon and evening of 13 July, in accordance with proposals from Tolimir that detainees were to be moved and placed "somewhere indoors or in the area protected from sighting",[19384] the detainees were removed from the Sandići Meadow and the Nova Kasaba football field and taken either to the Kravica Warehouse or on trucks and buses to Bratunac town, where they were detained overnight in various locations.[19385] When some of the detainees at the Nova Kasaba football field tried to retrieve their belongings from the field's entrance, the detainees were told that they would no longer need them.[19386] Beginning late that afternoon and continuing overnight, Bosnian Serb Forces—including members of the 3rd Skelani Platoon[19387]—killed between 755 and 1,016 Bosnian Muslim males at the Kravica Warehouse.[19388]

5709. The Chamber also notes that that evening, Mladić issued an order adopting the remainder of Tolimir's proposals, which were aimed at limiting access to the area for "all uninvited individuals".[19389] While the killings at the Kravica Warehouse were ongoing, buses filled with Bosnian Muslim men and boys from Potočari as well as with those who had been detained at the Sandići Meadow and the Nova Kasaba football field had begun to arrive in Bratunac town; upon arrival, the Bosnian Muslim males were held in various locations and on buses parked throughout

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19381 *See* paras. 5166, 5175, 5181, 5184. The Chamber notes that the evidence also indicates that the 5th Engineering Battalion and the Zvornik MP were present at the Konjević Polje intersection between 4 and 16 July 1995, but does not establish that those units were involved in guarding the prisoners detained at the three locations on 12 and 13 July. *See* para. 5167.

19382 *See* paras. 5170, 5179, 5186. *See also* D3720 (Witness statement of Petar Salapura dated 17 June 2013), pp. 6–8; Petar Salapura, T. 40273, 40296–40301 (24 June 2013); P4201 (Updated Srebrenica Trial video), Part 3 at 00:01:40 to 00:02:40; P4163 (UNMO Report, 14 July 1995), para. 6 (stating that Mladić had replied that he would come to Potočari on 14 July).

19383 *See* para. 5170.

19384 *See* para. 5184.

19385 *See* paras. 5180, 5292–5293. After the other detainees had left the Sandići Meadow, members of the Jahorina Recruits killed approximately 10 to 15 Bosnian Muslim men who remained behind. *See* paras. 5288–5291.

19386 *See* para. 5187.

19387 *See* para. 5227. Members of the Bratunac Brigade were also present at the Kravica Warehouse prior to the shooting; members of the 10th Sabotage Detachment arrived after the shooting, and one tossed two hand-grenades into the warehouse. *See* paras. 5227, 5233.

19388 *See* paras. 5227–5234, 5286.

19389 *See* P4407 (VRS Main Staff Order, 13 July 1995), para. 1. The Chamber notes the Accused's contention that this was "standard procedure" and, accordingly, was "not indicative of any plan or preparations to execute" the detainees. Defence Final Brief, paras. 2515–2516. However, the Chamber will consider Mladić's order and Tolimir's proposals in light of all other evidence.

the town.[19390] At these sites, the detainees were guarded by members of the Bratunac Brigade MP as well as members of the MUP.[19391]

5710. The presence of the buses throughout the town caused concern to the Bratunac population; when an officer in the Bratunac Brigade asked Beara why the male detainees were not leaving immediately, Beara replied that there were too few vehicles to transport them until after the transportation of the Bosnian Muslim women and children was complete.[19392] That evening, Deronjić complained to Beara about the detainees' presence in Bratunac.[19393] Srbislav Davidović testified that on the evening before the buses left Bratunac, he had encountered Deronjić in Bratunac town and had enquired about the buses' presence.[19394] According to Davidović, Deronjić replied that Rajko Đukić from Milići was responsible for the buses' presence; Davidović then urged Deronjić to "use [his] connections" to the Accused in order to have the buses moved.[19395] Deronjić indeed spoke by phone with the Accused at approximately 8 p.m.[19396] The Accused asked Deronjić, "how many thousands?", and Deronjić replied that there were "about two for the time being [...] but there'll be more during the night".[19397] The Accused then told Deronjić that "all the goods must be placed inside the warehouses before twelve tomorrow" before clarifying that he meant "not in the warehouses /?over there/, but somewhere else".[19398] The Chamber finds that the

19390 *See* paras. 5292–5293.

19391 *See* para. 5293. Between the evening of 12 July and the morning of 14 July, when the majority of Bosnian Muslim males detained in Bratunac town were transported to Zvornik, Bosnian Serb Forces killed at least 51 Bosnian Muslim men who were in and around the Vuk Karadžić School, including one who was taken off a bus parked outside the school. *See* paras. 5298–5303, 5305–5306.

19392 Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6628–6629, 6638–6641.

19393 D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), paras. 35–36. *See also* Zlatan Čelanović, P377 (Transcript from *Prosecutor v. Popović et al.*), T. 6639–6640 (describing how he raised his concerns with Beara).

19394 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9216; Srbislav Davidović, T. 24415, 24437 (9 February 2012) (stating that, at the time, six buses were parked in front of the municipality building).

19395 Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9217; Srbislav Davidović, T. 24415–24416, 24452–24453 (9 February 2012) (stating that Deronjić had said that they "were being set up" by Rajko Đukić and that Davidović had urged Deronjić to speak with "the president" or "the top of the party itself and of government", which Davidović later admitted was the Accused). The Chamber notes that although Davidović testified that this encounter with Deronjić occurred on 12 July, in view of the fact that the buses left Bratunac on the morning of 14 July, the Chamber considers that Davidović's conversation with Deronjić must have occurred on 13 July. *See* Srbislav Davidović, P4100 (Transcript from *Prosecutor v. Popović et al.*), T. 9216; Srbislav Davidović, T. 24415–24416 (9 February 2012).

19396 *See* para. 5311. The Accused acknowledges that this telephone call took place, and that Deronjić informed him of the large number of detainees in Bratunac. *See* Defence Final Brief, confidential, paras. 3025–3026.

19397 *See* para. 5311.

19398 *See* para. 5311. *See also* P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 93; Milenko Katanić, T. 24495–24496 (10 February 2012) (noting that Deronjić, who wished to move the detainees to Zvornik, could not impose his will on Beara).

discussion between the Accused and Deronjić pertained to the accommodation of the Bosnian Muslim men who were then being held on buses and in detention facilities in Bratunac.[19399]

5711. Around the same time, Mladić's order for the transfer of a large number of Bosnian Muslims who were being detained in Bratunac to Zvornik, where they were to be detained and, ultimately, shot, was conveyed down the chain of command by members of the VRS security organs.[19400] The Chamber notes, in particular, that Momir Nikolić conveyed this message to Drago Nikolić in person.[19401] At approximately 9 p.m., members of a public utility company and the Bratunac Civilian Protection Unit were called separately to the Bratunac SDS Office, where they each met with Beara and Deronjić, respectively, as well as two uniformed VRS officers whom they did not know.[19402] Both of the individuals from Bratunac were asked to provide equipment for transporting a large number of bodies away from the Kravica Warehouse and burying them elsewhere.[19403] An agreement was ultimately reached for the removal and burial of the bodies from Kravica, and the process began the next morning.[19404]

5712. In the very early hours of 14 July, just after midnight, Momir Nikolić had driven Beara from the Hotel Fontana to the Bratunac SDS office, where Beara met with Deronjić and Vasić.[19405] Beara and Deronjić argued about where the Bosnian Muslim men were to be executed, as Beara insisted that he had instructions from his "boss" that the detainees were to remain in Bratunac, and Deronjić countered that the Accused had instructed him that all detainees in Bratunac should be transferred to Zvornik.[19406] Eventually, Beara and Deronjić agreed that the detainees would indeed

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19399 The Prosecution alleges that the Accused used the term "goods" to refer to the detainees in Bratunac in an attempt to conceal the order to move them to detention facilities in Zvornik, and that this demonstrates that his intentions "were malign". Prosecution Final Brief, paras. 961, 964. The Accused does not challenge the inference that the term "goods" was a reference to the detainees in Bratunac, but argues that nothing in the recorded conversation suggests that he was informed of a plan to kill the detainees; it only suggests he was informed of the large number of detainees in Bratunac. Defence Final Brief, confidential, paras. 3025–3027. The Chamber will address the Accused's intent in the section on his individual criminal responsibility below. *See* para. 5805.

19400 *See* paras. 5309–5310. The Chamber recalls that Drago Nikolić told Obrenović that Beara and Popović were in charge of the assignment. *See* fn. 18008.

19401 *See* para. 5310.

19402 *See* paras. 5241–5242.

19403 *See* paras. 5241–5242.

19404 *See* paras. 5241–5246. One of these individuals was specifically told about the killings at the Kravica Warehouse which had occurred earlier that afternoon and evening. *See* para. 5242. Members of the Bratunac and the Zvornik Brigades, as well as staff from the Rad Utilities Company and the Bratunac Civilian Protection, participated in the burials of those killed at the Kravica Warehouse. *See* paras. 5248–5249.

19405 *See* para. 5312.

19406 *See* para. 5312. The Chamber received evidence that other locations were also suggested as possible sites for holding the detainees. At 10:30 p.m. that evening, Tolimir sent a communication to the Main Staff and Gvero personally informing him that in case Gvero had been unable to find adequate accommodation, space had been arranged in Sjemeč to accommodate 800 detainees from Srebrenica. P4769 (Message from 1st Podrinje Light Infantry Brigade, 13 July 1995). No detainees were ultimately brought to Sjemeč. Dušan Janc, T. 26976 (27 March 2012). Similarly, on 12 July, Tolimir had instructed the Eastern Bosnian Corps to prepare

be transferred to Zvornik.[19407] Deronjić then requested a driver and an escort in order to go to Pale that day.[19408] After the meeting, some of the detainees being held in Bratunac town began to be transferred to the first of four detention sites in Zvornik, where members of the Zvornik Brigade MP were awaiting their arrival.[19409]

5713. The Chamber finds that members of the security organs at all levels of the VRS command played prominent roles in organising the logistics of the detention, killing, and subsequent burial of the detainees in Zvornik. On the morning of 14 July, Popović, Beara, and Drago Nikolić met at the Standard Barracks in Zvornik.[19410] After the meeting, pursuant to an order from Beara, Popović—with the assistance of Momir Nikolić—organised a convoy to transport the remaining Bosnian Muslim males in Bratunac to the buildings in Zvornik which had been designated for their detention.[19411] As Drago Nikolić and Mane Đurić waited at the Hotel Vidikovac to receive the convoy, members of the Bratunac Brigade MP, the Bratunac MUP, and other members of the Bosnian Serb Forces escorted the buses carrying the Bosnian Muslim males to Zvornik.[19412]

5714. As described in more detail below, Beara, Popović, and Drago Nikolić supervised the ongoing operation at multiple detention and killing sites in the Zvornik area between 14 and 16 July. Over the course of these three days, the Bosnian Muslim males were taken to nearby locations—a field in Orahovac, the Petkovci Dam, the banks of the Drina River near Kozluk, and the Branjevo Military Farm—and killed by members of the Bosnian Serb Forces. At each of these sites, the Bosnian Muslims were either shot by members of the same units who had been detaining them or were transported to the execution site with the resources of those units.[19413]

5715. The Chamber received evidence that during an informal briefing with VRS officers held on 14 July at the Standard Barracks in the presence of municipal authorities,[19414] a VRS officer who

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accommodation at Batković Camp for between 1,000 and 1,200 Bosnian Muslim detainees; when the expected detainees had not arrived by the following day, Todorović again consulted Tolimir, who stated that the task had been abandoned and preparations should be abandoned. *See* para. 5449.

19407 *See* para. 5312.

19408 D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 37 (further stating that he offered the services of his own driver to Deronjić).

19409 *See* paras. 5313, 5319–5320.

19410 *See* para. 5314. After the meeting, Beara and Popović returned to Bratunac. *See* para. 5314.

19411 *See* paras. 5313–5315.

19412 *See* paras. 5315–5316.

19413 *See* paras. 5335, 5367–5368, 5395–5397, 5427.

19414 Although KDZ320 could not recall the exact date of the briefing, he testified that he received a telephone call inviting him to the Standard Barracks. *See* KDZ320, P4990 (Transcript from *Prosecutor v. Popović et al.*), T. 7941; KDZ320, P4989 (Transcript from *Prosecutor v. Popović et al.*), T. 8011 (under seal); KDZ320, T. 28083 (25 April 2012). [REDACTED].

introduced himself as Beara,[19415] highlighted that the VRS had a lot of detainees in various locations in the Zvornik municipality, that the VRS had "to get rid of them", and that he expected assistance from the municipality.[19416] Beara further instructed that his order originated from "two Presidents".[19417]

5716. The Chamber found that Popović led a group of buses from Hotel Vidikovac to the Orahovac School on 14 July, where Drago Nikolić was co-ordinating events that day.[19418] Beara also arrived at Orahovac later that day,[19419] and both he and Drago Nikolić were present at the Petkovci School shortly before shootings commenced there.[19420] At the Ročević School, Popović and Jasikovac supervised the detention of Bosnian Muslim males that day.[19421] Meanwhile, members of the Bosnian Serb Forces—including members of the 1st, 4th, and 6th Battalions of the Zvornik Brigade as well as members of the Bratunac Brigade and its MP Battalion—were deployed to the Orahovac, Petkovci, Ročević, and Kula Schools, where they participated in the detention of the Bosnian Muslim males who had arrived from Bratunac.[19422] At the schools, the Bosnian Muslim males were held in similarly cramped conditions as they had been subjected to in Potočari and Bratunac, and they were similarly deprived of sufficient food and water.[19423]

5717. That night, the Main Staff sought to contact Beara.[19424] When Beara and Jokić spoke at 9:02 p.m. on 14 July, Jokić told Beara to call the Main Staff, as "[t]here [we]re big problems. Well, with the people, I mean, with the parcel".[19425] In view of the circumstances at the time, the

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19415 KDZ320, P4990 (Transcript from *Prosecutor v. Popović et al.*), T. 7941. KDZ320 acknowledged that he had never met Beara before. KDZ320, P4989 (Transcript from *Prosecutor v. Popović et al.*), T. 8004 (under seal). *See also* KDZ320, P4990 (Transcript from *Prosecutor v. Popović et al.*), T. 8015.

19416 KDZ320, P4990 (Transcript from *Prosecutor v. Popović et al.*), T. 7941–7942, 7944, 8013 (further explaining that the assistance from the municipality meant the burial of the bodies, and that the municipality had to provide assistance in terms of providing equipment and machinery from municipal utility companies). Beara added that he was in command of the barracks. KDZ320, P4990 (Transcript from *Prosecutor v. Popović et al.*), T. 7942.

19417 KDZ320, P4990 (Transcript from *Prosecutor v. Popović et al.*), T. 7944. [REDACTED].

19418 *See* paras. 5315, 5326, 5330. The Chamber also received evidence that Jasikovac directed the transportation of the detainees from the Orahovac School to the execution site on 14 July. *See* para. 5329.

19419 *See* para. 5326.

19420 *See* paras. 5363–5365.

19421 *See* paras. 5385, 5392.

19422 *See* paras. 5319, 5357, 5386, 5416. Members of the Zvornik Brigade MP Company had been deployed to the Orahovac School since the previous evening, when the Bosnian Muslim detainees began to arrive. *See* para. 5319.

19423 *See* paras. 5324, 5361, 5387, 5419–5420.

19424 The Chamber recalls that between 6 and 7 p.m. on 14 July, upon instructions from Dragan Jokić, the Zvornik Brigade duty officer at the time, Marko Milošević, went to the Petkovci School to relay an order to Beara that he was to report to his command. *See* para. 5363.

19425 P5070 (Intercept of conversation between Major Jokić and Badem, 14 July 1995). *See* Richard Butler, T. 27567–27568 (18 April 2012). Jokić said to Beara: "We were together Colonel, Sir. Number 155 called you and asked you to call him urgently"; "Number 155. That's I mean, the higher house, you go ahead and call them, you have, so I don't speak like this"; "What? Call up there number 155 in the higher house and that's it. OK boss". P5070 (Intercept of conversation between Major Jokić and Badem, 14 July 1995). *See* Richard Butler, T.

Chamber finds that the term "parcel" referred to the Bosnian Muslim males then being detained in Zvornik by various members of the Bosnian Serb Forces.[19426]

5718. Further, the Chamber recalls that in the early hours of 15 July, Srečko Aćimović received a phone call from Drago Nikolić, who said that the order to deploy soldiers from the Zvornik Brigade's 2nd Battalion "had come from above" and had to be carried out.[19427] Later that morning, Popović met the Commander of the 2nd Battalion at the Ročević School, yelled at him for not having brought soldiers as he had been ordered, and threatened that the commander would be held responsible for not following orders.[19428]

5719. Meanwhile, from Drago Nikolić's office at the Standard Barracks, Beara contacted the Drina Corps in an attempt to secure additional troops to participate in the killings.[19429] Beara first contacted Živanović, with whom he discussed the Višegrad Brigade Commander's refusal to comply with an order to send a platoon to a specified location in accordance with the "commander"'s orders.[19430] Beara asked Živanović to order Furtula to comply, but Živanović directed Beara to contact Krstić, who had taken over as Drina Corps Commander.[19431] Thereafter, Beara called Krstić, explained that Furtula had not carried out the "boss's" order, and asked Krstić for 30 to 50 men, adding that "[t]here are still 3,500 'parcels' that I have to distribute and I have no solution".[19432] Krstić first suggested that members of the Bratunac Brigade or MUP be used but

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27568 (18 April 2012) (testifying that extension 155 referred to the phone line at the operations centre of the VRS Main Staff). The Chamber finds, based on the identifying information referred to during the conversation, as well as on the content of the conversation itself, that Beara was a participant in it.

19426 [REDACTED]. Jokić, who was the duty operations officer at the Zvornik Brigade Command on 15 July, stated that Popović had instructed him not to make a record of the activities involving the killing operation or to speak on the radio about it. [REDACTED].

19427 *See* paras. 5388–5389. Drago Nikolić called again several hours later and told the commander that if he could not put a group of men together, he and his associates should carry out the executions themselves. *See* para. 5389.

19428 *See* para. 5390. The Chamber recalls that Popović also called the Zvornik Brigade Duty Officer and requested that vehicles, as well as Trbić or Jasikovac, be dispatched to Ročević immediately. *See* para. 5390.

19429 At the time, Beara was present at the Standard Barracks. *See* P5072 (Intercept of conversation between Col. Beara and unidentified person, 15 July 1995); P6698 (Intercept of conversation between Col. Beara and an unidentified person, 15 July 1995), p. 1; Richard Butler, T. 27575 (18 April 2012) (testifying that extension 139 was Drago Nikolić's extension at the security office of the Zvornik Brigade).

19430 P5073 (Intercept of conversation between General Živanović and Col. Beara, 15 July 1995); P6698 (Intercept of conversation between Col. Beara and an unidentified person, 15 July 1995), p. 1; P6699 (Intercept of conversation between General Živanović and Col. Beara, 15 July 1995), p. 1. *See* Richard Butler, T. 27576–27577 (18 April 2012).

19431 P5073 (Intercept of conversation between General Živanović and Col. Beara, 15 July 1995); P6698 (Intercept of conversation between Col. Beara and an unidentified person, 15 July 1995), p. 2; P6699 (Intercept of conversation between General Živanović and Col. Beara, 15 July 1995), pp. 1–2. *See* Richard Butler, T. 27576–27577 (18 April 2012).

19432 P5074 (Intercept of conversation between Col. Beara and General Krstić, 15 July 1995); P5306 (Intercept of conversation between Col. Beara and General Krstić, 15 July 1995), pp. 1–2, 4–5; P5308 (Intercept of conversation between Col. Beara and General Krstić, 15 July 1995). *See also* Richard Butler, T. 27578–27579 (18 April 2012). The Chamber notes that despite being presented with this intercepted conversation, Krstić denied having had any conversation with Beara between 13 and 17 July 1995. Radislav Krstić, D4136

ultimately said "Fuck it, I'll see what I can do".[19433] Beara added that Krstić should have the men go to Drago Nikolić.[19434]

5720. On 16 July, at 11:11 a.m., Beara was intercepted having a conversation with Slobodan Cerović from the Drina Corps, who referred to "instructions from above [...] to do triage on [the detainees]".[19435] At Beara's request, Popović went to the Kula School that morning; both were present while the detainees were transported to the Branjevo Military Farm for execution.[19436] The Chamber received evidence about Popović's involvement in the organisation and co-ordination of the transportation of detainees from the Kula School to the Branjevo Military Farm, as he attempted to procure fuel that afternoon.[19437]

5721. Meanwhile, pursuant to an order from Beara, members of the 10th Sabotage Detachment stationed at Dragaševac had reported to the Standard Barracks and were then led towards the Branjevo Military Farm by a "lieutenant-colonel" and two military policemen.[19438] Upon arriving at the farm, the soldiers were ordered to kill the detainees who would be arriving in a few minutes.[19439] Shortly thereafter, buses filled with Bosnian Muslim males who had been held at Kula School began arriving; they were subsequently executed.[19440]

5722. Hours later, the lieutenant-colonel ordered the soldiers present at the farm to execute 500 Bosnian Muslim men from Srebrenica detained at the nearby Pilica Cultural Centre.[19441] Beara and Popović were present at the café across the Pilica Cultural Centre, where Beara congratulated the soldiers who had just carried out the executions at the cultural centre.[19442] In a phone call from the

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(Transcript from *Prosecutor v. Krstić*), T. 6725–6726. However, in light of the countervailing evidence cited above, as well as the fact that Krstić's testimony was given in his own trial and the fact that this conversation was integral to Krstić's responsbility for the crimes with which he was charged, the Chamber does not believe Krstić's denial of being an interlocutor in this conversation.

19433 P5074 (Intercept of conversation between Col. Beara and General Krstić, 15 July 1995).

19434 P5074 (Intercept of conversation between Col. Beara and General Krstić, 15 July 1995). *See* Richard Butler, T. 27579 (18 April 2012).

19435 *See* para. 5426.

19436 *See* para. 5426. By that time, Drago Nikolić had organised fuel "for the transport of troops to Kula", and ammunition for the 1st Battalion. P4585 (Zvornik Brigade Duty Officers logbook, 29 May–27 July 1995), e-court p. 72. The Chamber recalls that members of the Zvornik Brigade 1st Battalion guarded the detainees at Kula School that day. *See* para. 5416.

19437 *See* para. 5426, fn. 18511. The Chamber also received evidence indicating that the Main Staff was also involved in the procurement of this fuel. P5312 (Intercept of conversation between Major Bašević and an unidentified person, 16 July 1995) (referring to having spoken to Miletić about the fuel earlier that day).

19438 *See* paras. 5427–5428. The Chamber recalls that Dragomir Pećanac, from the Intelligence Administration of the Main Staff, was present in Dragaševac when the members of the 10th Sabotage Detachment departed. *See* para. 5428.

19439 *See* para. 5430.

19440 *See* paras. 5430–5436.

19441 *See* para. 5436.

19442 *See* paras. 5440–5441.

Standard Barracks at 9:16 p.m. that evening, Popović stated that he had "finished the job [...] finished everything" and would return to Vlasenica the following day.[19443] Considering this statement in light of the totality of the evidence, the Chamber is of the view that the only reasonable inference is that Popović was referring to the killing operation.

5723. However, the Chamber recalls that Popović in fact remained in the Zvornik area on 17 July to supervise the burial of the Bosnian Muslim males who had been killed at the Branjevo Military Farm and the Pilica Cultural Centre on the previous day.[19444] After working throughout the day,[19445] Popović reported at 4:22 p.m. that "everything's alright that job is done and dusted [...] everything's finished up there are no problems."[19446] Over the course of the preceding five days, at least 5,115 Bosnian Muslim males had been killed.[19447]

*iii. Conclusions*

(A) The formation of a common plan to eliminate the Bosnian Muslims in Srebrenica by forcible removal

5724. On the basis of the totality of the evidence discussed above, the Chamber finds that, as Srebrenica fell, the long-term strategy aimed at removing the Bosnian Muslim population from Srebrenica, which had been devised in March 1995, began to be transformed into a concrete common plan to eliminate them. In the Chamber's view, this elimination operation first took the form of forcible removal of the Bosnian Muslim population. After receiving the Accused's order to take the town, the Bosnian Serb Forces under the command of Mladić and Krstić used heavy shelling to push the Bosnian Muslims northward, first towards the Bravo Company compound and then north to the UN Compound in Potočari.[19448] In the meantime, following an initial proposal that in exchange for being given safe passage out of the enclave the Bosnian Muslims would leave within 48 hours, Mladić ordered the Bosnian Serb Forces to proceed to Potočari.[19449] This was followed by an order to Borovčanin's units to take over OP Papa before proceeding to the UN Compound.[19450]

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19443 *See* para. 5441. By 10:33 p.m., Popović had left the Standard Barracks. *See* P5324 (Intercept of conversation between Štrbić and an unidentified person, 16 July 1995) (indicating: "Yes, he was here and gone.").

19444 *See* para. 5449, fn. 18599.

19445 P5081 (Intercept of conversation between Milorad Trbić and an unidentified person, 17 July 1995), p. 1.

19446 P6702 (Intercept of conversation between Lt. Col. Popović and an unidentified person, 17 July 1995), p. 1; P4964 (Intercept of conversation between Lt. Col. Popović and an unidentified person, 17 July 1995).

19447 *See* para. 5519.

19448 *See* paras. 5686–5687, 5690, fn. 19301.

19449 *See* paras. 5689–5690.

19450 *See* para. 5696.

5725. Overnight, as the Bosnian Serb Forces under their control continued to launch shells near the UN Compound, Mladić, Živanović, and Krstić orchestrated a large-scale mobilisation of buses, which ultimately carried thousands of Bosnian Muslim women, children, and elderly men out of Srebrenica during the following 48 hour period.[19451] In the meantime, these three were joined first by Radoslav Janković and Kosorić, and later by Popović, at meetings at the Hotel Fontana, where, as the Chamber has already found, representatives of the Bosnian Muslims in Potočari were coerced into agreeing to leave the enclave.[19452]

5726. Noting the mobilisation of such massive resources, which took place simultaneously with military manoeuvres aimed at consolidating the Bosnian Serb Forces' control over the Bosnian Muslims gathered in Potočari, the Chamber is convinced that as the enclave fell on 11 July, a concrete plan to forcibly remove the Bosnian Muslim women, children, and elderly men from the UN Compound emerged. This plan then began to be implemented overnight and during the following days. The Chamber has no doubt that Mladić's overtures at the Hotel Fontana meetings were merely a façade intended to mask the fact that a concrete plan was already in place to forcibly remove the Bosnian Muslim women, children, and elderly men from Srebrenica on the vehicles that had already been mobilised by the Bosnian Serb Forces and the Bosnian Serb Political and Governmental Organs.[19453]

5727. The Chamber recalls that, in addition to being present at some or all of the Hotel Fontana meetings, Mladić, Radoslav Janković, Živanović, Krstić, Popović, and Kosorić were also present in Potočari and oversaw and/or assisted the boarding and transportation of women, children, and the elderly, as well as the separation of the men, their detention, and their subsequent transportation to Bratunac.[19454] Thereafter, Bosnian Serb Forces operating under Mladić's command subjected the Bosnian Muslims waiting to leave Potočari to cruel and inhumane treatment.[19455]

(B) The expansion of the common plan to eliminate the Bosnian Muslims in Srebrenica by killing all the able-bodied men and boys

5728. With regard to the numerous killings described above, the Chamber notes striking similarities between many of the detentions and executions of Bosnian Muslim males from Srebrenica that were carried out in the Zvornik area between 13 and 16 July 1995. After being

19451 *See* paras. 5696, 5699–5700.

19452 *See* paras. 5691, 5695, 5697–5698.

19453 As will be described below, by this time, a plan had also been devised to kill the Bosnian Muslim males. *See* Section IV.C.3.a.iii.B: The expansion of the common plan to eliminate the Bosnian Muslims in Srebrenica by killing all the able-bodied men and boys.

19454 *See* para. 5120.

19455 *See* para. 5699.

escorted by members of the Bratunac Brigade MP and Bratunac MUP—as well as other members of the Bosnian Serb Forces—to Zvornik, the Bosnian Muslim males were detained at the Orahovac, Petkovci, Ročević, and Kula Schools, all in the Zvornik area. At these schools, the Bosnian Muslim males were guarded by members of the Zvornik Brigade—usually members of the battalion with responsibility for the area in which each school was located. After being held at the schools for one or two days, beginning on 14 July, the Bosnian Muslim males were taken to various locations nearby where they were shot and killed by members of the Bosnian Serb Forces. At the Pilica Cultural Centre, the Bosnian Muslim males were also killed by members of the Bosnian Serb Forces.

5729. The Chamber also recalls that as early as noon on 14 July, while the killings were being carried out, resources of the Zvornik Brigade Engineering Company were mobilised to dig graves and to bury the bodies of those killed at Orahovac, the Petkovci Dam, Kozluk, and the Branjevo Military Farm.[19456] Additional Zvornik Brigade resources were used to bury bodies at the Branjevo Military Farm, and to transport the bodies of those killed at the Pilica Cultural Centre to the farm.[19457] Following the same pattern as in Glogova, municipal resources and manpower were also used in Zvornik during the burial process.[19458] The Chamber recalls that, at some locations, the burial process began while the killings were still ongoing.[19459]

5730. The Chamber has also found that in September and October 1995, the Main Staff organised a reburial operation which was carried out by members of the security organs from the Main Staff, Drina Corps, Bratunac Brigade, and Zvornik Brigade, with the assistance of Bosnian Serb civilian authorities and other VRS and MUP units.[19460] The Chamber considers that the re-burial operation itself and the means by which it was carried out are consistent with the Chamber's finding that the killings described above were committed pursuant to a common plan.

5731. On the basis of the totality of the evidence outlined above, the Chamber is satisfied beyond reasonable doubt that these killings were carried out pursuant to a systematic and highly organised plan. In reaching that conclusion, the Chamber is mindful that the Bosnian Serb Forces began to obtain detailed intelligence regarding the presence of Bosnian Muslim males amongst the population in Potočari on the night of 11 July and that, around the same time, as described further below, also began to receive reports about the existence and movement of the column of Bosnian

19456 *See* paras. 5636–5337, 5371, 5400–5402, 5443–5444.

19457 Individuals involved in this process were members of the Zvornik Brigade R Battalion, and the 1st Battalion's Work Platoon. *See* paras. 5445–5447. A truck belonging to the 6th Battalion was also used. *See* para. 5372.

19458 *See* paras. 5338, 5402, 5444.

19459 *See* paras. 5337, 5371.

Muslim men and boys attempting to make their way towards Tuzla. Further, before 10 a.m. on 12 July, Popović told Momir Nikolić that "all the balija*s* should be killed".[19461] Accordingly, the Chamber is convinced that a plan to kill all the able-bodied Bosnian Muslim men and boys in Srebrenica had been established by the time that the third Hotel Fontana meeting commenced at 10 a.m. on 12 July. The plan then came to encompass the killing of all Bosnian Muslim males in Bosnian Serb custody.

5732. The Accused contends that the plan to kill the Bosnian Muslim men and boys detained by the Bosnian Serb Forces did not exist until at least the afternoon of 13 July, following the "burned hands" incident at Kravica Warehouse.[19462] He asserts that "the executions that followed were the result of conduct by persons reacting to events on the ground".[19463] He also contends that the fact that although Pandurević was present at the meeting at the Bratunac Brigade Command on the night of 11 July 1995,[19464] Pandurević did not inform Obrenović of any plan to kill, as well as the fact that Obrenović was first informed of the plan on the evening of 13 July both demonstrate that no such plan existed before that time.[19465] However, the Chamber has already found that the final arrangement to transfer the detainees to Zvornik was only agreed upon during a meeting on the night of 13 July. During that meeting, the participants did not debate whether the detainees should be killed, but *where* such an operation should be carried out.[19466] Accordingly, the Chamber considers that the fact that Obrenović was not informed before the evening of 13 July bears little relevance to the question of when the plan to kill the Bosnian Muslim males was devised. The Accused also argues that the fact that the Bosnian Muslim males detained at Luke School were not killed until the evening of 13 July also demonstrates that the plan to kill "only emerged after the Kravica incident".[19467] However, the Chamber recalls that, as described above, Bosnian Muslim men continued to be removed from buses passing through Tišća throughout the day on 13 July, and that during the course of that night, all were removed from Luke School and—with the exception of KDZ070—killed by members of the Bosnian Serb Forces.[19468] The Chamber therefore does not consider that the passage of time between the detention of the men and their subsequent execution

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19460 *See* paras. 5504–5514.

19461 *See* paras. 5049, 5066, 5702.

19462 Defence Final Brief, paras. 2450, 2518.

19463 Defence Final Brief, para. 2518.

19464 The Chamber notes the Accused's contention that this meeting occurred on the night of 12 July. Defence Final Brief, confidential, para. 2466. However, the Chamber notes that Pandurević attended the meeting at the Bratunac Brigade Command on the night of 11 July. *See* para. 5692. The Chamber further considers that the argument outlined in paragraph 2466 of the Defence Final Brief does not hinge on the precise date of the meeting.

19465 Defence Final Brief, confidential, para. 2466.

19466 *See* para. 5312.

19467 Defence Final Brief, confidential, para. 2490.

indicates that the plan to kill them only arose that evening. Finally, the Chamber recalls that units of the Drina Corps had already begun to look for available bulldozers by the early afternoon of 13 July, although they were unsuccessful in locating any.[19469] The Chamber therefore rejects the Accused's argument that the plan to kill the Bosnian Muslim males in Srebrenica arose only after the killings at Kravica Warehouse on the evening of 13 July. Rather, the Chamber considers that this incident marks the beginning of the large scale implementation of the plan to kill.[19470]

(C) Participants in the plan to eliminate the Bosnian Muslim population in Srebrenica

5733. With regard to the aspect of the common plan to eliminate the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men, the Chamber notes the pervasive involvement of high-ranking VRS officers such as Mladić, Živanović, and Krstić in the encirclement and ultimate take-over of Potočari by the Bosnian Serb Forces; the Chamber also notes the execution of a large scale bussing operation which ferried an estimated 30,000 Bosnian Muslims away from Srebrenica over the course of two days. Further, the Chamber is mindful of their presence and participation—as well as that of Main Staff officer Radoslav Janković and Drina Corps officers Popović and Kosorić—in the Hotel Fontana meetings. The Chamber observes that all of these high-level officers were present during, and either oversaw or assisted in, the boarding process in Potočari. Accordingly, the Chamber is satisfied that Mladić, Živanović, Krstić, Popović, and Kosorić shared the common purpose of eliminating the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men.

5734. The Chamber considers, however, that the aspect of the common plan to eliminate the Bosnian Muslims in Srebrenica by killing men and boys was formed and executed in conditions designed to ensure its secrecy to the greatest extent possible. In this regard, the Chamber recalls Mladić's order limiting access to the area beginning on the night of 13 July and Tolimir's proposal to remove the detainees from locations where they could be sighted. While such procedures might ordinarily have been standard, in the present circumstances, in light of the instruction not to speak on the radio or create any written record of the killing operation, the Chamber considers that their actions appear more circumspect. The Chamber also notes that when Beara dispatched Momir Nikolić to inform Drago Nikolić that the Bosnian Muslim males would be brought to Zvornik, Momir drove to Zvornik and insisted on delivering the message to Drago in person rather than

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19468 *See* paras. 5147–5148, 5150–5152, 5154.

19469 *See* para. 5241.

19470 Recalling its earlier analysis of the development of the plan to kill, the Chamber thus rejects the Accused's argument that the killings which followed those at the Kravica Warehouse on 13 July were merely an "inappropriate" reaction to the events at Kravica Warehouse. *See* Defence Final Brief, para. 2451.

through a desk officer.[19471] The Chamber is therefore satisfied that upon the instruction of members of the Main Staff, a number of measures were taken to limit the extent to which those not directly involved in the killing operation were aware of it.

5735. However, the Chamber recalls that, as described in detail above, the killing operation was eventually overseen and implemented on the ground by numerous VRS officers at all levels of the command hierarchy, from the Main Staff to the members of the battalions of the Zvornik and Bratunac Brigades. In this regard, the Chamber is also mindful of the ubiquitousness of security officers from the Main Staff, Drina Corps, and Zvornik Brigade—namely Beara, Popović, and Drago Nikolić—at the killing sites across Zvornik between 14 and 17 July 1995. The Chamber also recalls, as described above, the various units across the MUP and the VRS—including the 10th Sabotage Detachment which was directly subordinated to the Main Staff—that participated in the implementation of the plan.

5736. The Chamber is of the view that by designing and conducting a simultaneous operation to kill the Bosnian Muslim men and boys of Srebrenica while the forcible removal of the women, children, and elderly men was ongoing, the common purpose of the plan to eliminate the Bosnian Muslims in Srebrenica was expanded so as to include the killing of all the men and boys,[19472] and multiple members of the plan agreed to it. The Chamber was presented with abundant evidence that establishes that, like the forcible removal operation, the killing operation involved an intricate and co-ordinated effort at all echelons of the VRS and MUP, including high-ranking officers, as well as a variety of units across the MUP and the VRS, with the assistance of municipal authorities. In particular, the Chamber is satisfied that the wide scale of the killings that were carried out over a short period necessitated an elaborate operation organised and directed at all times by multiple levels of the VRS security branch, particularly Beara and Popović.[19473] The Chamber also finds that the complex operation by which the Bosnian Muslim men and boys of Srebrenica were killed would not have been possible without the authorisation and orders of the VRS Commander, Mladić. Given Mladić's role and function at the time, his presence on the ground after the fall of Srebrenica, and his actions during the days following the take-over and while the execution of the operation to kill was underway, the Chamber is satisfied that Mladić formed an essential part of this operation.[19474]

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19471 Momir Nikolić, T. 24670 (14 February 2012).

19472 *See* paras. 5726, 5731.

19473 *See* paras. 5702, 5705, 5710–5723.

19474 *See* paras. 5703, 5705, 5707, 5709, 5709, 5711. The Chamber also notes that Drago Nikolić stated that Mladić had ordered the killing operation, and that Beara and Popović were in charge of it. [REDACTED].

5737. Based on all of the above, and recalling the formation of a plan to kill the Bosnian Muslim males in Srebrenica between the night of 11 July and the morning of 12 July, the Chamber finds that Mladić, Beara, and Popović shared the expanded common purpose of eliminating the Bosnian Muslims of Srebrenica by killing the men and boys.

5738. Whether the Accused shared the common purpose to eliminate the Bosnian Muslims in Srebrenica, and if so, the extent to which he contributed to the plan, will be discussed separately below.[19475]

(D) Scope of crimes

5739. Based on the evidence set out above and the Chamber's findings thereon, the Chamber considers that the original scope of the common purpose involved the commission of inhumane acts (forcible transfer). Further, on the basis of such evidence, and noting in particular the sheer scale of the killings described above, the Chamber finds that the expanded common purpose of eliminating the Bosnian Muslims in Srebrenica involved the commission of murder and extermination, and that Mladić, Beara, and Popović intended those crimes. Considering that these killings concerned Bosnian Muslim males who were marked for execution on the basis of their identities as such, the Chamber is satisfied that the crime of persecution through the underlying act of killing was also within the scope of the expanded common purpose, and that Mladić, Popović, and Beara possessed the requisite persecutory intent.

5740. Indeed, the Chamber recalls that the common plan to eliminate was, by its very nature, a discriminatory plan targeting solely the Bosnian Muslims living in the Srebrenica enclave. In addition, the Chamber considers that, as described above, the circumstances in which the forcible removal of the Bosnian Muslim women, children and elderly men and the execution of the Bosnian Muslim males were carried out were demonstrative of a deliberate intent to inflict serious physical and mental suffering upon them.[19476] Accordingly, the Chamber finds that the crime of persecution through the underlying act of cruel treatment was within the scope of the common purpose of the Srebrenica JCE.

5741. Further, the Chamber has found that the acts described above amounted to genocide, as the only reasonable inference based on the pattern of the killings and the evident intent to kill every able-bodied Bosnian Muslim male from Srebrenica was that such killings were committed with the

19475 *See* Section IV.C.3.b: Accused's participation in the Srebrenica JCE.

19476 *See* paras. 5647–5648, 5650. *See also* paras. 5691–5700.

intent to destroy the Bosnian Muslims in Srebrenica.[19477] The Chamber notes in particular the Bosnian Serb Forces' vigorous pursuit of the members of the column and their dogged commitment to killing all Bosnian Muslim males taken into Bosnian Serb custody, irrespective of whether they were combatants or civilians and regardless of whether they were captured or had surrendered from the column. The Chamber notes the omnipresence and involvement of Popović and Beara at multiple mass killing sites in Zvornik, their numerous actions in furtherance of the killing operation as detailed above, and the fact that, as the Chamber has found, the vast killing operation was conducted with Mladić's essential involvement. On the basis of all of the evidence, the Chamber is therefore satisfied that the members of the Srebrenica JCE who agreed to the expansion of means so as to encompass the killing of the men and boys intended to kill all the able-bodied Bosnian Muslim males, which intent in the circumstances is tantamount to the intent to destroy the Bosnian Muslims in Srebrenica.[19478]

5742. With regard to the scope of the operation, the Chamber has established above that the large scale killings committed in the Bratunac and Zvornik areas were committed pursuant to the common plan to kill the Bosnian Muslim males of Srebrenica.[19479] Below, the Chamber will consider whether other incidents also fell within the scope of the same killing operation.

5743. The Chamber further recalls that during the forcible removal of the Bosnian Muslim women, children, and elderly men, which was carried out between 12 and 13 July, the Bosnian Serb Forces killed a number of Bosnian Muslim males in Potočari.[19480] Some of the Bosnian Muslim males who were separated in Potočari and bussed to Bratunac were killed by members of the Bosnian Serb Forces while being held there between 12 and 14 July.[19481] Bosnian Muslim males who did manage to board the buses heading toward Tuzla were taken off at Luke School and were killed by members of the Bosnian Serb Forces in the very early hours of 14 July.[19482] Meanwhile, on 13 July, members of the Bosnian Serb Forces, including one member of the Bratunac SJB, killed 15 Bosnian Muslim men from the column in an isolated area on the bank of the Jadar River.[19483]

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19477 *See* paras. 5669, 5671. *See also* paras. 5701–5723, 5728–5732.

19478 *See* paras. 5735–5737.

19479 *See* paras. 5728–5732.

19480 During the course of the day on 13 July, members of the Bosnian Serb Forces killed one Bosnian Muslim man behind the White House. *See* para. 5145. Additionally, on the same day, members of the Bosnian Serb Forces killed nine Bosnian Muslim men in a meadow southwest of the White House. *See* para. 5141.

19481 *See* paras. 5303, 5306.

19482 *See* paras. 5150, 5152, 5154. The Chamber has already rejected the Accused's argument that the fact that the Bosnian Muslim males were held at Luke School until around midnight on 13 July demonstrates that the plan to kill did not arise until after the killings at Kravica Warehouse. *See* para. 5732.

19483 *See* para. 5205. The Accused asserts that the killings at Jadar River did not form part of the common plan because they occurred prior to the killings at the Kravica Warehouse. Defence Final Brief, para. 2497.

That same evening, members of the Bosnian Serb Forces killed another 15 Bosnian Muslim men from the column who had been detained at the Sandići Meadow.[19484] These killings were temporally and geographically proximate, they were each carried out by units of the Bosnian Serb Forces deployed in the area and operating under the overall command of Mladić,[19485] and the victims of each incident were Bosnian Muslim males from Srebrenica.

5744. The Chamber also received evidence that the Bosnian Serb Forces—including members of the 10th Sabotage Detachment and the MUP—killed other groups of Bosnian Muslim males from Srebrenica at Snagovo and Bišina over the course of the week following the large scale killings in Zvornik, which ended on 16 July.[19486] The Chamber notes the geographical proximity of these two killing sites to the large scale execution sites in Zvornik, as well as the presence of Popović himself at Bišina.[19487]

5745. The Chamber further recalls that during the attack on Srebrenica, a part of the joint forces operating on the Sarajevo front near Trnovo was detached and sent to the Srebrenica sector under Borovčanin's command, while another part, including the Scorpions, remained behind.[19488] After the fall of Srebrenica to Bosnian Serb Forces, two members of the Scorpions unit were ordered by their commander to take a bus and a TAM truck to Srebrenica, where they would assist in transporting Bosnian Muslim male detainees.[19489] The Chamber has already found that the Scorpions transported multiple groups of Bosnian Muslim males who had been detained in Srebrenica, and that at some point, a "final group" of six was brought to the Scorpions command post in Trnovo, where Medić ordered that they be killed.[19490] The unit complied and the men were executed.[19491] The Chamber notes that it has not received evidence which would allow it to precisely determine the date on which these executions occurred. The Chamber is also mindful of

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However, the Chamber has already found that the common plan was established by the time the third Hotel Fontana meeting commenced at 10 a.m. on 12 July. *See* para. 5731.

19484 *See* paras. 5288–5289, 5291. The Accused contends that the killings at Sandići Meadow did not form part of the common plan because they occurred prior to the killings at the Kravica Warehouse. Defence Final Brief, confidential, para. 2499. However, the Chamber has already found that the common plan was established by the time the third Hotel Fontana meeting commenced at 10 a.m. on 12 July. *See* para. 5731.

19485 As described above, following his arrival in Bratunac on 8 July and at the Drina Corps IKM on 9 July, Mladić assumed overall command of the Bosnian Serb Forces in the area—namely, the VRS and MUP—as demonstrated by his relaying to subordinate units the Accused's order to take the town; his prominent role on the ground in Potočari, as well as at the meetings at the Hotel Fontana and Bratunac Brigade Command; and his orders mobilising Bosnian Serb personnel and materiel. *See* paras. 5687–5692, 5695–5697, 5699–5700, 5703, 5705, 5707, 5709, 5711, fn. 19474.

19486 *See* paras. 5477–5481, 5482–5490.

19487 *See* paras. 5477, 5482, 5486–5488.

19488 *See* para. 5493.

19489 *See* para. 5494.

19490 *See* para. 5495.

19491 *See* para. 5494.

the geographic distance between Trnovo and Srebrenica. However, noting the involvement of members of the Scorpions unit in the process of transporting Bosnian Muslim male detainees in Srebrenica during the killing operation described above, the Chamber is satisfied that the Trnovo killings were carried out as part of the same operation described above.

b. Accused's participation in the Srebrenica JCE

*i. Submissions of the parties*

5746. According to the Indictment, the Accused committed the crimes referred to above by virtue of his participation in the Srebrenica JCE.[19492] The Indictment further claims that the Accused shared the intent for the commission of each of the crimes set forth above with other members of the Srebrenica JCE, including Mladić.[19493] According to the Prosecution, each of the members of the Srebrenica JCE, including the Accused, contributed to achieving its objective by their acts or omissions.[19494] Specifically, the Prosecution claims that the ways in which the Accused significantly contributed to achieving the objective of eliminating the Bosnian Muslims in Srebrenica are all reflected in the following three main categories of actions and/or omissions.[19495]

5747. First, the Prosecution submits that the Accused directed and authorised his subordinates within the "three branches of the RS" involved in the forcible removal and killings operations, namely the VRS, the MUP, and the civilian authorities.[19496] In this regard, the Prosecution claims that, as President of the RS and Supreme Commander of the VRS, the Accused was the only individual in the RS with *de jure* and *de facto* authority over the VRS, the MUP, and the civilian authorities, all of whom were involved in the forcible removal of Bosnian Muslim women, children, and elderly men from Srebrenica, as well as in the killing of the men and boys.[19497] It alleges that the Accused alone could direct, approve, and authorise the participation of all three branches in the forcible removal and murder operations, and that all three branches obeyed his orders, acted in concert, and reported to him while carrying out such operations.[19498] The Prosecution further claims that there were both official and unofficial functioning chains of reporting to the Accused during the Srebrenica events, and that he was kept informed through various means, such as regular telephone conversations, in-person contacts with his subordinates,

19492 Indictment, para. 20–24. *See* para. 5674.
19493 Indictment, para. 21.
19494 Indictment, para. 21.
19495 *See* Indictment, para. 24; Prosecution Final Brief, para. 805–813.
19496 Prosecution Final Brief, para. 806. The Prosecution claims that by doing so the Accused contributed to the Srebrenica JCE as alleged in paragraph 14(d) of the Indictment. *See* Prosecution Final Brief, paras. 806–808.
19497 Prosecution Final Brief, para. 806.
19498 Prosecution Final Brief, para. 806.

and written reports.[19499] According to the Prosecution, these streams of information put the Accused on notice of the crimes committed in Srebrenica, including the executions of the men, "almost immediately".[19500] As such, the Accused directed his subordinates to carry out specific acts in furtherance of the objectives of the Srebrenica JCE.[19501]

5748. Second, the Prosecution argues that the Accused participated in the design and formulation of acts carried out by his subordinates in the implementation of the Srebrenica JCE.[19502] The Prosecution claims that this occurred primarily through the issuance of orders and the maintenance of oversight.[19503]

5749. Third, the Prosecution contends that—by (i) deliberately failing to take measures to prevent, punish, or investigate his subordinates' involvement in crimes which he knew were being and had been committed pursuant to the Srebrenica JCE and (ii) praising and promoting key members of the Srebrenica JCE—the Accused failed to protect the Bosnian Muslims of Srebrenica, and created and sustained an environment of impunity through which he encouraged the ongoing implementation of the Srebrenica JCE.[19504]

5750. In relation to intent, the Prosecution claims that the Accused, together with other members of the Srebrenica JCE, shared the intent to destroy the Bosnian Muslims of Srebrenica, and explains that this intent manifested itself through the Accused's acts, omissions and statements, as well as through the systematic, co-ordinated, and targeted manner in which the genocidal acts were carried out.[19505] According to the Prosecution, the Accused's endorsement of the genocide plan was both necessary and instrumental to its success.[19506] The Accused's genocidal intent was also made clear by his statements after the events took place and in his efforts to cover up the forcible removal and killing operations.[19507]

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19499 Prosecution Final Brief, paras. 848–854.

19500 Prosecution Final Brief, para. 1079 (further claiming that the Accused's active effort to deflect international attention from the Srebrenica events in and of itself constitutes a substantial contribution to the Srebrenica JCE). *See also* Prosecution Final Brief, paras. 811 (claiming that the Accused took the lead in keeping the international community at bay so that the implementation of the Srebrenica JCE could proceed to its full conclusion unchecked and without internal pressure); 1078–1081.

19501 Prosecution Final Brief, para. 807.

19502 Prosecution Final Brief, para. 809. The Prosecution claims that by doing so the Accused contributed to the Srebrenica JCE as alleged in paragraph 14(e) of the Indictment. *See* Prosecution Final Brief, para. 809.

19503 Prosecution Final Brief, para. 809.

19504 Prosecution Final Brief, paras. 810–813 (referring to paras. 14(a), 14(c), 14(d), 14(g), 14(h), and 14(i) of the Indictment).

19505 Prosecution Final Brief, paras. 1096, 1100.

19506 Prosecution Final Brief, para. 1098.

19507 Prosecution Final Brief, paras. 1099.

5751. The Accused argues that to be a member of a JCE, a person must form an agreement with others that a crime will be carried out, and that in this instance it must be proven that the agreement was "not only to murder, or exterminate the men of Srebrenica, but that it was to commit genocide".[19508] The Accused contends that even if some of the VRS members formed an agreement to commit genocide, there is no evidence indicating that he agreed to such a plan.[19509] Accordingly, the Accused submits, it has not been established beyond reasonable doubt that he was among a plurality of persons who formed a common plan to commit genocide.[19510]

5752. The Accused also claims that he was never informed about the execution of Bosnian Muslim males from Srebrenica, and that the Prosecution failed to adduce sufficient evidence to conclude beyond reasonable doubt that he was informed, either through meetings, by telephone, or through written reports, of any facts from which he could conclude that genocide would be, was being, or had been committed in Srebrenica.[19511] In this regard, the Accused contends that knowledge of a crime cannot be inferred merely from contact with others who had such knowledge, and adds that the fact that he had various means of communication available to him is not enough to conclude that he had knowledge of the occurrence of a crime.[19512] Pointing to events after July 1995, including his acts and conduct, international media and reports of killings, the indictment against him, and his efforts to investigate and prosecute the evidence surrounding Srebrenica, the Accused argues that each of these establish that he was not informed of "genocidal" executions.[19513] Accordingly, the Accused submits, there is reasonable doubt concerning his knowledge, and he cannot be held liable for the execution of Bosnian Muslim males.[19514]

5753. The Accused further submits that he did not contribute to the execution of a "genocidal plan" and that any alleged omission by him to punish persons for genocide in Srebrenica cannot constitute a significant contribution.[19515] Finally, the Accused submits that he never shared genocidal intent.[19516]

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19508 Defence Final Brief, para. 3152.
19509 Defence Final Brief, paras. 3153, 3161.
19510 Defence Final Brief, paras. 3015, 3152–3153, 3161.
19511 Defence Final Brief, paras. 3015–3081, 3112.
19512 Defence Final Brief, paras. 3148–3149.
19513 Defence Final Brief, paras. 3119–3147.
19514 Defence Final Brief, paras. 3014–3015.
19515 Defence Final Brief, paras. 3154–3161.
19516 Defence Final Brief, paras. 3167–3169.

5754. The Chamber notes that the Accused's arguments are framed in terms of his lack of assent to a "joint criminal enterprise to commit genocide".[19517] The Chamber interprets this challenge to relate to the Accused's alleged membership in the Srebrenica JCE as well as to his responsibility for the crime of genocide. The Chamber will therefore first consider whether the Accused was a member of the common plan to eliminate the Bosnian Muslims in Srebrenica before turning to whether he shared the intent to destroy them.

5755. The Chamber has found above that as Srebrenica fell, Mladić, Živanović, Krstić, Popović, and Kosorić formed a common plan to eliminate the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men.[19518] This plan expanded to encompass the killing of the men and boys sometime between the night of 11 July and the morning of 12 July, prior to the commencement of the third meeting at the Hotel Fontana.[19519] The Chamber has also found that at least Mladić, Beara, and Popović shared this expanded common purpose.[19520] The Chamber will now examine whether the Accused also shared the common purpose; if so, whether he significantly contributed to it; and finally, whether he shared the intent for the commission of each of the crimes set forth above.

*ii. Accused's acts and conduct in context*

5756. As the Chamber has described above, the Accused issued Directive 7, which included an order to the Drina Corps to "create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica or Žepa", on 8 March 1995.[19521] The Chamber recalls that Directive 7 instructed the "relevant State and military organs responsible for work with UNPROFOR and humanitarian aid organisations" to "unobtrusively" reduce the re-supply of UNPROFOR and limit humanitarian aid to the Bosnian Muslim population, thereby "making them dependent on [the Bosnian Serbs'] good will while at the same time avoiding condemnation by the international community and international public opinion".[19522] The Chamber has already found that this directive was indeed implemented through the subsequent restriction of access to Srebrenica for humanitarian aid and UNPROFOR re-supply convoys as described above.[19523]

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19517 *See* Defence Final Brief, para. 3015. *See also* Defence Final Brief, paras. 3152 (referring to an "agreement [...] to commit genocide"), 3161 (referring to a "common plan to commit genocide").

19518 *See* paras. 5724–5727.

19519 *See* para. 5731.

19520 *See* paras. 5736–5737.

19521 *See* para. 5681.

19522 *See* para. 4980.

19523 *See* paras. 4989–4992.

5757. Six days after issuing Directive 7, the Accused issued a decision forming a State Committee for Co-operation with the UN and International Humanitarian Organisations ("State Committee"), which—pursuant to the decision of the Accused—was headed by Koljević.[19524] Following its formation, the State Committee was responsible for approving the passage of humanitarian aid convoys, while the VRS was responsible for approving the passage of UNPROFOR re-supply convoys and retained the right to disagree with the decisions of the State Committee, as well as control over the movement of the convoys.[19525] However, before negotiating with UNPROFOR, the Main Staff informed the Accused and the RS Presidency about its activities and sought "guidance" in relation to such matters; the Accused thus controlled the policy of restriction which was implemented by Mladić.[19526]

5758. Additionally, in a series of meetings with UNPROFOR which took place in the spring of 1995, the Accused stated that he would not allow humanitarian aid to reach the eastern enclaves, including Srebrenica, as long as the Bosnian Serbs were subject to international sanctions.[19527] At the beginning of June, the Accused co-ordinated closely with Mladić regarding the passage of convoys in anticipation of Slobodan Milošević conducting negotiations to lift the sanctions.[19528] The Chamber is thus satisfied that the Accused maintained control over the passage of convoys during the weeks and months following the issuance of Directive 7; during that time, conditions in Srebrenica deteriorated to disastrous levels and by the end of June, some residents had died of starvation.[19529]

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19524 P4543 (Decision of Radovan Karadžić), pp. 1, 3; D3279 (Radovan Karadžić's Decisions, 14 March 1995), pp. 1, 3.

19525 Manojlo Milovanović, T. 25793–25794 (5 March 2012); Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 12022; Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29277, 29280 (stating that the co-ordination organ had an influence on the passage of UNPROFOR convoys). *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6402–6405; para. 4985.

19526 Slavko Kralj, D3245 (Transcript from *Prosecutor v. Popović et al.*), T. 29282–29283; Rupert Smith, T. 11419–11420 (9 February 2011).

19527 Rupert Smith, T. 11347, 11351, 11355–11359 (8 February 2011); P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), para. 3. *See also* P2262 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 30 April 1995), para. 12; P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), para. 5. The Accused also stated that he had information that the enclaves were well supplied and that aid was being used to supply the ABiH. P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), para. 3; P2262 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 30 April 1995), para. 12; P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), para. 5. The Chamber recalls its finding that while isolated incidents of misappropriation or smuggling may have occurred, neither UNPROFOR nor the humanitarian aid organisations supplied the ABiH as a matter of practice; the Chamber further recalls its determination that the regulations on convoy movement were applied arbitrarily and ultimately inhibited the flow of humanitarian aid to Srebrenica completely. *See* fn. 16804.

19528 P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), pp. 168, 177; P5018 (Aide mémoire to the President for the conversation with Ratko Mladić, 9 June 1995); P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court pp. 73–74.

19529 *See* paras. 4991–4992.

5759. The Chamber further recalls that on 28 June 1995, the Accused and Krajišnik visited Krstić, who was then Deputy Commander of the Drina Corps, at the Drina Corps Command in Vlasenica and gave him a combat assignment.[19530] Several days later, Živanović, who was then Commander of the Drina Corps, issued an order for active combat operations aimed at splitting the enclaves of Srebrenica and Žepa and reducing them to their urban areas.[19531] The Bosnian Serb Forces initially made slow progress towards Srebrenica; when on 8 July Živanović enquired about the possibility of obtaining reinforcements from the RS MUP, the Accused told him that the Drina Corps would have to proceed with its own forces as "the entire MUP" was engaged elsewhere.[19532] Živanović nevertheless requested that a company of Zvornik MUP forces be engaged as reserve forces for Drina Corps units in his daily combat report that evening.[19533]

5760. The Chamber recalls that in the late afternoon on the following day, Tolimir contacted the Accused and relayed the information that the conditions for taking Srebrenica had been created, and the Accused then approved the expansion of the Krivaja 95 plan and ordered the Bosnian Serb Forces to take over the town.[19534] On 10 July, pursuant to an order from the Accused, part of the MUP forces which had been deployed in the Trnovo area were redeployed towards Srebrenica.[19535] Between 5 and 5:20 p.m. on 10 July, the Accused met with Dragan Kijac, the head of the RDB, and Milenko Karišik, the head of the RJB.[19536]

5761. Late in the afternoon on 11 July, after previously telling the Accused that "everything [wa]s going according to plan and do not worry", Gvero informed the Accused that the Bosnian Serb Forces had taken Srebrenica.[19537] This information was also included in the daily combat report the Accused received from the Main Staff that evening, which stated that the VRS had entered Srebrenica town.[19538] That evening, the Accused issued three orders which pertained to the situation on the ground in Srebrenica; the first two established Bosnian Serb municipal structures there. First, the Accused appointed Deronjić as civilian commissioner for Srebrenica and

19530 *See* para. 5004.
19531 *See* paras. 5005–5007.
19532 *See* para. 5686, fn. 19277.
19533 *See* fn. 19277.
19534 *See* para. 5018.
19535 *See* para. 5688.
19536 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 89; D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 60; D4143 (Witness statement of Dragan Kijac dated 30 November 2013), para. 54. *See* para. 221. The Chamber notes that both Karišik and Kijac professed not to remember the specific matters discussed at the meeting. D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 60; D4143 (Witness statement of Dragan Kijac dated 30 November 2013), para. 54. The Chamber will fully address Karišik's testimony in this regard in fn. 19543.
19537 *See* paras. 5689–5690.
19538 P4450 (VRS Main Staff Report, 11 July 1995), para. 6(b).

determined the functions he should have while holding that post.[19539] Second, the Accused issued an order to the RS MUP to form an SJB in "Serb Srebrenica".[19540] According to the order, the RS MUP was instructed to establish close co-operation with Deronjić.[19541] Third, the Accused issued an order stating that henceforth, only the State Committee would give approval for humanitarian convoys, following prior consultations with the Accused himself.[19542]

5762. Between 10:30 and 10:45 p.m. on 11 July, the Accused met in his office with Karišik.[19543] Later that night, at 1 a.m. on 12 July, the Accused had a brief telephone conversation with

19539 *See* para. 5693. The Chamber further recalls that while meeting with approximately 20 "Serb officials in Srebrenica" that evening, Deronjić established a telephone connection with the Accused, who told the attendees at the meeting that Deronjić was "directly responsible with his life" for all civilian affairs in Srebrenica and that all others were to report directly to Deronjić. *See* para. 5694.

19540 P2994 (Radovan Karadžić's Order, 11 July 1995). *See also* para. 226.

19541 P2994 (Radovan Karadžić's Order, 11 July 1995), para. 5. *See also* Christian Nielsen, T. 16338 (7 July 2011).

19542 P5183 (RS Presidential Order, 11 July 1995), paras. 1–2. The order was immediately disseminated to the VRS Main Staff and was disseminated by the RS MUP on the following day. *See* P2803 (RS Communication Centre telegram logbook, 3–18 July 1995), p. 3 (line 326); P2997 (Radovan Karadžić's Order, forwarded by RS MUP, 12 July 1995). Failure to implement the order was to result in swift legal sanctions. P5183 (RS Presidential Order, 11 July 1995), para. 8.

19543 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 90; D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 60. The Prosecution claims that the purpose of Karišik's visit to the Accused that evening was to report on the deployment of MUP forces to the Srebrenica area. Prosecution Final Brief, para. 905. The Chamber notes that Karišik first testified that he did not recall the meeting specifically, and asserted that, at the time, he had "focused on the fierce fighting that was going on around Sarajevo" and could not recall having any discussions with the Accused regarding Srebrenica. D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 60; Milenko Karišik, T. 40608 (27 June 2013), T. 40679–40681 (2 July 2013). *See also* D3756 (SRNA news report, 7 July 1995); D3757 (SRNA news report, 13 July 1995); D3758 (SRNA news report, 14 July 1995). Furthermore, Karišik affirmatively stated that he had not discussed Srebrenica with the Accused because he had had no information about Srebrenica at the time. Milenko Karišik, T. 40615–40616 (27 June 2013). The Chamber notes, however, that during the days leading up to, and on the day of, his meeting with the Accused and Kijac on 10 July, Karišik had been receiving information from the RDB updating him on the progress of VRS forces towards Srebrenica and other relevant military updates. *See e.g.* P4927 (Report of Bijeljina RDB, 6 July 1995) (addressed to the RS MUP and the VRS Security Department and reporting intelligence that Naser Orić sought to return from Tuzla to Srebrenica at the time); P4928 (Report of Sarajevo RDB, 6 July 1995) (forwarding P4927 to Karišik personally); P4932 (Report of Bijeljina RDB, 10 July 1995) (addressed to the RS MUP and the VRS Security Department and reporting intelligence about VRS progress towards Srebrenica as well as intelligence regarding the requests of members of the Muslim Forces in Srebrenica then deployed around Sarajevo to return to the enclave); P4933 (Report of Sarajevo RDB, 10 July 1995) (forwarding P4932 to Karišik personally). This reporting continued during the following days. *See* P5089 (Report of Sarajevo RDB, 11 July 1995); P2986 (Report of Sarajevo RDB, 12 July 1995); P5091 (Report of Sarajevo RDB, 12 July 1995); P4936 (Report of Sarajevo RDB, 12 July 1995); P4939 (Report of Sarajevo RDB, 12 July 1995) (all addressed to Karišik personally). Furthermore, that day, Karišik had in fact travelled to Zvornik, where he "expressed an interest" in the work of the Zvornik SJB. P6190 (Excerpt from Mane Đurić's diary), e-court p. 1; Mane Đurić, T. 35037 (7 March 2013). *See also* P4581 (Excerpt from tactical intercept notebook, 11 July 1995) (demonstrating that Karišik, a.k.a. "Karlo", was on the ground in Zvornik on 11 July); Milenko Karišik, T. 40612–40615 (27 June 2013) (accepting that "Karlo" was his nickname). That day, Karišik had received a report from the DB that the Muslim Forces in Srebrenica "had enough forces to stop a Serbian offensive". P5089 (Report of Sarajevo RDB, 11 July 1995). At the time, one company of the PJP of the Zvornik CJB was preparing to deploy to Srebrenica in order to reinforce the VRS pursuant to the Accused's order of the previous day. *See* fn. 16976. When presented with this evidence, Karišik continued to claim that he could not recall whether he had made such a trip, although he eventually accepted that it was a possibility. Milenko Karišik, T. 40611–40615 (27 June 2013). The Chamber considers that Karišik had an interest in distancing himself from the events in Srebrenica and that his evidence in this regard was marked by insincerity and evasiveness. *See e.g.* D3749 (Witness statement of Milenko Karišik dated 23 June 2013), paras. 40, 60; Milenko Karišik, T. 40590–40594, 40604, 40608–40609, 40617–40624 (27 June 2013). The Chamber finds that

Živanović.[19544] Živanović testified that he updated the Accused on the "liberation" of Srebrenica and told him that there had been no casualties on either side.[19545] According to Živanović, the Accused was satisfied with that fact, and the conversation ended.[19546]

5763. Around the same time, Kovač forwarded the Accused's order to the RS MUP to form an SJB in "Serb Srebrenica" to Vasić, the Chief of the Zvornik CJB at the time, further ordering him to establish the SJB in Srebrenica that day while ensuring close co-operation with Deronjić.[19547] Regardless of how the order was transmitted to Vasić, it is clear to the Chamber that it was implemented. The Chamber recalls that around 8 a.m. on 12 July, Vasić met with Mladić, Krstić, and Deronjić at the Bratunac Brigade Command.[19548] Following that meeting, Vasić reported to Kovač that, as ordered, he had contacted Deronjić and had met with Mladić and Krstić during the 8 a.m. meeting at the Bratunac Brigade Command, where "tasks were assigned to all participants".[19549] Vasić also informed Kovač that the third Hotel Fontana meeting was taking place at 10 a.m. in order to reach an agreement on the "evacuation of the civilian population from Potočari to Kladanj", and that 100 trailer trucks had already been provided for that purpose.[19550] Finally, Vasić reported that joint police forces were advancing on Potočari "with the aim of taking

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Karišik's evidence was replete with evasiveness and contradictions, and concludes that despite his denial, Karišik in fact travelled to Zvornik. However, the Chamber will not make a finding as to the content of the conversation between Karišik and the Accused during their meeting on the night of 11 July.

19544 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 8.

19545 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 8.

19546 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 8.

19547 P2995 (Radovan Karadžić's 11 July 1995 Order, forwarded by RS MUP, 12 July 1995); Christian Nielsen, T. 16338–16339 (7 July 2011). Kovač also forwarded the Accused's order requiring the approval for the passage of humanitarian aid convoys through RS territory to be given exclusively by the State Committee following consultation with him personally; Kovač's order incorporated additional instructions for the implementation of the Accused's order. P2997 (Radovan Karadžić's Order, forwarded by the RS MUP on 12 July 1995). The Chamber notes that although in an interview with the Prosecution in 2003, Kovač stated that the RS MUP order forwarding the Accused's order to Vasić had come from his office with his knowledge, when testifying in this case, Kovač denied having signed this order or having been aware of it at the time. Tomislav Kovač, T. 42738–42741 (1 November 2013). *See also* D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 115 (asserting that the MUP had issued an order for the implementation of the Accused's decision). The Chamber notes that despite the existence of this apparent discrepancy, Kovač refused to acknowledge it. Tomislav Kovač, T. 42740–42741 (1 November 2013). The Chamber also recalls that at the outset of his testimony, Kovač testified to the truthfulness of his prior interviews. Tomislav Kovač, T. 42718 (31 October 2013). The Chamber refers to its credibility assessment of Kovač at para. 5766.

19548 *See* para. 5086.

19549 P2996 (Report of Zvornik CJB, 12 July 1995), paras. 1–2. The Chamber notes that when presented with Vasić's report, Kovač asserted that the RS MUP was only interested in its content to the extent that it pertained to Vasić's compliance with the order to establish an SJB in Srebrenica. Tomislav Kovač, T. 42742–42745 (1 November 2013). Noting that the sole addressees of Vasić's report were RS MUP entities, the Chamber considers that the only reasonable inference is that Vasić included the totality of the information described above in order to inform his superiors in the RS MUP. The Chamber finds Kovač's assertion that the remainder of that information was of no interest to the RS MUP absurd and does not accept it.

19550 P2996 (Report of Zvornik CJB, 12 July 1995). para. 5.

UNPROFOR personnel prisoner, surrounding the entire civilian population, and clearing the terrain of enemy groups".[19551]

5764. On the night of 11 July and into the following day, Kovač was personally informed by Kijac that while an estimated 40,000 Bosnian Muslims had begun to gather in and around the UN Compound in Potočari, there were very few able-bodied men amongst this group.[19552] When, during the course of the night between 11 and 12 July, the Bosnian Serb Forces became aware of the existence and movement of the column of Bosnian Muslim men, Drina Corps and—at Kovač's direction—MUP units were sent to intercept the column and "mo[p] up the terrain".[19553]

5765. Vasić continued to report to his superiors in the RS MUP throughout 12 and 13 July, noting the absence of Bosnian Muslim males in Potočari, their suspected whereabouts, and efforts to intercept the column of Bosnian Muslim males. Following his initial report on 12 July, Vasić reported that of an estimated 25,000 people gathered in Potočari, less than 10% were able-bodied males, and although they had requested free passage, "depending on Mladić's decision, able-bodied men *may* be allowed to go *in order to have the others from the woods to surrender*, since our command urged them to do so".[19554] Around 5:30 p.m., Vasić relayed to Kovač intelligence from the Zvornik CJB, which had learned that an estimated 8,000 "men of military age" were in the Konjević Polje and Sandići sector.[19555] On 13 July, Vasić reported to Kovač's and Karišik's respective offices that although the MUP forces were attempting to block the column, because such forces were "working alone" without the assistance of the VRS, "a lot of problems c[ould] be expected until the operation [wa]s completed".[19556] Later,[19557] Vasić sent a further report to the same recipients stating that after having met with Mladić that morning,[19558] the VRS was "continuing operations towards Žepa and leaving all other work to the MUP", including the transport of an estimated remaining 15,000 Bosnian Muslims to Kladanj, and the "killing of about

19551 P2996 (Report of Zvornik CJB, 12 July 1995), para. 6.

19552 P2986 (Report of Sarajevo RDB, 12 July 1995) (reporting on the developments of 11 July); P5091 (Report of Sarajevo RDB, 12 July 1995), p. 1; P4936 (Report of Sarajevo RDB, 12 July 1995); P4939 (Report of Sarajevo RDB, 12 July 1995), pp. 1–2.

19553 *See* para. 5158.

19554 P4935 (Report of Zvornik CJB, 12 July 1995), paras. 1–4 (emphasis added). Vasić further reported that a company of the Zvornik PJP had been dispatched to Srebrenica town in order to protect facilities against looting and misappropriation of property, and that a platoon of the company would be sent to intercept the column of Bosnian Muslim men fleeing towards Buljim. P4935 (Report of Zvornik CJB, 12 July 1995), para. 5.

19555 P4937 (Report of Zvornik CJB, 12 July 1995).

19556 P6189 (Report of Zvornik CJB, 13 July 1995).

19557 The Chamber notes that although no time stamp appears on P6189, the sequential numbering on P6189 and P4942 reveals that the former preceded the latter. *Compare* P6189 (Report of Zvornik CJB, 13 July 1995); P4942 (Report of Zvornik CJB, 13 July 1995) (referring to the 8 a.m. meeting at the Bratunac Brigade Command).

19558 The Chamber recalls that that morning, Vasić met with Mladić, Krstić, Popović, and Pandurević at the Bratunac Brigade Command. *See* para. 5705.

8,000 Bosnian Muslim soldiers whom we blocked in the woods near Konjević Polje".[19559] Thereafter, Kovač began personally forwarding to Vasić intelligence that the RS MUP had received from the VRS.[19560] That day, Kovač also dispatched a company of the Doboj PJP to Zvornik.[19561]

5766. Between 3:50 and 4:10 p.m. on 13 July, the Accused met Kovač in Pale.[19562] Immediately thereafter, Kovač departed towards Vlasenica.[19563] The Chamber notes that Kovač testified that during this meeting, he and the Accused discussed the situation around Sarajevo, which Kovač claimed he had felt was of far greater concern at the time.[19564] However, having analysed the entirety of Kovač's testimony in light of the totality of the evidence, the Chamber notes numerous internal inconsistencies within Kovač's testimony,[19565] as well as inconsistencies with prior statements given under oath.[19566] In the Chamber's view, these inconsistencies, as well the evasiveness and even intermittent combativeness displayed by Kovač throughout his testimony,[19567] arise from Kovač's efforts to minimise his own involvement in the events in Srebrenica in July

19559 P4942 (Report of Zvornik CJB, 13 July 1995), paras. 1–2. *See also* Richard Butler, T. 27542–27543 (18 April 2012) (testifying that the reference to killing referred to an ongoing military operation against the portion of the column which had not managed to cross the Konjević Polje–Nova Kasaba Road).

19560 *See* P2988 (Report of RS MUP, 13 July 1995) (forwarding to Vasić a dispatch received from the Drina Corps Security Organ describing the movement of the column); P5098 (Report of RS MUP, 13 July 1995) (forwarding to Vasić two dispatches received from the Drina Corps command regarding the movement of the column). The second of these two documents was sent after 12:30 p.m. *See* P5098 (Report of RS MUP, 13 July 1995), p. 1. At the same time, Vasić was also receiving information about the column from Karišik, who forwarded information received from the RDB through the Police Forces Command Staff in Pale. P4943 (Report of Sarajevo RDB, 13 July 1995) (reporting that an estimated 10,000 "able-bodied Muslims" from Srebrenica had gathered near Šušnjari on the night of 11 July, had begun to depart in an attempt to reach Tuzla the following morning, but had begun to be caught in RS MUP ambush operations along the Bratunac–Konjević Polje Road on the night of 12 July); P5099 (Report of Bijeljina RJB, 13 July 1995) (passing along information contained in P4943).

19561 P5146 (Order of RS MUP, 13 July 1995). *See also* Tomislav Kovač, T. 42764 (1 November 2013).

19562 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91.

19563 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 117 (further asserting that he had departed towards Bijeljina in order to organise the transport of ammunition and fuel towards Sarajevo when he had been stopped at a check-point in Vlasenica and told that Mladić wished to see him.); Tomislav Kovač, T. 42767–42771 (1 November 2013).

19564 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 117; Tomislav Kovač, T. 42764–42766 (1 November 2013); T. 42855–42856 (4 November 2013).

19565 For example, after first adopting testimony from a prior case in which he had stated that he had gone to the Srebrenica area pursuant to an order from the Accused, Kovač later denied that he had done so. *Compare* Tomislav Kovač, T. 42766–42767 (1 November 2013) *with* Tomislav Kovač, T. 42792–42793 (1 November 2013) (stating that he had gone to the field of his own volition) *and* Tomislav Kovač, T. 42840–42841 (4 November 2013). *Compare also* D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 124 *with* Tomislav Kovač, T. 42785–42789 (1 November 2013).

19566 For example, the Chamber refers to its description of Kovač's testimony regarding the transmission of the Accused's 10 July order to deploy RS MUP forces to Srebrenica set out at fn. 19288. *See also* Tomislav Kovač, T. 42823–42825 (1 November 2013); D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 133; *compare* Tomislav Kovač, T. 42827–42830 (1 November 2013).

19567 *See e.g.* Tomislav Kovač, T. 42782–42783, 42786–42788, 42794–42795, 42808–42813 (1 November 2013).

1995.[19568] The Chamber has therefore approached his testimony with extreme caution and has only relied upon it where it is consistent with other evidence.

5767. In this regard, the Chamber is mindful that from the commencement of the Srebrenica operation on 6 July, Kovač had been receiving reports which were forwarded to him personally by Kijac and contained intelligence from the DB and the VRS regarding the progress of the Srebrenica operation.[19569] This continued throughout the day on 12 and 13 July.[19570] At the same time, Kovač had begun receiving updates from Vasić—and responded to the developments described by Vasić by forwarding information received by the VRS to him directly—as described above.[19571] Against this backdrop, mindful of the fact that the RS MUP units had been deployed to the Srebrenica sector pursuant to the Accused's order which was conveyed through Kovač, and considering that Kovač departed immediately towards Vlasenica following their meeting, the Chamber finds it inconceivable that Kovač did not discuss the developments on the ground in Srebrenica—including the reports he had received from the DB, as well as the communications received from Vasić and his own response—with the Accused during their meeting on 13 July.

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19568 For example, even when presented with evidence demonstrating that he had ordered the further deployment of "all available guides with police dogs" to Srebrenica on 12 July, Kovač insisted that there had been no need for the MUP to be sent to Srebrenica. Tomislav Kovač, T. 42721 (31 October 2013), T. 42747 (1 November 2013); P4934 (RS MUP Order to the centre for the breeding and training of police dogs, 12 July 1995). He stated that MUP forces were only deployed in order to secure roads and disclaimed any knowledge of DB operatives being involved in the separation and interrogation of men in Potočari. Tomislav Kovač, T. 42721 (31 October 2013) (stating that "only the Sarajevo front was under threat" at the time); Tomislav Kovač, T. 42749–42752, 42755, 42794–42795 (1 November 2013) (distancing himself from the work of the DB before accepting that Kijac had addressed documents to him personally).

19569 *See e.g.* P4927 (Report of Bijeljina RDB, 6 July 1995); P4932 (Report of Bijeljina RDB, 10 July 1995); P4928 (Report of Sarajevo RDB, 6 July 1995) (forwarding P4927 to Kovač and Karišik personally); P4933 (Report of Sarajevo RDB, 10 July 1995) (forwarding P4932 to Kovač and Karišik personally). *See also* P5089 (Report of Sarajevo RDB, 11 July 1995).

19570 P2986 (Report of Sarajevo RDB, 12 July 1995) (reporting that by 4 p.m. on 11 July, 20,000 Bosnian Muslims had gathered in Potočari, that by 5 p.m. on the same day, 60,000 "refugees" had "left Srebrenica for the north", and that the latter's overall position was expected to be "hopeless in 48 hours"); P5091 (Report of Sarajevo RDB, 12 July 1995) (reporting that the VRS had advanced towards Potočari, where an estimated 10,000 Bosnian Muslims were reported to be staying on the premises of the UN Compound); P4936 (Report of Sarajevo RDB, 12 July 1995) (providing an update indicating that 30,000 Bosnian Muslims had gathered around the UN Compound, another 8,000 were still attempting to reach it, and stating that "according to reports by military observers, there is not a single armed soldier of the so-called BH Army among th[e] people" present in Potočari and referred to possible means that had been proposed "in the event of evacuation of the population via Zvornik, as reportedly proposed by the Serbian side"); P4939 (Report of Sarajevo RDB, 12 July 1995) (reporting sometime after 4 p.m. on the movement of a column composed of "several thousand people, most of them conscripts from the Srebrenica area" and that approximately 8,500 people—mostly women and children—had been transported that afternoon and reiterating that there were "hardly any" able-bodied men fit for fighting in Potočari); P4389 (Report of Sarajevo RDB, 13 July 1995), p. 1 (reporting that the Bosnian Serb Forces had captured over 300 members of the column during the night between 12 and 13 July); D4152 (Report of Sarajevo RDB, 13 July 1995) (reporting that a UN observer patrol reported to its base in Živnice that a column of refugees from Srebrenica was moving towards Živnice). Kovač continued to receive such reports on 14 July as well. *See e.g.* P5093 (Report of Sarajevo RDB, 14 July 1995); P5092 (Report of Sarajevo RDB, 14 July 1995); D2058 (Letter from RDB to Bijeljina Public Security Department, 14 July 1995) (noting that the DB's reports had been submitted to the Zvornik SJB and PJP as well as Borovčanin in the field).

19571 *See* paras. 5765.

5768. After Kovač's departure, between 5 and 6:40 p.m., the Accused met with three members of the Serbian diaspora,[19572] Srđa Trifković, Tomislav Premović, and Slavica Ristić.[19573] Zametica and Krajišnik also attended the meeting intermittently.[19574] According to Ristić, the outset of the meeting was very relaxed, as the Accused was attempting to establish an external telephone connection with "somebody",[19575] while Ristić chatted with Krajišnik.[19576] At one point during the meeting, a telephone connection was established, and the Accused had an hour-long conversation, part of which occurred over the speakerphone.[19577] Ristić recalled that it had been very difficult to hear because the line kept going down.[19578] However, the end result of the conversation was that

19572 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 9–10; P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 8–9; D2905 (Witness statement of Srđa Trifković dated 5 February 2013), paras. 5–9. Trifković, who had met the Accused in 1993, arranged the visit to Pale in July 1995 and invited Ristić and Premović to accompany him. D2905 (Witness statement of Srđa Trifković dated 5 February 2013), para. 9; P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 14–18; P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), p. 40.

19573 P4367 (Excerpt from appointment calendar of Radovan Karadžić, 14 July 1995); Slavica Ristić, T. 26071 (12 March 2012); P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 31–35; Tomislav Premović, T. 27406, 27419 (12 April 2012); P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 54, 56–65. *See also* D2905 (Witness statement of Srđa Trifković dated 5 February 2013), para. 28; Srđa Trifković, T. 33353 (6 February 2013). The Chamber notes that Premović insisted that his memory of the meeting was limited because it had just been "a friendly visit" that consisted mostly of "small talk". P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 61, 72. Premović also exhibited confusion regarding the date when the meeting had occurred, as well as whether it had taken place on the day he arrived or the following. *See* P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 42–44, 51–54; Tomislav Premović, T. 27391, 27406, 27419 (12 April 2012). However, based on the totality of evidence before it, the Chamber is satisfied that Premović described the same meeting attended by Ristić and Trifković, and that it took place on 13 July. The Chamber also notes that throughout his evidence, Trifković gave many indications of bias, including making negative comments against the Tribunal, as well as against the Islamic faith. *See e.g.* Srđa Trifković, T. 33337–33359 (6 February 2013); P6099 (Article from Mission Europa Netzwerk Karl Martell entitled "Can the West be Saved?", 10 May 2008); P6100 (Article from Chronicles Magazine entitled "Dinesh the Dhimmi", 26 January 2007); P6101 (Article from Pogledi entitled "Islamic Terrorism in Italy: Shape of Things to Come", 27 February 2002); P6098 (Video clip of Srđa Trifković's university speech, with transcript) (making reference to a "traitor class"). In the Chamber's view, Trifković's evidence was so vitriolic and partisan that the Chamber approached his evidence with the utmost caution and circumspection. The Chamber has therefore only relied upon his evidence where corroborated by Ristić and Premović.

19574 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 34–40; Slavica Ristić, T. 26075 (12 March 2012); P4560 (Photographs of Slavica Ristić's meeting with Radovan Karadžić, 13 July 1995), p. 3. *See also* P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 58–59.

19575 According to Ristić, the Accused had only one phone on his desk, but he "would go outside to talk to somebody to get him the line or — he was very frustrated: get me the line, or what's wrong with the line or [...] so whether another phone, I don't know." P4556 (Slavica Ristić's interview with OTP, 5 April 2009), p. 74. *See also* Slavica Ristić, T. 26088 (12 March 2012).

19576 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 34–35.

19577 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), p. 37; Slavica Ristić, T. 26074–26075 (12 March 2012); P4557 (Photographs of Slavica Ristić's meeting with Radovan Karadžić), pp. 3–4; P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 61–62. *See also* P4560 (Photographs of Slavica Ristić's meeting with Radovan Karadžić, 13 July 1995), pp. 1, 3.

19578 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 37–38; Slavica Ristić, T. 26072–26073 (12 March 2012). Ristić further described the Accused as mostly listening and giving responses such as "uh-huh" or "okay", and did not remember him asking any questions. P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 38–39; Slavica Ristić, T. 26088 (12 March 2012); P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), p. 64 (describing the Accused as mainly responding with "okay").

the participants in the meeting understood that Srebrenica "[wa]s done".[19579] At the end of the conversation, the Accused thanked the person to whom he was speaking personally.[19580] The Accused also "awarded, rewarded and promoted a couple [...] of the generals", including Krstić.[19581]

5769. Ristić testified that the Accused had addressed the person on the other end of the line as "General Mladić".[19582] Premović also testified that the person who had called the Accused during their meeting was Mladić.[19583] The Chamber notes that Trifković insisted that the Accused did not speak with Mladić;[19584] however, the Chamber recalls its assessment of Trifković's credibility outlined above.[19585] The Accused acknowledges having spoken to someone from the VRS who informed him about the situation in Srebrenica, but denies that he actually spoke with Mladić, referring to "conflicting evidence", and citing the testimony of Milovanović,[19586] who agreed that the Accused communicated "mainly" with him between 1 July and 4 August 1995.[19587] The Chamber notes, firstly, that Milovanović explicitly stated that this did not occur "all the time", but only "a few times".[19588] Moreover, even if Milovanović's testimony in this regard could be read to

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19579 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 37–39 (further recalling that she had understood that Žepa would be "the next step"); Slavica Ristić, T. 26073–26074, 26077 (12 March 2012); P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 48, 52–54, 61–63. The Chamber notes that Premović referred to the conversation having yielded the information that "Žepa fell" but, in light of the fact that the meeting occurred on 13 July, it is satisfied that this should be understood as Srebrenica, and that Premović's recollection of Mladić saying that Srebrenica would be "next" should be understood as referring to Žepa. *See* P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), p. 71; Tomislav Premović, T. 27406–27408, 27414–27415 (12 April 2012). *See also* Slavica Ristić, T. 26087–26088 (describing having gained the impression that Žepa would be next to be "liberated").

19580 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), p. 47. Ristić recalled that the Accused was "very happy". P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 38–39, 73 (further stating that she had understood that the Accused was happy that now the Bosnian Serbs would have diplomatic bargaining power); Slavica Ristić, T. 26077–26078 (12 March 2012). *See also* D2905 (Witness statement of Srđa Trifković dated 5 February 2013), para. 28. *But see* P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 65–66 (stating that there was nothing remarkable about the Accused's mood after the phone call).

19581 P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 62–63; Tomislav Premović, T. 27415 (12 April 2012). *See also* P4485 (Drina Corps information, 13 July 1995); P3044 (Radovan Karadžić's Decree, 14 July 1995); KDZ122, T. 26107 (12 March 2012) (closed session); Petar Skrbić, T. 25978–25981 (8 March 2012).

19582 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), p. 47.

19583 P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), pp. 54, 61, 63–64 (stating that the Accused had either told the visitors that the other interlocutor was Mladić or the Accused had addressed Mladić directly). When questioned by the Accused, Premović acknowledged that he was not familiar with Mladić's voice, but asserted that he was "under the impression" that the caller was Mladić. Tomislav Premović, T. 27406 (12 April 2012).

19584 D2905 (Witness statement of Srđa Trifković dated 5 February 2013), paras. 29–32; Srđa Trifković, T. 33317–33318, 33342, 33354–33357, 33361 (6 February 2013).

19585 *See* fn. 19573.

19586 Defence Final Brief, paras. 3017–3019. The Accused points to Milovanović's testimony that between 1 July and 3 August 1995, the Accused communicated with the VRS only through Milovanović. Defence Final Brief, para. 3019. By contrast, the Prosecution asserts that the person to whom the Accused spoke was Mladić. *See* Prosecution Final Brief, paras. 949–954.

19587 Manojlo Milovanović, T. 25648 (1 March 2012).

19588 Manojlo Milovanović, T. 25648 (1 March 2012).

suggest that the Accused communicated with Milovanović to the exclusion of all other VRS officers during that period, such testimony would have been directly contradicted by, *inter alia*, the evidence of the conversation between the Accused and Gvero in the afternoon of 11 July, and the evidence of the conversation between the Accused and Živanović on the night of 11 July.[19589] Accordingly, the Chamber is satisfied that, as testified by Ristić and Premović, the Accused indeed spoke to Mladić during their meeting on 13 July.

5770. Citing the testimony of Ristić, Premović, and Trifković, the Accused further argues that even if he was speaking to Mladić, the evidence does not establish that they exchanged information about a plan to kill during the conversation, but—on the contrary—demonstrates that the Accused insisted that civilians be well-treated.[19590] Having already found Trifković to be unreliable on the substance of this conversation,[19591] the Chamber will now assess the reliability of the evidence of Ristić and Premović on this point. Ristić recalled that after the phone call ended, the topic of conversation at the meeting turned to the treatment of civilians, and although she could not remember what was said specifically, she did recall that Trifković had stressed that the mistreatment of civilians would reflect poorly on Bosnian Serbs.[19592] The Chamber notes, however, that just after mentioning this in her interview, Ristić offered that it was "difficult for [her] after reading Dr. Trifković's testimony" to separate what she recalled from what she had read.[19593] The Chamber takes this candid admission to be an indication that her memory of this aspect of the conversation was influenced by her familiarity with the evidence given by Trifković in the *Popović et al.* case, particularly in light of its favourable portrayal of his contribution to the conversation.[19594] The Chamber therefore does not rely upon it. The Chamber also notes that Premović stated that he did not remember any discussion of the treatment of civilians or prisoners of war.[19595] Accordingly, the Chamber is not satisfied that there was any discussion of the treatment of civilians or prisoners of war. Furthermore, the evidence does not establish that there was any explicit indication that the Bosnian Muslim men then being held by the Bosnian Serb

19589 *See* paras. 5690, 5762.

19590 Defence Final Brief, paras. 3020–3024.

19591 *See* para. 5768, fn. 19573.

19592 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 43–44. *See also* Slavica Ristić, T. 26078–26079 (12 March 2012).

19593 P4556 (Slavica Ristić's interview with OTP, 5 April 2009), p. 45.

19594 Trifković gave evidence in the *Popović et al.* case and shared his testimony with Ristić. P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 25–26. *See also* P6102 (Excerpt from Srđa Trifković's testimony in *Prosecutor v. Popović et al.*).

19595 P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), p. 69. *See also* Tomislav Premović, T. 27406–27407 (12 April 2012).

Forces would be killed. However, the Chamber recalls that, as described above, the exchange yielded the information that Srebrenica was "done".[19596]

5771. Around 6 p.m., while the Accused was meeting with Ristić, Premović, and Trifković, Mladić, Krstić, and Živanović returned to the Drina Corps Command and held a short ceremony to mark the transfer of command duties from Živanović to Krstić.[19597] Around the same time, Kovač arrived from Pale and, according to him, found Mladić inebriated and in a good mood.[19598] Kovač testified that during the approximately 30 minutes that he was present in Vlasenica, Mladić made numerous phone calls to technical or logistics units to bury "those that had been killed".[19599]

5772. At approximately 8:10 p.m., the Accused was recorded in an intercepted conversation with Deronjić, which was conducted through an intermediary and unfolded as follows:

| | |
|---|---|
| : | I'm waiting for a call to President Karadžić. Is he there? |
| B: | Yes. |
| : | Hello! Just a minute, the duty officer will answer now, Mr. President. |
| B: | Hello! I have Deronjić on line. |
| : | Deronjić speak up. |
| D: | Hello! Yes. I can hear you. |
| : | Deronjić, the President is asking how many thousands? |
| D: | About two for the time being. |
| : | Two, Mr. President. (heard in the background) |
| D: | But there'll be more during the night. |
| [...] | |
| D: | Can you hear me, President? |
| : | The President can't hear you, Deronjić, this is the intermediary. |
| D: | I have about two thousand here now by [...] |

19596 *See* para. 5768. Both Ristić and Premović understood this to mean that the town had fallen, although Ristić testified that upon later learning that Srebrenica had fallen on 11 July, she did not understand why the Accused would not have already known this by the time they met. P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 37. *See also* P4911 (Tomislav Premović's interview with the OTP, 27 April 2009), p. 71; Tomislav Premović, T. 27406–27407, 27414–27415 (12 April 2012).

19597 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), paras. 11, 38; P4485 (Drina Corps information, 13 July 1995); P5372 (Intercept of conversation between two unidentified persons, 13 July 1995), p. 2 (indicating that Krstić and Mladić were "outside in front of the building" at 6:22 p.m.). *See also* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6233, 6669–6670. Krstić had already been in charge of the attack on Srebrenica since at least 1:45 p.m. on 12 July. *See* P5278 (Intercept of conversation between Zlatar and a Duty Operations Officer, 12 July 1995) (demonstrating that Krstić was already "in charge" of the attack at 1:45 p.m.).

19598 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 117; Tomislav Kovač, T. 42767, 42770–42771 (1 November 2013). *See also* Zvonko Bajagić, T. 41161–41163 (10 July 2013) (testifying that Mladić was at Bajagić's house on the "afternoon" of 13 July when the chief of police, Milenko Majstorović, arrived and informed Mladić of Kovač's arrival). Kovač testified that when he arrived at the Drina Corps Command, Mladić and the other officers—including Krstić—were bragging about having taken Srebrenica. Tomislav Kovač, T. 42770–42771 (1 November 2013).

19599 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 118. Kovač claimed that he understood these calls to relate to the burial of "men who had been killed in combat" rather than to the bodies of those who had been executed. D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 118. Based on the Chamber's assessment of the credibility of Kovač's evidence as a whole, as discussed above, the Chamber finds Kovač's assertion in this regard to be of extremely low probative value. *See* para. 5766.

: Deronjić, the President says: "All the goods must be placed inside the warehouses before twelve tomorrow."
D: Right.
: Deronjić, not in the warehouses over there, but somewhere else.
D: Understood.
: Goodbye.[19600]

5773. The Chamber has already found that the conversation between the Accused and Deronjić pertained to the accommodation of Bosnian Muslim men who were then being held on buses and in detention facilities in Bratunac.[19601] The Chamber also recalls that Davidović had urged Deronjić to "use [his] connections" with the Accused in order to have the buses moved, that before speaking to the Accused Deronjić had previously complained to Beara about the detainees' presence in Bratunac, and that Beara and Deronjić later argued about whether the detainees would be killed in Bratunac or would be transferred to Zvornik for that purpose.[19602] During the latter conversation, Deronjić countered Beara's assertion that Beara's "boss" had instructed him that all detainees should remain in Bratunac by saying that the Accused had instructed him that all detainees should be transferred to Zvornik.[19603] The Chamber therefore finds that during the intercepted conversation described above, the Accused conveyed to Deronjić the direction that the detainees should be transferred to Zvornik.

5774. Between 9:35 and 10:10 p.m.,[19604] the Accused conducted an interview with *El País* from his office, wherein he stated that "very few Muslims can stay in Srebrenica because they are now beginning to realise that Srebrenica belongs to the Serbian State", but that whoever wanted to stay in Srebrenica could do so.[19605] The Accused also stated that the enclaves should disappear and that he was willing to put an end to the war "by political or military methods".[19606]

5775. Meanwhile, Kovač had left Vlasenica; he arrived at Konjević Polje at approximately 7:30 p.m. and saw Bosnian Muslim male detainees boarding buses.[19607] The Chamber recalls that, by that time, more than 6,000 Bosnian Muslims had been captured and detained by the Bosnian

19600 P6692 (Intercept of conversation between Radovan Karadžić, his intermediary, and Miroslav Deronjić, 13 July 1995), p. 1; KDZ126, T. 26400–26403 (15 March 2012). *See* paras. 5311, 5710.

19601 *See* para. 5710.

19602 *See* paras. 5710, 5712.

19603 *See* para. 5712.

19604 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91. The Chamber notes that, according to the text of the article, the interview took place on 14 July. P2564 (Radovan Karadžić's interview in *El País*, 16 July 1995), p. 1. However, according to the Accused's appointment book—the accuracy of which has been established by multiple witnesses—the interview with *El País* took place on the night of 13 July. P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91. The Chamber therefore takes this date as accurate.

19605 P2564 (Radovan Karadžić's interview in *El País*, 16 July 1995), pp. 3–4.

19606 P2564 (Radovan Karadžić's interview in *El País*, 16 July 1995), pp. 1–3.

19607 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 119.

Serb Forces.[19608] Kovač spent the night at the Hotel Vidikovac, at the entry of the town of Zvornik.[19609] That night, Kovač noticed buses transporting detainees from Srebrenica.[19610] The next morning, around 11 a.m., Kovač travelled to the Bratunac area with Vasić.[19611] The Chamber notes that while driving to Bratunac, Kovač acknowledged that he passed by the Kravica Warehouse.[19612] Although Kovač asserted that he did not see anything, the Chamber recalls that the removal of bodies was already well underway by the time Kovač passed by around noon.[19613] The Chamber is also satisfied that whether he passed the convoy on the road or noticed it waiting at the edge of Bratunac town, Kovač would have seen the convoy of buses carrying the Bosnian Muslim male detainees to Zvornik.[19614]

5776. At 12:15 p.m. on 14 July, the Accused met with Petar Škrbić in the presence of Bogdan Subotić.[19615] Škrbić brought the Accused documents to sign, including the official decree concerning Živanović's retirement as Commander of the Drina Corps, as well as the decree on Krstić's promotion to Drina Corps Commander and Andrić's promotion as its Chief of Staff.[19616] During the meeting, the Accused referred to a written report from Gvero which was detrimental to the morale of the VRS, and threatened to "remove" him.[19617]

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19608 *See also* para. 5166.

19609 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 119; Tomislav Kovač, T. 42796–42798 (1 November 2013).

19610 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 126; Tomislav Kovač, T. 42776 (1 November 2013).

19611 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 120; Tomislav Kovač, T. 42777–42778 (1 November 2013); D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 40.

19612 Tomislav Kovač, T. 42778–42780 (1 November 2013).

19613 Tomislav Kovač, T. 42778–42780 (1 November 2013). *See also* para. 5427.

19614 *See* paras. 5315–5316.

19615 Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15484–15486; P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91.

19616 Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15484–15486; Petar Škrbić, T. 25977–25978, 26035 (8 March 2012). *See* P3044 (Radovan Karadžić's Decree, 14 July 1995). The appointments were to be effective as of 15 July. P3044 (Radovan Karadžić's Decree, 14 July 1995). Škrbić testified that nobody mentioned Srebrenica during the meeting, and that he only learned about the fall of Srebrenica after the war. Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15580–15581, 15601; Petar Škrbić, T. 25987, 25590 (8 March 2012). Given Škrbić's position at the time, as well as the fact that the documents Škrbić brought to the Accused for signature related to the promotion of the officer in charge of the attack on Srebrenica, the Chamber finds this to be inconceivable, and considers that Škrbić's testimony in this regard is yet another example of a witness trying to distance himself from the crimes committed in Srebrenica at the time. The Chamber also notes Subotić's evidence that he had no knowledge of any crimes being committed against the Bosnian Muslims in Srebrenica. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 237. The Chamber has therefore approached Škrbić and Subotić's evidence with caution.

19617 Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15486–15488.

5777. The Accused then met with Deronjić alone between 12:40 p.m. and 1:10 p.m.[19618] At 2:25 p.m., the Accused met with a larger delegation from Srebrenica—including Dane Katanić, Milenko Čanić, Momčilo Cvjetinović, and Deronjić himself—in the presence of Krajišnik.[19619] This larger meeting lasted for four hours,[19620] and during that time, the Accused decided to form the War Presidency of Srebrenica–Skelani Municipality and appointed Deronjić as the president of that body.[19621] The Accused issued a written decision on the appointment of the War Presidency later that day.[19622]

5778. At around 6 p.m., while meeting with Robert Đurđević, who was seeking to interview the Accused about a rumoured rift between himself and Mladić,[19623] the Accused received a phone call from a "field commander defending the major road north of Srebrenica", reporting that thousands of "Muslim soldiers" were in the woods trying to "break through towards Tuzla".[19624] The Chamber finds this evidence to be consistent with the development of the events on the ground at

19618 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91 (noting, in parentheses, above Deronjić's name the notation "12:40 p.m.–1:10 p.m."). The Chamber notes that the meeting was originally scheduled to commence at 11 a.m. but did not in fact begin until 12:40 p.m.. *See* Mira Mihajlović, T. 24304–24306 (8 February 2012).

19619 P4382 (Video footage re Miroslav Deronjić's meeting with Radovan Karadžić in Pale, 14 July 1995); Milenko Katanić, T. 24476–24477 (10 February 2012); D3561 (Witness statement of Dane Katanić dated 14 December 2012), para. 7.

19620 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91 (noting that Deronjić and a delegation from Srebrenica met with the Accused from 2:25 to 6:25 p.m. on 14 July).

19621 Milenko Katanić, T. 24476–24477, 24484 (10 February 2012); D3561 (Witness statement of Dane Katanić dated 14 December 2012), para. 7. During the meeting, Katanić, Čanić, and Cvjetinović raised their objections as to the appointment of Deronjić as civilian commissioner, but the Accused insisted that Deronjić should be the Chief of the War Presidency. D3561 (Witness statement of Dane Katanić dated 14 December 2012), para. 7. The Accused also accepted the list of nine officials presented by Deronjić who would form part of the War Presidency. D3561 (Witness statement of Dane Katanić dated 14 December 2012), para. 7.

19622 P5143 (Radovan Karadžić's Decision, 14 July 1995). The decision was to enter into force on the day of its adoption. P5143 (Radovan Karadžić's Decision, 14 July 1995).

19623 Đurđević's aim was to include such material in a "travel vignette" which would be published in his personal newsletter. P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court pp. 10, 14–15. *See also* para. 3134. The Accused told Đurđević that during his meeting with Deronjić, they had discussed the technicalities of the civilian authority in Srebrenica; the Accused added that the attacks in Srebrenica and Žepa were based on "his order number 7" and that the objective of the operations was to "raise the temperature to the boiling point". P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court pp. 25; Robert Đurđević, T. 25938–25939, 25950–25953 (7 March 2012); P4515 (Excerpts from Robert Đurđević's diary, 5–31 July 1995), e-court p. 12. Đurđević had also heard the expression "raise the temperature to the boiling point" from Koljević and Krajišnik, and concluded that they were all "speaking in one voice" and were on board with the same strategy as well. P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court p. 19; P4515 (Excerpts from Robert Đurđević's diary, 5–31 July 1995), e-court p. 12; Robert Đurđević, T. 25907–25908 (7 March 2012).

19624 Robert Đurđević, T. 25951 (7 March 2012); P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court pp. 26–27; P4514 (Article of Robert Đurđević, entitled "All in a Day's Work", 14 July 1995), p. 2. *See also* P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91.

the time, and with contemporaneous reports issued by the VRS and MUP units engaged in the actions against the column of Bosnian Muslim men.[19625]

5779. The Chamber recalls that on 14 July, the Accused declared a state of war in the area of Srebrenica–Skelani municipality "in order to enable the full engagement of human and material resources in the defence of the RS and final victory over the enemy".[19626] He ordered the armed forces throughout the area of responsibility of the Drina Corps to "take all necessary measures to accomplish the set goals by the organised and effective use of available resources".[19627] This declaration allowed the military and police to utilise all human and material resources without submitting requests for mobilisation, and allowed for the military to requisition civilian property, such as equipment for burial, without complicated procedural protocols.[19628] In the Chamber's view, as discussed in further detail below, the Accused issued this decision to give Deronjić extraordinary powers and to facilitate the use of civilian personnel and equipment for the killing and burial operations.[19629] Indeed, the Chamber recalls that that day, Beara cited an order originating from "two Presidents" when telling the Zvornik municipal authorities that he expected their co-operation in "get[ting] rid of" the detainees then being held in various locations throughout the municipality.[19630]

5780. Having spent the night of 13 July in Zvornik, and the day of 14 July touring Srebrenica and the Bratunac area together with Vasić, Kovač returned to Pale on 14 July and met with the Accused between 10:45 and 11:10 p.m.[19631] Earlier that day, while at lunch in Bratunac, Borovčanin, Kovač,

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19625 *See inter alia* P4949 (Report of Zvornik CJB, 14 July 1995) (referring to fighting against Bosnian Muslim forces in the general area of Sandići and Konjević Polje on 13 and 14 July 1995); P5117 (Report of Bratunac Brigade to Drina Corps, 15 July 1995) (referring to combat activities on 14 July 1995 and to the regrouping of "strong enemy forces" in the direction of Konjević Polje); P5136 (Bulletin of daily events of Zvornik CJB, 13–14 July 1995), para. 1 (referring to attacks by Bosnian Muslim forces in the night of 13 to 14 July 1995); KDZ122, T. 26259–26260, 26263 (14 March 2012) (under seal) (describing heavy fighting against the column in the area of Ravni Buljim, Bratunac, Milići, Konjević Polje, and Kasaba on 14 July 1995). *See also* paras. 5465–5466.

19626 P4553 (Radovan Karadžić's Decision, 14 July 1995), paras. 1–2. *See also* Petar Škrbić, T. 25984–25987, 26000 (8 March 2012); D3977 (Witness statement of Mile Dmičić dated 29 October 2013), paras. 12–13. This decision was conveyed to the Main Staff and Drina Corps immediately, as well as to the RS MUP. P2803 (RS Communication Centre telegram logbook, 3–18 July 1995), e-court p. 3 (line 340); P2998 (Radovan Karadžić's 14 July Decision, forwarded by the RS MUP, 15 July 1995).

19627 P4553 (Radovan Karadžić's Decision, 14 July 1995), para. 3. The decision also called for the armed forces to observe provisions of international law and international conventions regulating the conduct of a State during the state of war. P4553 (Radovan Karadžić's Decision, 14 July 1995), para. 5. The Chamber recalls, however, that on 14 July, the killings in the Bratunac area had been concluded and that the killing operation in the Zvornik area was ongoing. *See* paras. 5713–5714.

19628 Petar Škrbić, T. 25986–25987 (8 March 2012).

19629 *See* para. 5819.

19630 *See* para. 5715.

19631 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), paras. 120, 122; Tomislav Kovač, T. 42777–42778, 42792–42793 (1 November 2013); P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91; Christian Nielsen, T. 16344–16345 (7 July 2011). *See also* Zoran Petrović-Piroćanac, P376 (Transcript from *Prosecutor v. Popović et al.*), T. 18822 (testifying that Borovčanin and a

and Vasić had discussed the killings at the Kravica Warehouse which had taken place on the previous day.[19632]

5781. The Prosecution claims that Kovač reported back to the Accused about the murder operation, his meetings with Mladić, Borovčanin, and Vašić, what he had seen and heard in Srebrenica and in the Bratunac and Zvornik areas, and, more importantly, the implementation of the Accused's order to move the detainees from Bratunac to Zvornik.[19633] The Chamber notes that Kovač denied that he ever reported to the Accused about Srebrenica, and suggested that the Accused had other sources of information, including Kijac, Krstić, and Deronjić.[19634] The Chamber observes that indeed the Accused may have received additional information through other channels but recalls its earlier findings on Kovač's credibility.[19635] Moreover, given the reports sent to Kovač on 12 and 13 July,[19636] Kovač's meeting with the Accused on the afternoon of 13 July, Kovač's presence in both the Bratunac and Zvornik areas, as well as in Srebrenica on 13 and 14 July, and the encounters he had with Mladić, Vasić, and Borovčanin, the Chamber finds that the only reasonable inference is that Kovač indeed shared the knowledge and observations he had gathered during his trip with the Accused during their meeting on 14 July.

5782. The Chamber also notes that on 14 July Kovač was informed that detainees from Srebrenica were being taken to Zvornik and that Beara had requested the assistance of MUP units.[19637] While Kovač claimed that he had no reason to believe that there was a plan to execute the detainees, the Chamber considers his own suggestion that he issued an order for the police to cease

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driver were following Kovač while he was touring the area); D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 40. Kovač testified that he had been travelling to Srebrenica with Vasić and Borovčanin to establish a police station there. Tomislav Kovač, T. 42777, 42786–42787 (1 November 2013).

19632 D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 40 (acknowledging that he discussed the events at Kravica with Kovač and Vasić but claiming that Kovač and Vasić stated that they already knew about the incident when they discussed it). *See also* D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 122; Tomislav Kovač, T. 42790–42791 (1 November 2013) (testifying that he was informed then, by Borovčanin, about the killings).

19633 Prosecution Final Brief, para. 948.

19634 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 129.

19635 *See* para. 5766.

19636 *See* fn. 5767, fn. 19570.

19637 The Chamber notes that Kovač claimed that he was told by the MUP that detainees were being taken to the Standard Barracks for screening. D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 124. Kovač also gave conflicting evidence regarding whether he had learned that Beara had requested the assistance of MUP units on 14 July or two days later. *Compare* D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 124 (asserting that he learned about Beara's request "perhaps on 14 July") *with* Tomislav Kovač, T. 42787–42790 (1 November 2013) (first suggesting that this occurred on 16 July then refusing to acknowledge any discrepancy, before finally acknowledging that he might have indeed learned about it on 14 July). Kovač acknowledged that at the time he learned of Beara's request, he was aware that Beara "could abuse these men" and asserted that he had expressly refused and instructed the MUP not to co-operate with Beara. Tomislav Kovač, T. 42787–42788 (1 November 2013). *See also* Tomislav Kovač, T. 42801 (1 November 2013). The Chamber refers to its assessment of Kovač's credibility set out above. *See* para. 5763,

communication with the VRS security organ so as not to be involved with any of their activities as proof of the contrary.[19638] Kovač's knowledge of the killing aspect of the plan to eliminate is also supported by his purported warning to Borovčanin that MUP units in the field "should distance themselves from anything other than combat tasks".[19639] The Chamber finds it incredible that Kovač would not have discussed these matters with the Accused.

5783. Having received a call from the Accused, Zvonko Bajagić came to Pale and met with the Accused between 12:35 and 1:25 a.m. on 15 July.[19640] The Prosecution contends that the purpose of Bajagić's visit was to brief the Accused on the events in Srebrenica of which he had direct knowledge, including the killings at the Kravica Warehouse and the detention of Bosnian Muslim men at the Nova Kasaba football field.[19641] The Chamber notes that Bajagić's testimony regarding his meeting with the Accused was full of inconsistencies and contradictions, and has therefore approached it with considerable caution.[19642] In relation to the date of the meeting, Bajagić claimed that the visit took place in the early morning of 14 July.[19643] However, based on the evidence before it, the Chamber is satisfied that the meeting took place in the early hours of 15 July.[19644] Bajagić asserted that before leaving for Pale to meet with the Accused he did not have any knowledge as to the events in Srebrenica so he wanted to ask the Accused what was happening at the time,[19645] and thus denied discussing any of these topics with the Accused.[19646] However, the evidence clearly establishes that Bajagić had substantive knowledge of the events in Srebrenica prior to meeting with the Accused. In this regard, the Chamber recalls that Bajagić himself

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fn. 19549. Having reviewed the totality of the evidence, the Chamber finds that Kovač learned of Beara's request on 14 July.

19638 D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 124; Tomislav Kovač, T. 42787, 42801–42802 (1 November 2013).

19639 D3659 (Witness statement of Ljubomir Borovčanin dated 30 May 2013), para. 41.

19640 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91. Bajagić was a member of the Drina Corps' Logistics Department and, according to Milenko Živanović, was on "excellent terms" with the Accused and other members of the leadership in Pale. Milenko Živanović, T. 42655 (31 October 2013).

19641 Prosecution Final Brief, para. 1001.

19642 *See e.g.* Zvonko Bajagić, T. 41170–41176, 41194–41199, 41176–41181 (10 July 2013).

19643 Bajagić recalled leaving his home on the night of 13 July. Zvonko Bajagić, T. 41188–41192 (10 July 2013).

19644 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91. *See* P6443 (Excerpt of Vlasenica vehicle work log, June and July 1995), pp. 1, 3 (recording Bajagić as having made two trips to Pale, one on 14 July and one on 15 July); Zvonko Bajagić, T. 41154–41155, 41190–41191 (10 July 2013). *But see* D3853 (Witness statement of Zvonko Bajagić dated 5 July 2013), para. 36; Zvonko Bajagić, T. 41182–41183 (10 July 2013) (stating that he did not recall whether he had visited the Accused on 13, 14, or 15 July). The Chamber notes that Bajagić first claimed that he only saw the Accused for a couple of minutes, as he ran into him in the hall and testified that the Accused looked angry and told Bajagić to "mind his own business". D3853 (Witness statement of Zvonko Bajagić dated 5 July 2013), para. 36. He later agreed, however, that the meeting had taken place in the Accused's office and had lasted longer, but insisted that part of that time was spent having a drink with a relative who was working at the Accused's office at the time, and not with the Accused. Zvonko Bajagić, T. 41184–41186, 41209 (10 July 2013).

19645 D3853 (Witness statement of Zvonko Bajagić dated 5 July 2013), paras. 36(a)–36(b); Zvonko Bajagić, T. 41166–41167 (10 July 2013).

19646 Zvonko Bajagić, T. 41193, 41207–41212 (10 July 2013).

acknowledged that, on 13 July, he had seen captured Bosnian Muslim men sitting at the Nova Kasaba football field, had been prevented from taking photos of them, and had met with Mladić and Salapura in Srebrenica town.[19647] Bajagić also conceded that he heard about the killings at the Kravica Warehouse while present at the Drina Corps Command in Vlasenica on 14 July.[19648] Noting the extremely late hour of their meeting, as well as the fact that the Accused had invited Bajagić to Pale, the Chamber finds that the only reasonable inference is that Bajagić reported the events in Srebrenica he had witnessed on 13 and 14 July to the Accused during their meeting on 15 July.

5784. In the meantime, around 11 p.m. on 15 July, the Accused received a direct report from Vasić stating that additional forces were needed urgently to assist in intercepting the column of Bosnian Muslim men.[19649] The Chamber recalls that at 1:55 p.m. on 16 July, Pandurević notified the Drina Corps command that a corridor had been opened to allow civilians to pass through, but that the Bosnian Serb Forces were still fighting the Muslim Forces in Srebrenica.[19650] Approximately 90 minutes later, an officer from the Main Staff who stated that he was calling from "the boss [...] the main head of state" was intercepted telling the Zvornik Brigade duty officer to "have Vinko tell you about what happened and send it urgently right away [...] dictate what has been done and have him send it right away to the Main Staff".[19651] That day, Karišik was dispatched to Zvornik.[19652] Once Karišik arrived in Zvornik, he informed the Accused that Pandurević had arranged for the opening of the corridor.[19653] The Chamber recalls that additional reinforcements were sent to the Zvornik area that evening as well as the following day, and that the Main Staff sent three colonels to investigate Pandurević's decision to open the corridor.[19654]

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19647 Zvonko Bajagić, T. 41149, 41161–41163 (10 July 2013). *See also* Zvonko Bajagić, T. 41150–41154 (10 July 2013) (testifying to having seen Popović at the football field); para. 5185. Bajagić further testified that in the late afternoon of 13 July Mladić visited him at his house and had a meeting with Kovač. Zvonko Bajagić, T. 41161–41163 (10 July 2013).

19648 Zvonko Bajagić, T. 41169–41170, 41200–41201 (10 July 2013). *But see* Zvonko Bajagić, T. 41207–41208 (10 July 2013) (stating that he was not sure whether he learned about the killings at Kravica on 14 on or 15 July). *See also* D3853 (Witness statement of Zvonko Bajagić dated 5 July 2013), para. 36(b) (testifying that at the time of his visit to Pale, he had no information that any people from Srebrenica had been killed); Zvonko Bajagić, T. 41169–41170, 41200–41201 (10 July 2013) (insisting that he only found out about the killings after the meeting with the Accused).

19649 *See* para. 5469.

19650 *See* para. 5471.

19651 *See* para. 5471.

19652 D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 37; *see* para. 5472. The Chamber notes that Karišik described having been sent by Kovač to liaise with Pandurević regarding the ongoing negotiations with the members of the column, who had captured a member of the Doboj PJP. D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 37. However, the Chamber also recalls that Karišik sought to distance himself from having told the Accused of the corridor's opening. *See* fn. 18688.

19653 *See* para. 5472.

19654 *See* paras. 5472, 5474–5475.

5785. The Chamber received evidence demonstrating that throughout the relevant period, the Accused actively monitored the international media's coverage of the events in Srebrenica.[19655] On 16 July, a certain "Nikola" informed the Accused that the message being conveyed by American television reports on Srebrenica was "terrible".[19656] "Nikola" then requested the Accused to issue a clear statement on the treatment of the civilian population in Srebrenica and Žepa, which would then assist Robert Đurđević and "Nikola" in giving a speech addressing the "terrible propaganda" about Srebrenica being spread to the American population by the U.S. media.[19657] The Chamber recalls that at a meeting held at the UN Compound on the following day, the Bosnian Serb representatives produced the 17 July 1995 Statement, a document which outlined the agreement reached at the third Hotel Fontana meeting five days earlier, and requested that both Mandžić and Franken sign it, and that Franken attest that Mandžić had not been forced to do so.[19658] Miroslav Deronjić also signed the 17 July 1995 Statement.[19659]

5786. Around 6:30 p.m. that evening, the Accused met with Mile Dmičić, who was then Head of Office to the Accused and the Accused's Secretary General.[19660] During the meeting, Subotić delivered a fax from Bratunac containing the 17 July 1995 Statement to the Accused.[19661] In an

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19655 For example, Robert Đurđević testified that during their meeting on 14 July, the Accused watched CNN and Sky News reports on Srebrenica—which included interviews with women who had by then reached Tuzla—and occasionally commented that the reports were not true. P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court pp. 13, 15–18. *See* P4514 (Article of Robert Đurđević, entitled "All in a Day's Work", 14 July 1995), p. 1; P4515 (Excerpts from Robert Đurđević's diary, 5–31 July 1995), e-court p. 9. Slavica Ristić testified that after Trifković's meeting with Zametica and the Accused late the same evening, she, the Accused, and Trifković watched CNN together, as the Accused wanted to see how the take-over of Srebrenica was portrayed, and they discussed the issue of balanced media coverage. P4556 (Slavica Ristić's interview with OTP, 5 April 2009), pp. 49–50, 55–56, 64; Slavica Ristić, T. 26092–26093 (12 March 2012); P4557 (Photographs of Slavica Ristić's meeting with Radovan Karadžić), p. 5; P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 91. The Chamber also notes that the Accused took steps to control communications between the Bosnian Serb Forces and members of international organisations. On 17 July, the Accused wrote to Gvero, asserting that he was acting contrary to a number of mandatory documents previously issued by the Accused, by *inter alia* supplying information outside the assigned channels, and establishing unauthorised contact with international organisations. P4536 (Letter from Radovan Karadžić to Lieutenant General Milan Gvero, 17 July 1995), p. 1. The Accused ordered Gvero to immediately send a written statement explaining his non-compliance, which was to be followed by an interview. P4536 (Letter from Radovan Karadžić to Lieutenant General Milan Gvero, 17 July 1995), p. 1. *See also* Petar Škrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15554–15556. Gvero replied on the following day that he had carried out all the activities mentioned by the Accused as ordered by Mladić, and that all the activities were motivated by the need for the fight of the Bosnian Serb people and for the VRS to be successful. P4537 (Letter from Lieutenant General Milan Gvero to Radovan Karadžić, 18 July 1995).

19656 P5609 (Intercept of conversation between "Nikola" and Radovan Karadžić, 16 July 1995), p. 1.

19657 P5609 (Intercept of conversation between "Nikola" and Radovan Karadžić, 16 July 1995), p. 1 (further providing the Accused with a fax number to which such a statement could be transmitted).

19658 *See* para. 5128. The Chamber recalls that Franken sought to surreptitiously neutralise his signature by adding a non-sensical addendum. *See* fn. 17382.

19659 *See* para. 5129.

19660 D3977 (Witness statement of Mile Dmičić dated 29 October 2013), paras. 4, 9, 16–17.

19661 D3977 (Witness statement of Mile Dmičić dated 29 October 2013), para. 17; P4185 (Declaration by the Civilian Affairs Committee for Srebrenica re: proper implementation of evacuation procedures, 17 July 1995). *See* para. 5128. Dmičić also stated that he was not aware at the time that it was not a genuine agreement and did not

interview with David Frost conducted later that evening, the Accused claimed that the civilians had wanted to leave Srebrenica on their own and offered to produce the 17 July 1995 Statement as proof.[19662] When Frost asked the Accused about the reports in the media about 15,000 men from Srebrenica who were thus far unaccounted for, the Accused replied that the Bosnian Serb Forces had opened the lines and were allowing the men to pass even as he spoke to Frost.[19663]

5787. Around the same period, Mladić met Smith multiple times; Smith repeatedly requested that the ICRC and UNHCR be allowed access to Srebrenica and be allowed to see "all the detained people".[19664] In an attempt to describe Srebrenica as having been "finished in a correct way", Mladić also referred to the assertions contained in the 17 July 1995 Statement, namely that the Bosnian Muslims in Potočari had been "evacuated" at their own request and according to arrangements made by three civilian representatives of the local population.[19665] Mladić also referred to a "corridor" which, he claimed, had been opened on the night of 10–11 July to allow "a significant number" of Bosnian Muslim forces to break through Bosnian Serb lines in the direction of Tuzla.[19666] However, by the following week, many Bosnian Muslim men remained missing and the ICRC remained unable to access the Srebrenica enclave.[19667] The Chamber recalls that,

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doubt its validity because it was certified. Mile Dmičić, T. 42895–42897 (4 November 2013). The Chamber notes that Dmičić insisted that he had no knowledge about the events in Srebrenica and thus never discussed them with the Accused. *See* Mile Dmičić, T. 42886–42887, 42902–42903 (4 November 2013); D3977 (Witness statement of Mile Dmičić dated 29 October 2013), paras. 21–22 (testifying that he never heard any discussion about executions in Srebrenica and never heard or saw anything which would indicate the Accused's knowledge of such executions). The Chamber notes, however, that while testifying, Dmičić was inconsistent and evasive and displayed clear indications of bias. *Compare* D3977 (Witness statement of Mile Dmičić dated 29 October 2013), paras. 10–11 (testifying that he met with Subotić on 10 July to discuss the events in Srebrenica and was ordered to immediately forward the Accused's order for the protection of UNPROFOR members and civilians to the Main Staff) *with* Mile Dmičić, T. 42898–42899, 42904–42906 (4 November 2013) (testifying that he only dealt with mail within the civilian activity of the RS organs and not military mail or reports, and thus trying to distance himself from the VRS and its military operations). *See also* Mile Dmičić, T. 42902–42903 (4 November 2013) (denying any past or present knowledge about the executions in Srebrenica, stating that he could not accept "the truth" and agreeing with a statement put to him that the cemetery at Potočari was a farce and a set-up). For these reasons, the Chamber has approached Dmičić's evidence with circumspection.

19662 P5235 (Video footage of interview of Radovan Karadžić by David Frost, undated, with transcript), p. 2.

19663 P5235 (Video footage of interview of Radovan Karadžić by David Frost, undated, with transcript), pp. 2–3. During the interview, the Accused also referred to Srebrenica as a "stronghold" with more than 9,000 "well armed and equipped Muslim combatants" and said that the situation could no longer be accepted. P5235 (Video footage of interview of Radovan Karadžić by David Frost, undated, with transcript), p. 1.

19664 Rupert Smith, T. 11431–11432 (9 February 2011); P1488 (Ratko Mladić's notebook, 14 July–18 September 1995), p. 4; P2279 (UNPROFOR report re meeting with Ratko Mladić, 17 July 1995), e-court pp. 1–2 (recording agreement on 15 July that the ICRC and UNHCR would be given immediate access to "prisoners of war"). In the preceding days, UNPROFOR had begun to hear accounts and allegations of crimes committed following the Bosnian Serb take-over of Srebrenica and had noted the absence of men arriving in Tuzla, and thus requested access to the area. Rupert Smith, T. 11428, 11430–11431, 11435–11436 (9 February 2011); P2277 (UNPROFOR report re meeting with Haris Silajdžić, 13 July 1995), para. 6; P2278 (UNPROFOR report re aftermath of fall of Srebrenica, 13 July 1995), para. 3.

19665 P2280 (UNPROFOR report re meeting with Ratko Mladić, 19 July 1995), para. 4.

19666 P2280 (UNPROFOR report re meeting with Ratko Mladić, 19 July 1995), para. 5.

19667 Rupert Smith, T. 11437–11438 (9 February 2011).

according to the Accused's decision of 11 July, such permission would have required the assent of the State Committee following consultation with him.[19668]

5788. On 24 July, the Special Rapporteur of the Commission on Human Rights, Tadeusz Mazowiecki, wrote to the Accused directly to request access to field staff from the UN Centre for Human Rights in areas under the Accused's control.[19669] Although this request was received, Mazowiecki did not receive an answer.[19670] The Chamber recalls that at the time, the Bosnian Serb Forces were carrying out continued searches of the terrain, killing numerous groups of Bosnian Muslim males who were captured or surrendered from the column.[19671] In late July, representatives of the ICRC were allowed to access Batković Camp but were only able to locate 164 detainees from Srebrenica; they were told that no other detainees were being held.[19672]

5789. In the weeks following the events in Srebrenica, the Accused's press office issued a press release commending both Živanović and Krstić as "the main architect[s] of the Serbian victories in Srebrenica and Žepa".[19673] The Accused also congratulated the VRS Main Staff, the Drina Corps command, and the "staff of the Police Armed forces" on the "brilliant victory in Srebrenica and Žepa".[19674] On 4 August 1995, the Accused appointed Mladić to the Office of the President of the RS as a Special Adviser to the Supreme Commander for co-ordination of the joint defence of RS and the RSK.[19675] That same day, during an interview with the Bosnian Serb television, the

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19668 *See* para. 5761.

19669 P6396 (Letter from UN Centre for Human Rights to Radovan Karadžić, 24 July 1995). Similar concerns were raised by Akashi on 12 August. *See* P2288 (UNPROFOR report re Srebrenica, 14 August 1995, and Letter from Yasushi Akashi to Radovan Karadžić, 12 August 1995), p. 2; John Zametica, T. 42551–42553 (30 October 2013). *See also* Defence Final Brief, para. 3131 (suggesting that the Accused may not have seen this letter because he was touring remote regions of the Krajina at the time).

19670 P5177 (Report of UNSG, 30 August 1995), para. 38; D4509 (Intercept of conversation between Radovan Karadžić and Danijela Sremac, 25 July 1995), p. 3. *See* Defence Final Brief, para. 3130 (claiming that the Accused may not have seen Mazowiecki's request).

19671 *See* paras. 5475–5476. The Chamber further recalls that members of the Bosnian Serb Forces carried out killings of Bosnian Muslim males at Snagovo and Bišina, and that the Scorpions killed six Bosnian Muslim males at Trnovo in the weeks following the fall of Srebrenica. *See* paras. 5477–5497.

19672 P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 409.

19673 P4501 (RS Presidential Press Release, 20 July 1995). *See also* Petar Škrbić, T. 25982–25983 (8 March 2012) (testifying that the Accused, as the Supreme Commander, had the right to promote, even without proposals, an officer to the rank of a general-major or above, and it was customary when a high-ranking officer, such as a general, would retire, to be conferred another rank because he was going into retirement); D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 45 (testifying that, by then, Krstić had already been appointed the new commander of the Drina Corps and all the Accused did was to officially confirm such appointment).

19674 P4501 (RS Presidential Press Release, 20 July 1995). The next day, Mladić—escorted by Tolimir—arrived at the Godjenje IKM by helicopter and met with members of the Main Staff and Drina Corps, as well as a television crew. Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6262–6264. The Chamber notes that Godjenje was a second IKM of the Drina Corps which was located about six or seven kilometres south of Krivaca and was established on 16 or 17 July 1995. *See* Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*), T. 6261 (20 October 2000).

19675 D2157 (Radovan Karadžić's Decree, 4 August 1995). This decision was abrogated on 27 August 1995. *See* para. 3138.

Accused explained his reasons for appointing Mladić to the Supreme Command, and praised the VRS corps commanders.[19676] The Accused also specifically recognised Krstić for having planned the Srebrenica operation, with his approval, and for having conducted the task exceptionally, with the assistance of the Supreme Command and Mladić.[19677]

5790. On 4 August, the Accused took a short trip to Srebrenica together with Nebojša Ristić and his security detail.[19678] They attended a religious ceremony close to the town, and visited an Orthodox church in the centre of Srebrenica that had been completely destroyed.[19679] The Accused also met with Deronjić and the other civilian authorities of Srebrenica at the cultural centre which had been prepared for his visit.[19680]

5791. On 6 August 1995, during the 52nd Bosnian Serb Assembly Session, the Accused stated:

> As you know, we achieved success in Srebrenica and Žepa, no fault can be found with the success, no objections to it, of course, a lot of stupid things were done afterwards, because many [Bosnian] Muslim soldiers were roaming the woods and that is when we sustained losses; in the action itself we did not sustain losses [...] *in the end several thousand fighters did manage to get through [...] we were not able to encircle the enemy and destroy them.*[19681]

5792. On 8 November 1995, the Accused issued a statement publicising the fact that that day, he had issued a decision clearing an American journalist, David Rohde, of a charge of espionage.[19682] Rohde had been arrested by the MUP approximately ten days earlier while photographing the

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19676 P4555 (Excerpt from "Srebrenica Trial Video"); P5121 (Excerpt of interview with Radovan Karadžić, 4 August 1995); P2565 (UNPROFOR Telex with summary of Radovan Karadžić's interview to Bosnian Serb television, 4 August 1995), p. 4. The Accused added: "we wanted to turn Mladić into a legend and we did". P4555 (Excerpt from "Srebrenica Trial Video").

19677 P4555 (Excerpt from "Srebrenica Trial Video"). *See also* P6407 (Radovan Karadžić's interview with Telegraf, 16 August 1995), e-court p. 8.

19678 Nebojša Ristić, T. 15395–15401, 15419 (24 June 2011); P2784 (Report of RS MUP re travel of Radovan Karadžić from Pale to Srebrenica, 3 August 1995). *See also* P2843 (Map of Zvornik marked by Nebojša Ristić) (marking the route taken on the trip); P2844 (Instructions from VRS Main Staff to Drina Corps, 3 August 1995); P2845 (Report of Bratunac Brigade, 4 August 1995); Neboša Ristić, T. 15399, 15401 (24 June 2011) (testifying that the VRS was tasked with securing the route for the visit).

19679 Nebojša Ristić, T. 15402–15403, 15420, 15427 (24 June 2011). *See also* P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court p. 102.

19680 P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 96–97; Milenko Katanić, T. 24545–24546 (10 February 2012). *But see* Nebojša Ristić, T. 15420 (24 June 2011) (denying that the delegation met with local authorities).

19681 P1412 (Transcript of 52nd session of RS Assembly, 6 August 1995), pp. 14, 17 (emphasis added). *See also* Richard Butler, T. 27877–27878 (23 April 2012).

19682 P6425 (Public statement of RS President's Office, 8 November 1995). Rohde had published an article in the *Christian Science Monitor* in August 1995 describing an "on-the-spot investigation" which had "uncovered strong evidence that a massacre of Bosnian Muslim prisoners took place last month" near the former enclaves of Srebrenica and Žepa. P6422 (Article from *Christian Science Monitor*, entitled "Evidence Indicates Bosnia Massacre", 18 August 1995), p. 1. The article featured an unclassified satellite photo showing "possible mass graves" in the Konjević Polje area and described interviews with Bosnian Serb soldiers who mentioned ongoing killings of Bosnian Muslim men from the column who were continuing to be captured. P6422 (Article from Christian Science *Monitor*, entitled "Evidence Indicates Bosnia Massacre", 18 August 1995), pp. 1–2.

Petkovci Dam.[19683] Upon Rohde's arrest, Kijac sent a report to the VRS Security Administration reporting intelligence gathered during Rohde's interrogation, including evidence found at suspected crime sites.[19684] According to Kijac's report, Rohde also stated that he had told his editors about his task, and that they had agreed to intervene through the US Embassy if Rohde did not "check in" within two or three days.[19685] Kijac signed off, stating "this information is provided for your action".[19686] On 3 November, Beara replied with the information that Koljević had told "someone abroad" that Rohde had been arrested and that a request had been sent to the "truce monitoring team" in Banja Luka requesting them to find Rohde.[19687] That same day, the chief of the RDB centre in Bijeljina issued two orders authorising Rohde's detention retroactively from 29 October to 6 November and initiating criminal proceedings against him.[19688] On the same day, Kijac spoke to the Accused by telephone; Kijac met with the Accused in person on 4 and 6 November.[19689] Two days later, the Accused pardoned Rohde.[19690]

5793. During a conversation with Mladić on 22 March 1996, the Accused stated that he, Koljević, and Plavšić had determined that a commission should be formed "on the basis of equal parity to really investigate all the deaths and killings around Srebrenica during the war".[19691] That day, *Slobodna Bosna* had published Dražen Erdemović's account of the killings at the Branjevo Military

19683 P5227 (Report of Sarajevo RDB, 31 October 1995), p. 1; P6424 (Request of Bijeljina RDB, 3 November 1995), para. 2; D4143 (Witness statement of Dragan Kijac dated 30 November 2013), para. 62. According to Kijac, Rohde was arrested by the SJB and turned over to the DB, which "recorded and documented the intelligence activities of foreign journalists" as part of its counter-intelligence measures. D4143 (Witness statement of Dragan Kijac dated 30 November 2013), para. 63; Dragan Kijac, T. 44354 (3 December 2013).

19684 P5227 (Report of Sarajevo RDB, 31 October 1995), p. 1. Kijac reported that Rohde had stated that an initiative was being taken to gather such evidence ahead of the Dayton conference, where it could be used as a means of putting pressure on the Bosnian Serbs, and had disclosed that within the next day or two, the New York Times and the Washington Post would be publishing articles estimating the number of victims as 6,000 and 3,000, respectively. P5227 (Report of Sarajevo RDB, 31 October 1995), p. 2.

19685 P5227 (Report of Sarajevo RDB, 31 October 1995), p. 2.

19686 P5227 (Report of Sarajevo RDB, 31 October 1995), p. 2.

19687 P6539 (Information of VRS Main Staff, 3 November 1995), pp. 1–2. Kijac denied that Beara's communication was a reply and asserted that his dispatch had been addressed to the Main Staff Intelligence Administration and that the DB "had no correspondence with the military police and military security". Dragan Kijac, T. 44357–44358 (3 December 2013). The Chamber notes, however, that P5227 is clearly addressed to the Main Staff Security Administration and that Beara's notification in fact refers to the reference number, 05-3368/95, which appears on P5227. The Chamber is therefore satisfied that P6539 was in fact a response to P5227 and considers Kijac's testimony to the contrary to be an example of Kijac attempting to distance himself from Rohde's arrest.

19688 P6423 (Order of Bijeljina RDB, 3 November 1995); P6424 (Request of Bijeljina RDB, 3 November 1995). Kijac stated that a criminal complaint was filed because Rohde's interrogation yielded evidence of "a number of misdemeanours". D4143 (Witness statement of Dragan Kijac dated 30 November 2013), para. 62. *See also* Dragan Kijac, T. 44354 (3 December 2013). The Chamber notes, however, that the criminal complaint was not filed upon the conclusion of Rohde's interview on 31 October, but only upon receipt of the dispatch from Beara on 3 November.

19689 P2242 (Radovan Karadžić's agenda, 2 January–25 December 1995), e-court pp. 131–133.

19690 P6425 (Public statement of RS President's Office, 8 November 1995).

19691 P1490 (Ratko Mladić's notebook, 16 January–28 November 1996), e-court p. 47.

Farm and the Pilica Cultural Centre.[19692] The Chamber recalls that, during the conversation with Mladić on 22 March 1996, the Accused also remarked that "a big show was put on for Albright", who had "expected they would find 1,200 Muslim bodies at Pilica, but they found some five bodies".[19693]

5794. On the following day, 23 March, the Accused issued an order to the Main Staff and RS MUP to "immediately form a mixed expert commission of three members each" to investigate the alleged discovery of two decomposed bodies "at the scene of earlier battles with the Muslim side" in the Pilica area ("23 March 1996 Order").[19694] The order stated that a request should be made to the "competent IFOR (UN) command" to have an international expert team present at the enquiry, in order "to frustrate the intentions of Ambassador Madeleine Albright and media 'experts' to make and launch arbitrary and biased conclusions about this case".[19695] Following the issuance of the Accused's 23 March 1996 Order, Vasić held a meeting of a mixed military and civilian commission at the Zvornik CSB; the meeting was attended by RS Military Prosecutor Predrag Drinić as well as Milorad Trbić, who represented the Zvornik Brigade.[19696] Following the meeting, on 26 March 1996, Drinić wrote to the Main Staff Intelligence and Security Sector describing the meeting and proposing that the Main Staff form a delegation to the commission from the members of the Intelligence and Security Organ, who could then verify the reports giving rise to the commission and, if needed, forward the matter to the relevant military prosecutor.[19697] Drinić never received an answer.[19698]

5795. One week later, on 1 April 1996, the Accused issued an order to the Main Staff, RS MUP, Ministry of Justice and Administration, the Supreme Court, the Supreme Military Court, the RS Public Prosecutor and the VRS Military Prosecutor to carry out "a detailed investigation" of the locations "where victims of the armed conflict in and around Srebrenica are to be found", and to determine whether any breaches of The Hague or Geneva Conventions had been committed, and if

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19692 P6451 (Article from *Slobodna Bosna*, entitled "I Killed 'Only' Hundreds of People", 22 March 1996), pp. 1–2. The article also recounted the arrest of Erdemović and an associate, and reported a "great possibility" that they would be transferred to the Tribunal. P6451 (Article from *Slobodna Bosna*, entitled "I Killed 'Only' Hundreds of People", 22 March 1996), pp. 4–5.

19693 P1490 (Ratko Mladić's notebook, 16 January–28 November 1996), e-court p. 47. *See* para. 5451. In the context of this discussion, Mladić and the Accused referred to the publication of Erdemović's account of the killings. P1490 (Ratko Mladić's notebook, 16 January–28 November 1996), e-court p. 47. *See* Defence Final Brief, para. 3144.

19694 P3163 (Notice of VRS Military Prosecutor's Office, 26 March 1996), pp. 6, 8. *See* para. 5451.

19695 P3163 (Notice of VRS Military Prosecutor's Office, 26 March 1996), pp. 6, 8.

19696 Predrag Drinić, P374 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 10879–10881; P3163 (Notice of VRS Military Prosecutor's Office, 26 March 1996), pp. 6, 8.

19697 Predrag Drinić, P374 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 10882–10883; P3163 (Notice of VRS Military Prosecutor's Office, 26 March 1996), pp. 3–4.

so, to identify the perpetrators of such crimes and initiate criminal proceedings against them ("1 April 1996 Order").[19699]

5796. Despite the existence of both of these orders, no criminal proceedings were initiated.[19700] Rumours of massive killings were "common knowledge" in Bijeljina "almost immediately", as VRS officers spoke about it openly.[19701] The Chamber received evidence, however, that the RS Military Prosecutor's Office in Bijeljina never received the Accused's 1 April 1996 Order.[19702] Drinić stated that the other addressees of the 1 April 1996 Order did not take steps to implement it, and that no prosecutions were undertaken as a result.[19703]

5797. No civilian prosecutions were undertaken either.[19704] On 23 September 1996, Dragan Kijac, who was by then Minister of the Interior,[19705] sent a report to the Ministry of Justice and Administration which described purported internal skirmishes between members of the column which resulted in "several individual and mass killings".[19706] Kijac also described preliminary investigative steps being taken by the Tribunal and closed with the statement, "we are sending you this information believing that it could be used for the defence".[19707]

*iii. Accused's membership in the Srebrenica JCE*

5798. The Chamber has found that as the Srebrenica enclave fell to the Bosnian Serb Forces, the Accused's and Mladić's long-term strategy, which was devised in March 1995 and aimed at

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19698 Predrag Drinić, P374 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 10884–10885; P3163 (Notice of VRS Military Prosecutor's Office, 26 March 1996), p. 5.

19699 P164 (Radovan Karadžić's Order to VRS and MUP re Srebrenica, 1 April 1996).

19700 P2929 (Witness statement of KDZ531 dated 25 June 2011) (under seal), p. 13; Predrag Drinić, P374 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 10879.

19701 [REDACTED].

19702 Predrag Drinić, P374 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 10885–10886, 10889. [REDACTED].

19703 Predrag Drinić, P374 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 10886–10888, 10892–10893. Drinić explained that pursuant to the normal investigative procedure, the military prosecutor's office would have received information from other organs which were also addressees of the 1 April 1996 Order, but no such information was received. Predrag Drinić, P374 (Transcript from *Prosecutor v. Blagojević & Jokić*), T. 10887–10888, 10903–10904.

19704 Kovač and Karišik asserted that it had been impossible for the MUP to start an official investigation because of the war and because the MUP had been "re-subordinated" to the VRS, and thus the MUP lacked jurisdiction to prosecute war crimes. Milenko Karišik, T. 40667–40668 (2 July 2013); D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 134; Tomislav Kovač, T. 42819 (1 November 2013). Kovač also asserted that security conditions prevented investigations from being undertaken. D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 134. *See also* Milenko Karišik, T. 40667 (2 July 2013) (asserting that the MUP had limited information about the crimes in Srebrenica which they received "very late").

19705 D4143 (Witness statement of Dragan Kijac dated 30 November 2013), para. 4. Kijac testified that he did not receive any information about killings in the aftermath of Srebrenica, either as Chief of the DB nor as Minister of Interior. Dragan Kijac, T. 44372 (3 December 2013).

19706 P165 (Report from RS MUP re Srebrenica, 23 September 1996). [REDACTED].

19707 P165 (Report from RS MUP re Srebrenica, 23 September 1996), e-court p. 1.

removing the Bosnian Muslim population from Srebrenica, began to be transformed into a concrete plan to eliminate them, first, through forcible removal of the women, children and elderly men, and then through the killing of the men and boys.[19708] The Chamber will now analyse whether, taking into account the acts and conduct of the Accused during the period relevant to the Srebrenica JCE established above,[19709] the Accused shared the objective of eliminating the Bosnian Muslims in Srebrenica, first by forcibly removing the women, children, and elderly men, and then by killing the able-bodied men and boys. In this exercise, the Chamber will also examine particular actions of the Accused which occurred prior to the implementation of the concrete plan to eliminate the Bosnian Muslims in Srebrenica, as well as after the completion of such plan.

5799. Prior to the formation of the concrete plan to eliminate the Bosnian Muslims in Srebrenica, the Accused took a number of actions which, in the Chamber's view, establish that he was a directing force in the events leading up to the take-over of Srebrenica and which also demonstrate his close monitoring of the Bosnian Serb attack on the enclave. In addition to issuing Directive 7 in March 1995 and giving Krstić a combat assignment at the end of June, both of which formed the basis for the attack plan known as Krivaja 95 and which ultimately resulted in the take-over of Srebrenica, the Accused also implemented Directive 7 by restricting access to Srebrenica.[19710] This restriction, which the Chamber found was implemented by Mladić, allowed the Accused to maintain control over the goods and personnel entering the enclave during the months and weeks leading up to its take-over.[19711]

5800. The Accused acknowledges that he approved the initial plan to "shrink" the Srebrenica enclave and thereafter to "take the undefended town of Srebrenica", but claims that this plan never contemplated the execution of Bosnian Muslim detainees.[19712] The Accused further adds that the military action to take Srebrenica was not a crime, and that when he authorised the VRS to enter Srebrenica, the VRS had a legitimate right to engage in military operations against the Muslim Forces in Srebrenica.[19713] However, the Chamber has already found that, at least by the time Directive 7 was issued in March 1995, the Accused and Mladić had devised a long-term plan aimed at the eventual forcible removal of the Bosnian Muslims in Srebrenica.[19714] This was consistent

19708 *See* paras. 5725, 5730.

19709 *See* Section IV.C.3.b.ii: Accused's acts and conduct in context.

19710 *See* paras. 5756–5759.

19711 *See* paras. 5756–5757.

19712 Defence Final Brief, para. 3011.

19713 Defence Final Brief, paras. 2396–2397. The Accused further contends that indeed, the actions he took in connection with the Srebrenica events were "exemplary" and demonstrate that he did not participate in or have any knowledge of the genocidal execution of detainees. Defence Final Brief, paras. 3127–3128.

19714 *See* para. 5684.

with their long-term objective of permanently removing Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory.[19715] The Accused's establishment of Bosnian Serb structures in Srebrenica demonstrates that the removal of the Bosnian Muslim population then envisaged by the Bosnian Serb Political and Governmental Organs was intended to be permanent.[19716] Thus, while the take-over itself was not a criminal operation *per se*, the Chamber considers that, like the take-overs of the Municipalities, the take-over of Srebrenica was devised with the intent to permanently remove the Bosnian Muslim population living there.

5801. The Chamber recalls that, as the Bosnian Serb Forces approached Srebrenica, the Accused was constantly kept abreast and informed of the developing situation on the ground. This was achieved particularly through briefings by high-ranking officers, such as Gvero and Tolimir, who were already on the ground near Srebrenica.[19717] The Accused also received regular written reports from multiple branches of the Bosnian Serb Forces. As Supreme Commander of the VRS, the Accused received daily combat reports compiled by the Main Staff, which provided him detailed information of the developments on the ground.[19718] The Chamber notes the Accused's contention that none of the written reports that reached him during the Srebrenica events made any reference to the execution of prisoners from Srebrenica.[19719] Indeed, the Chamber did not receive evidence demonstrating that the written reports which reached the Accused mentioned killings of Bosnian Muslim male detainees. However, the Chamber notes that, beginning on 12 July, the daily combat

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19715 *See* para. 2854.

19716 *See* para. 5694.

19717 *See* paras. 5689–5690, 5760.

19718 *See e.g.* P3054 (VRS Main Staff Report, 12 July 1995); P4464 (VRS Main Staff Report 13 July 1995); P4457 (VRS Main Staff Report, 14 July 1995); P4460 (VRS Main Staff Report, 15 July 1995); D2101 (VRS Main Staff Report, 16 July 1995); D2102 (VRS Main Staff Report, 17 July 1995). *See also* Richard Butler, T. 27475–27456 (17 April 2012). Following the Accused's order to take the town on 9 July, these reports described the advance of the Bosnian Serb Forces towards Srebrenica, culminating in its take-over on 11 July. D2100 (VRS Main Staff Report, 9 July 1995), para. 6(b); P4449 (VRS Main Staff Report, 10 July 1995), para. 6(b); P4450 (VRS Main Staff Report, 11 July 1995), paras. 6(a)–6(b). The Chamber observes that Kovač testified that the MUP also compiled reports from all its sources into a single report which was transmitted to the Accused. D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), para. 128. The Chamber further notes that, between 11 and 17 July, the Accused also received daily communications from the Main Staff Security Organ. P2989 (Record of coded telegrams of the RS Republican Communications Centre, 1995), lines 2251, 2265, 2298, 2320, 2334, 2351, 2355, 2365. For example, on 16 July, the Accused received two such communications, at 5:25 a.m. and at 4:20 p.m., respectively. P2989 (Record of coded telegrams of the RS Republican Communications Centre, 1995), lines 2351, 2355. These documents were never recovered. Christian Nielsen, T. 16328 (7 July 2011); Richard Butler, T. 27612–27613 (18 April 2012).

19719 Defence Final Brief, paras. 3082–3083, 3112. The Accused made a similar claim about media reports from late July onwards on the execution of prisoners which, he submits, did not provide reason for him to believe that men had been executed. *See* Defence Final Brief, para. 3132. The Accused supported his claim by stating that he had been repeatedly told to consider these reports false propaganda, in particular in light of similar false reports issued in the past. *See* Defence Final Brief, paras. 3132–3139. The Accused also argued that the letters seised from his computer at the time of his arrest indicate that he had no information about executions of a significant number of people from Srebrenica and believed those allegations to be false. *See* Defence Final Brief, para. 3147. In light of the Chamber's finding as to when the Accused became aware of the common plan

reports described the transport of the Bosnian Muslim population as well as the existence and movement of the column of Bosnian Muslim men attempting to reach Tuzla, in addition to the Bosnian Serb Forces' attempts to block the column's progress.[19720] On 13 and 14 July, the reports described the capture and surrender of large numbers of men from the column.[19721] Reports from the following days made no mention of prisoners but described continuing efforts by the Bosnian Serb Forces to block the remainder of the column's progress and search the terrain.[19722] The Chamber further recalls Popović's direction to Dragan Jokić not to make a record of the activities involving the killing aspect of the plan to eliminate or to speak on the radio about it.[19723]

5802. The Chamber notes the Accused's claim that he may not have seen material addressed directly to his office.[19724] While the Chamber indeed received evidence that documents received by the Accused's office may have been first reviewed by one of his advisors or other staff,[19725] the Chamber finds it inconceivable—primarily in light of the all the evidence demonstrating the Accused's interest in the unfolding events in Srebrenica, as well as on the proper functioning of the communications capacities between the Accused and the VRS, MUP, and DB[19726]—that such information would have been withheld from him by members of his staff.

5803. With regard to personal conversations and contacts, the Chamber recalls specifically that, at approximately 1 a.m. on 12 July, Živanović spoke to the Accused.[19727] The Chamber notes Živanović's claim that, after informing the Accused about the "liberation" of Srebrenica, the conversation ended.[19728] In that regard, the Chamber recalls, first, that the Accused had already been informed by Gvero that afternoon that the Bosnian Serb Forces had taken Srebrenica.[19729] Further, according to Živanović's own admission, the Accused told Živanović that he had not yet been able to reach Mladić or Krstić.[19730] Accordingly, the Chamber considers that at the time of his

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to eliminate the Bosnian Muslims in Srebrenica and more specifically of the mass killings, as discussed below, the Chamber will not give these arguments any further consideration.

19720 P3054 (VRS Main Staff Report, 12 July 1995), paras. 6(a)–6(b), p. 4; P4464 (VRS Main Staff Report 13 July 1995), paras. 6(a)–6(b); P4457 (VRS Main Staff Report, 14 July 1995), paras. 6(a)–6(b).

19721 P4464 (VRS Main Staff Report 13 July 1995), paras. 6(a)–6(b); P4457 (VRS Main Staff Report, 14 July 1995), paras. 6(a)–6(b). *See also* P4460 (VRS Main Staff Report, 15 July 1995), paras. 6(a)–6(b) (referring not to previously captured detainees but to the further surrender of "several enemy groups").

19722 P4460 (VRS Main Staff Report, 15 July 1995), paras. 6(a)–6(b); D2101 (VRS Main Staff Report, 16 July 1995), paras. 6(a)–6(b); D2102 (VRS Main Staff Report, 17 July 1995), paras. 6(a)–6(b).

19723 *See* fn. 19426.

19724 Defence Final Brief, paras. 3130–3131 (specifically referring to P6396 and P2288).

19725 *See e.g.* P4358 (Witness statement of Mira Mihajlović dated 6 February 2012), paras. 23–24.

19726 *See e.g.* Christian Nielsen, T. 16330–16334 (7 July 2011); P2990 (Excerpt of logbook of telegrams received, 12–18 July 1995); P2991 (Excerpt of logbook of telegrams sent, 8–16 July 1995).

19727 *See* para. 5762.

19728 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 8.

19729 *See* para. 5690.

19730 D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 8.

conversation with Živanović the Accused was seeking additional information beyond the fact that Srebrenica had fallen. The Chamber recalls that Živanović had attended the first and second meetings which had been held at the Hotel Fontana earlier that evening, as well as the meeting at the Bratunac Brigade Command.[19731] Thus, while the Chamber cannot make a finding as to whether Živanović briefed the Accused on the killing aspect of the plan to eliminate, it finds it inconceivable that Živanović would not have provided the Accused with further updates regarding the events on the ground which had occurred after the Accused's previous conversation with Gvero—including the outcomes of those meetings.

5804. Additionally, Kovač, who had been receiving continuous updates since the commencement of the Srebrenica operation and had received increasingly urgent communications from Vasić on 13 July, also shared such information with the Accused in person that afternoon.[19732] A few hours later, while meeting with the members of the Serbian diaspora around the time when Kovač reached Vlasenica, the Accused received an hour-long phone call from Mladić, who was then at the Drina Corps Command and reported that Srebrenica was "done".[19733]

5805. Finally, the Chamber recalls that, at approximately 8 p.m. on 13 July, Deronjić and the Accused spoke through an intermediary about the fate of the thousands of Bosnian Muslim male detainees then being held on buses and in detention facilities in Bratunac town.[19734] The Accused claims that no inference can be drawn from the conversation on 13 July with Deronjić that the Accused knew of any plan to kill the detainees from Srebrenica, or that the detainees had been, were being, or would be executed.[19735] The Chamber notes that, despite the fact that Deronjić and the Accused did not explicitly mention the killing of detainees during the conversation, they spoke in code, referring to the detainees as "goods" which had to be placed "inside the warehouses before twelve tomorrow".[19736] The Accused further specified, "not in the warehouses /?over there/, but somewhere else", which the Chamber has already interpreted as a direction to move the detainees to Zvornik.[19737] The Chamber recalls that, earlier that evening, Deronjić had complained to Beara about the detainees' presence in Bratunac, and that upon encountering Deronjić in Bratunac town, Davidović had urged him to use his connections to the Accused to have the buses moved.[19738] Moreover, the Chamber recalls that immediately after this conversation, Beara and Deronjić

19731 *See* paras. 5040, 5695, fn. 19307.
19732 *See* paras. 5766–5767.
19733 *See* paras. 5768–5769.
19734 *See* para. 5772.
19735 Defence Final Brief, paras. 3024–3026.
19736 *See* para. 5772.
19737 *See* para. 5710.
19738 *See* para. 5710.

discussed *where*—not whether—the detainees were to be killed.[19739] It is therefore clear that at the time of Beara and Deronjić's conversation, a decision had already been made to kill the detainees, and Deronjić invoked the Accused's authority to convince Beara to accede to their movement to Zvornik. In the Chamber's view, the use of code to refer to the detainees, as well as the direction to move them toward Zvornik, demonstrates the malign intent behind the conversation. The Chamber finds that this conversation, in addition to the Accused's subsequent acts as described further below,[19740] demonstrate beyond reasonable doubt the Accused's agreement to the expansion of the objective to encompass the killing of the Bosnian Muslim males.

5806. After this conversation, the Accused continued to seek, and was provided with, information through multiple channels. During the approximately 24 hours that Kovač spent in the area touring Vlasenica, Srebrenica, and the Bratunac and Zvornik areas on 14 July, while the Bosnian Muslim males were being moved to Zvornik and the executions at Orahovac got underway, Kovač met with Mladić, Krstić, Živanović, Borovčanin, and Vasić, thus obtaining additional important information that he ultimately relayed back to the Accused when he returned to Pale on 14 July.[19741] Furthermore, in the afternoon on 14 July, the Accused received information over the phone from a commander on the ground in Srebrenica, who reported on the movement of the column of Bosnian Muslim men.[19742]

5807. The Chamber recalls that earlier on 14 July, the Accused had met with Deronjić alone between 12:40 p.m. and 1:10 p.m.; both later met together with a larger delegation from Srebrenica for about four hours.[19743] The Prosecution claims that the only reasonable inference is that Deronjić travelled to Pale in advance in order to meet with the Accused in private, report on significant events relating to the killing aspect of the plan to eliminate, and receive further instructions; thus, during their initial meeting, the Accused and Deronjić must have discussed the murder and burial operations then in progress in the Bratunac and Zvornik areas and, more specifically, Deronjić must have reported on the implementation of the Accused's order to transport the detainees from Bratunac to Zvornik by midday that day.[19744] The Accused acknowledges that he met alone in his office with Deronjić on 14 July; he also acknowledges the evidence that, by the time of this meeting, Deronjić was aware of the killings at the Kravica Warehouse on 13 and 14 July, and that

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19739 *See* para. 5712.

19740 *See* paras. 5805–5808. Further, the Chamber notes that on the following day, Beara referred to an order emanating from "two Presidents". *See* para. 5715.

19741 *See* paras. 5771, 5775, 5780.

19742 *See* para. 5778.

19743 *See* para. 5777.

19744 Prosecution Final Brief, paras. 998–999.

the latter had participated in discussions to bury the bodies of detainees who had been killed.[19745] However, the Accused argues that it is "reasonably possible" that Deronjić did not inform the Accused of what he knew, suggesting that "there were more pressing issues concerning [the] administrative organisation of Srebrenica" for the two to have discussed, that the Kravica Warehouse killings required no action of the Accused, and that Deronjić would not have wanted to tell the Accused that a negative incident had occurred on his watch.[19746]

5808. In relation to the content of the conversation between Deronjić and the Accused prior to their meeting with the larger group, the Chamber notes that it has no direct evidence thereof. However, it received evidence that, during the second meeting, Deronjić reported on the situation in Srebrenica.[19747] As stated above, the Chamber is satisfied that Deronjić had been aware of the killings at the Kravica Warehouse since the evening of 13 July.[19748] More importantly, the Chamber recalls the conversation between the Accused and Deronjić the night before in which the Accused ordered the transfer of the detainees from Bratunac to Zvornik.[19749] The Chamber also recalls Deronjić's participation in the efforts to bury the bodies of those killed at the Kravica Warehouse, starting in the early hours of 14 July.[19750] The Chamber also received evidence that the Accused and Deronjić had frequent communications, either by telephone or in person, during the Srebrenica operation.[19751] According to officials from Bratunac municipality, in his official capacity as civilian commissioner of Srebrenica, Deronjić should have reported about the killings at the Kravica Warehouse to the Accused.[19752] More specifically, Simić testified that Deronjić told him that he had informed the Accused about the events at the Kravica Warehouse the day after the incident.[19753] The Chamber received evidence that there was no mention or discussion about the

19745 Defence Final Brief, paras. 3030–3031.

19746 Defence Final Brief, paras. 3032–3034.

19747 P4382 (Video footage re Miroslav Deronjić's meeting with Radovan Karadžić in Pale, 14 July 1995). *See* Milenko Katanić, T. 24475–24778, 24484 (10 February 2012).

19748 *See* para. 5240. *See also* P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 72; Milenko Katanić, T. 24474, 24506 (10 February 2012). Jovan Nikolić testified that he informed Deronjić and other municipal authorities about additional killings at the Kravica Warehouse in the morning of 14 July. D3126 (Witness statement of Jovan Nikolić dated 10 March 2013), paras. 58–59; Jovan Nikolić, T. 35520–35522 (14 March 2013). *See also* Ljubisav Simić, T. 37291–37292 (16 April 2013).

19749 *See* para. 5772.

19750 *See* paras. 5242, 5244.

19751 P4374 (Witness statement of Milenko Katanić dated 11 October 2011), paras. 70–71; Nebojša Ristić, T. 15391–15392 (24 June 2011).

19752 P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 72; Ljubisav Simić, T. 37310 (16 April 2013).

19753 Ljubisav Simić, T. 37293, 37306–37307 (16 April 2013). *See* Ljubisav Simić, T. 37310 (16 April 2013) (clarifying that he did not know what Deronjić had told the Accused, or whether he had informed the Accused directly).

executions of detainees in Srebrenica during the meeting with the Srebrenica representatives.[19754] Nevertheless, the Chamber has no doubt that during the individual meeting between Deronjić and the Accused, they both discussed the killings at the Kravica Warehouse, and the implementation of the Accused's order to transport the detainees from Bratunac to Zvornik by midday that day.[19755]

5809. The Accused continued receiving information from those present in the Srebrenica area during the following days. For example, Bajagić, who had been prevented from taking photos of captured Bosnian Muslim men being detained at Nova Kasaba football field and had heard about the killings at Kravica Warehouse, met with and reported these events to the Accused in the very early hours of 15 July.[19756] Further, following a direct report from Vasić to the Accused outlining a need for additional forces, as well as Pandurević's report to the Main Staff regarding the opening of the corridor, unsuccessful efforts were made in the Accused's name to contact Pandurević for an explanation of his decision; Karišik was then dispatched to Zvornik, and ultimately reported to the Accused about the opening of the corridor.[19757]

5810. Based on all the evidence discussed above, the Chamber finds that the Accused—who had shared the common purpose of permanently removing the Bosnian Muslims from Bosnian Serb-claimed territory since October 1991[19758]—knew of the concrete plan to eliminate the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men as the plan began to be transformed as the enclave fell. In reaching this conclusion, the Chamber notes that the Accused immediately issued orders establishing Bosnian Serb institutions in Srebrenica, which the Chamber has already found to be an indication that the removal of the Bosnian Muslim population then envisaged was intended to be permanent.[19759] In this respect, the Chamber recalls that one of the Accused's orders tasked Deronjić with "ensur[ing] that all civilian and military organs treat[ed] all citizens who participated in combat operations against the [VRS] as prisoners of war, and ensure that the civilian population c[ould] freely choose where they w[ould] live or move to".[19760] The Chamber considers that, as it has found in relation to similar orders which explicitly promoted respect for international humanitarian law which were issued earlier in the conflict, the Accused's actions were insufficient to prevent criminal acts. Further, in relation to the apparent choice given

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19754 D3561 (Witness statement of Dane Katanić dated 14 December 2012), para. 8; Dane Katanić, T. 38675 (22 May 2013). While Krajišnik did not recall the meeting with the representatives of Srebrenica specifically, he was categorical in his assertion that nobody spoke in his presence about any crimes committed in Srebrenica. Momčilo Krajišnik, T. 43352 (12 November 2013).

19755 *See* paras. 5313–5316.

19756 *See* para. 5783.

19757 *See* paras. 5784.

19758 *See* para. 3524.

19759 *See* para. 5694.

19760 *See* para. 5693.

to the civilian population as to where to live or move to, the Chamber finds that in light of Deronjić's subsequent actions, including the fact that he held a meeting in Srebrenica that night, where he appointed directors for all public enterprises and institutions, and his subsequent attendance at the second and third Hotel Fontana meetings, where Mladić—despite explicit statements indicating that the population's wishes would be respected—coerced the representatives of the Bosnian Muslims into agreeing to leave the enclave,[19761] Deronjić clearly did not give effect to this provision of the Accused's order.

5811. The Chamber also finds that the Accused adopted and embraced the expansion of the plan to entail the killing the Bosnian Muslim men and boys in Srebrenica during his conversation with Deronjić on the evening of 13 July. Given the Accused's position as RS President and Supreme Commander, as well as the evidence demonstrating the continuous flow of information he was seeking and receiving from the ground from many different sources the Chamber considers that the Accused must have known about the killing aspect of the plan to eliminate at some point prior to his conversation with Deronjić in the evening of 13 July. However, the Chamber can only make a positive determination as to the Accused's agreement to the expansion of the means so as to encompass the killing of the men and boys as of the moment of the conversation with Deronjić. The Accused's shared intent is reaffirmed by the fact that, from the moment he directed Deronjić to move the detainees to Zvornik the Accused became, and subsequently continued to be, actively involved in overseeing the implementation of the plan to eliminate the Bosnian Muslims in Srebrenica by killing the men and boys.

5812. The Chamber recalls that, throughout the relevant period, the Accused actively monitored the international media's coverage of the events in Srebrenica, as he was concerned about the coverage of such events.[19762] The Chamber has already found that, during this time, the Accused, together with Mladić, embarked on an effort to disseminate false information about the fate of the Bosnian Muslim males as well as the conditions under which the remainder of the Bosnian Muslim population was transferred to Potočari.[19763] The Accused also denied international organisations access to Srebrenica and the Bratunac and Zvornik areas.[19764] In the Chamber's view, given the Accused's nearly-contemporaneous knowledge of the ongoing killing operation, the only reasonable inference is that by disseminating false information, the Accused intended to shield the true actions of the Bosnian Serb Forces from international attention and intervention.

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19761 *See* paras. 5691, 5695, 5697, 5703.
19762 *See* para. 5785.
19763 *See* paras. 5786–5787.
19764 *See* para. 5788.

5813. Furthermore, from the point at which the Accused ordered the detainees to be transferred to Zvornik until the spring of 1996, the Accused took no action to initiate investigations or prosecutions of the direct perpetrators of the despicable crimes committed in the Bratunac and Zvornik areas following the fall of the Srebrenica enclave to the Bosnian Serb Forces in July 1995.[19765] Neither the 23 March 1996 Order nor the 1 April 1996 Order resulted in *bona fide* investigations or prosecutions.[19766] By contrast, on 20 July 1995, the Accused's office issued a press release congratulating the units of the Bosnian Serb Forces which had been involved in the killing operation in Zvornik—the Main Staff, Drina Corps and "Staff of the Police Armed Forces"[19767]—on the "brilliant victory in Srebrenica and Žepa".[19768] In the following weeks, the Accused reiterated this praise in an interview with Bosnian Serb television, where he referred to Mladić as a "legend".[19769]

5814. Based on all this evidence, and taking into consideration that the Accused knew of the concrete plan of eliminating the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men as of the evening of 11 July, and participated in that plan; and that he agreed to and embraced its expansion to encompass the killing of the able-bodied men and boys as demonstrated by his conversation with Deronjić on the evening of 13 July as well as his subsequent actions, the Chamber is satisfied beyond reasonable doubt that the Accused shared the common purpose of eliminating the Bosnian Muslims in Srebrenica with the other members of the JCE.

*iv. Accused's contribution to the Srebrenica JCE*

5815. Having established above that the Accused shared the common purpose of eliminating the Bosnian Muslims in Srebrenica, the Chamber now turns to the means through which the Accused significantly contributed to the Srebrenica JCE. In assessing whether the Accused made a

19765 *See* paras. 5793–5796.

19766 *See* paras. 5793–5795. The Chamber also finds that, while it did not receive evidence as to the Accused's direct participation in the reburial operation conducted in September–October 1995, an inference can be drawn from the conversation between the Accused and Mladić on 22 March 1996, about the Accused's knowledge of the operation. *See* para. 5793. *See also* Prosecution Final Brief, para. 812 (alleging that, once it became apparent that the international community had learned of the Srebrenica killings, VRS, MUP, and civilian authorities, with the Accused's approval, engaged in a highly secret and co-ordinated operation for the reburial of bodies to more remote areas).

19767 The Chamber understands the reference to the "Staff of the Police Armed Forces" to be a reference to the MUP units dispatched to the Srebrenica area under Borovčanin's command.

19768 *See* para. 5789. The Chamber also notes that the Accused indeed promoted Krstić on 13 July and heralded both him and Živanović as "the main architects" of the "brilliant victory in Srebrenica and Žepa". *See* para. 5789, fn. 19673.

19769 *See* fn. 19676. The Chamber recalls that before issuing the 23 March 1996 Order, the Accused warned Mladić that, "[i]f they expand the campaign then they would form a joint commission [...] to investigate the killing of every individual". P1490 (Ratko Mladić's notebook, 16 January–28 November 1996), e-court p. 47. In the Chamber's view, the fact that the Accused forewarned Mladić is yet another indication that the Accused shared the common purpose to eliminate the Bosnian Muslims in Srebrenica. *See* para. 5793.

significant contribution to the Srebrenica JCE, the Chamber has limited its examination to the Accused's acts and conduct during the period of this JCE. In this regard, the Chamber recalls its finding that the common plan to eliminate the Bosnian Muslims in Srebrenica was formed as the enclave fell and that although this objective initially encompassed the forcible removal and persecution of the Bosnian Muslims in Srebrenica, some members agreed to an expanded objective which involved the killing of the Bosnian Muslim men and boys.[19770]

5816. The Chamber has already found above that the Accused knew of the concrete plan to eliminate the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men as the long-term strategy aimed at removing the Bosnian Muslim population from Srebrenica began to be transformed into a concrete plan to eliminate them, as the enclave fell, and that he agreed to the further expansion of that plan so as to involve killings, at the latest during his conversation with Deronjić on the night of 13 July.[19771]

5817. In relation to the removal aspect of the plan to eliminate, the Chamber recalls that the Accused used his *de jure* powers to issue orders establishing Bosnian Serb municipal structures in "Serb Srebrenica"; this included the appointment of Deronjić as civilian commissioner and the formation of the SJB.[19772] As the Chamber has already found, the establishment of such structures demonstrates that the removal of the Bosnian Muslim population from Srebrenica was envisaged to be permanent.[19773] Further, during the take-over, the Accused issued an order which allowed for his continued oversight and control of the restrictions on the access of humanitarian convoys to the enclave, which had the practical effect of limiting international access to the enclave.[19774] All of these orders were carried out as instructed by the Accused.[19775]

5818. In relation to the killing aspect of the plan to eliminate, the Chamber recalls that when the Accused spoke to Deronjić, who desperately wanted to avoid the Bosnian Muslim males being killed in Bratunac, at approximately 8 p.m., far from intervening to prevent the killings from taking place at all, the Accused himself ordered that the Bosnian Muslim male detainees who were then being held in Bratunac be transferred elsewhere; they were then taken to Zvornik and killed.[19776] The Chamber also recalls that, as President of the RS and Supreme Commander of the VRS, the

19770 *See* paras. 5731, 5736–5737.

19771 *See* paras. 5805–5814.

19772 *See* para. 5693. The Chamber further recalls that in addition to the written orders he issued, the Accused took the time to reiterate and reinforce over the phone, at least once, his written orders. *See* para. 5694.

19773 *See* para. 5694.

19774 *See* para. 5761.

19775 *See* paras. 5693–5694, 5761, 5787–5788.

19776 *See* paras. 5772, 5805, 5814.

Accused had *de jure* authority over the VRS and the MUP which he exercised in fact;[19777] Deronjić, as civilian commissioner of Srebrenica, answered directly to the Accused.[19778] Accordingly, the Accused was the sole person within the RS with the power to intervene to prevent the Bosnian Serb Forces from moving the detainees to Zvornik to be killed.[19779] Mladić's order, which was consistent with the Accused's decision to move the detainees to Zvornik, was almost immediately communicated down the chain of command and ultimately implemented by members of the VRS security organs, including Beara and Popović, who have been found by the Chamber to have been members of the Srebrenica JCE.[19780] Furthermore, during a briefing of VRS officers at the Standard Barracks on the following afternoon, Beara stated that he had received an order from "two Presidents" to "get rid" of the detainees who were then being held in various locations in Zvornik.[19781] The Chamber is thus satisfied that the Accused's order to move the Bosnian Muslim males of Srebrenica enabled their transfer to Zvornik, where they were ultimately killed.

5819. The Chamber also recalls that, with full knowledge of the ongoing killing operation, the Accused declared a state of war in the area of Srebrenica–Skelani Municipality on 14 July, and created the War Presidency of Srebrenica–Skelani Municipality, appointing Deronjić as the president of that body.[19782] The Chamber recalls that by the time the Accused issued these orders, the Bosnian Serb Forces had already taken Srebrenica and thus, there was no military reason to declare a state of war. The declaration of the state of war had the practical effect of allowing the armed forces deployed in the area of responsibility of the Drina Corps, which also encompassed the Bratunac and Zvornik municipalities, to utilise all human and material resources without having to follow complicated procedural protocols,[19783] thus facilitating the ongoing killing operation. In this regard, the Chamber recalls specifically that, as early as 14 July, the burial of bodies at Glogova began, with the assistance of civilian resources.[19784] Civilian resources were also used to assist in the burial of bodies of those killed at the various facilities in Zvornik over the following days.[19785] The Chamber therefore finds that the Accused's issuance of these orders facilitated the smooth execution of the killing aspect of the plan to eliminate.

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19777 *See* para. 3157.

19778 *See* paras. 5693–5694.

19779 The Chamber recalls the Prosecution's claim that the Accused's failure to take measures to prevent his subordinates' involvement in crimes he knew were being committed pursuant to the Srebrenica JCE constitutes a contribution to such JCE. *See* para. 5749. However, in light of the Chamber's finding that the Accused came to know of the crimes at the latest by approximately 8 p.m. on 13 July, this contribution is irrelevant for the crimes committed prior to this time.

19780 *See* paras. 5711–5712.

19781 *See* para. 5715.

19782 *See* paras. 5777, 5779.

19783 *See* para. 5779.

5820. As the Chamber has described in detail above, the Accused utilised numerous channels in order to obtain information from the ground, which enabled him to maintain constant oversight over the plan to eliminate the Bosnian Muslims in Srebrenica as it unfolded. Such means of monitoring included regular written reports from both the Main Staff and the Main Staff Security Organ, as well as the MUP, all of which described the transport of the Bosnian Muslims from Potočari as well as the existence of and efforts to intercept the column of Bosnian Muslim men and capture its members.[19786] The information contained in these reports was augmented by conversations with Živanović in the very early hours of 12 July and with Mladić on the afternoon of 13 July.[19787] By the time the Accused spoke to Mladić, he had already sent Kovač to the field, where the latter met with Mladić and spent more than 24 hours touring the Srebrenica area before returning to Pale and briefing the Accused on the following day.[19788] The Accused also received information from personal contacts, such as Deronjić—who he appointed as civilian commissioner of Srebrenica—and Bajagić, who came to Pale at the Accused's request in the early morning hours of 15 July in order to share his observations of the events in Srebrenica with the Accused.[19789] It is thus clear to the Chamber that the Accused maintained a close overview of what happened in the aftermath of the Bosnian Serb Forces' take-over of Srebrenica. This finding is consistent with the fact that, merely 90 minutes after Pandurević reported to the Main Staff that he had opened a corridor to permit members of the column to pass, a Main Staff officer called the Zvornik Brigade on behalf of the "the boss [...] the main head of state" in order to enquire what had happened.[19790] At the same time, Karišik was sent to Bratunac for the same purpose, and by 4:15 p.m., he had informed the Accused that the corridor was open.[19791] The Chamber recalls that that night, further reinforcements were sent to the Zvornik area, and the following day, the Main Staff sent three colonels to investigate Pandurević's decision.[19792] While the Chamber cannot draw any conclusions as to whether these latter two actions were taken pursuant to a specific order of the Accused, the Chamber finds that they were consistent with the tenor of his oversight, as had the Accused intended for the corridor to remain open, he would have issued such an order. Particularly given his position as President of the RS and Supreme Commander of the VRS, and the extent of

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19784 *See* paras. 5248–5249.

19785 *See* paras. 5402, 5444–5445.

19786 *See* para. 5801. The Chamber recalls that after 14 July, the Main Staff's daily combat reports no longer mentioned any Bosnian Muslim detainees, but notes that they—along with reports from MUP—described efforts to intercept the column. *See* para. 5801.

19787 *See* paras. 5762, 5768–5770, 5803–5804.

19788 *See* paras. 5771, 5775, 5780–5781.

19789 *See* paras. 5693, 5761, 5777, 5783.

19790 *See* para. 5784.

19791 *See* para. 5784.

19792 *See* paras. 5472, 5474.

his contemporaneous knowledge as described in more detail above, the Chamber considers that such oversight, coupled with the fact that the Accused made no other attempt to interfere with or influence what was transpiring on the ground, furthered the objective of eliminating the Bosnian Muslims in Srebrenica.

5821. In the preceding paragraphs, the Chamber has identified the various ways through which the Accused furthered the common plan to eliminate the Bosnian Muslims in Srebrenica. Based on the abundant evidence before it, and considering the totality of the Chamber's findings in this regard, as well as the functions and positions of the Accused at the time—particularly the *de jure* authority over the VRS and MUP which he exercised in fact—and the impact of his acts and omissions on the implementation of this JCE as set out above, the Chamber finds that the Accused significantly contributed to the Srebrenica JCE.

*v. Accused's responsibility for crimes pursuant to the Srebrenica JCE*

5822. The Chamber has found above that the Accused shared the common purpose of eliminating the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men and by killing the men and boys,[19793] and that he significantly contributed to the plan to accomplish this objective by these means.[19794] The Chamber has also found that the crimes of genocide, murder, extermination, persecution, and inhumane acts (forcible transfer) were committed by Bosnian Serb Forces following the fall of the Srebrenica in July 1995.[19795] The Chamber has further found that these crimes fell within either the original or the expanded scope of that common purpose, which amounted to or involved their commission.[19796] The Chamber will now examine whether the Accused shared the intent for each of these crimes and is thus criminally responsible for them as alleged in the Indictment.

(A) Murder, extermination, and inhumane acts (forcible transfer)

5823. As set out above, the Chamber has found that the Accused had contemporaneous knowledge of the plan to eliminate as it unfolded and came to encompass both the forcible removal of thousands of Bosnian Muslim women, children, and elderly men of Srebrenica from the UN Compound in Potočari as well as the killing of thousands of able-bodied Bosnian Muslim men and boys, and that he significantly contributed to the plan which accomplished this. The Chamber thus

19793 *See* para. 5814.

19794 *See* para. 5821.

19795 *See* paras. 5607–5608, 5611–5612, 5618–5620, 5633, 5640–5645, 5648–5654, 5658, 5661, 5666, 5669, 5671–5673

19796 *See* paras. 5739–5741.

finds that the Accused intended the crimes of murder and inhumane acts (forcible transfer). The Chamber is also satisfied that, given the vast scale of the killing operation and the Accused's knowledge thereof, the Accused possessed the requisite *mens rea* for extermination.

(B) Persecution

5824. With regard to persecution, and first the issue of persecutory intent, the Chamber recalls that an accused's intent to discriminate on one of the prohibited grounds may be inferred where the circumstances surrounding the commission of the alleged acts substantiate the existence of discriminatory intent.[19797] In this regard, the Chamber recalls that the plan to eliminate the Bosnian Muslims in Srebrenica was by nature a discriminatory plan targeting the Bosnian Muslims in Srebrenica. The Chamber is thus satisfied that, as detailed above, the Accused participated in and significantly contributed to this plan with the intent to discriminate against the Bosnian Muslims of Srebrenica, and thus with persecutory intent. Earlier in the Judgement, the Chamber found that the circumstances in which the forcible removal of the Bosnian Muslim population of Srebrenica and the execution of the Bosnian Muslim men and boys were carried out were such that they demonstrated that Bosnian Serb Forces deliberately inflicted serious physical and mental suffering on them, and thus amounted to cruel and inhumane treatment, an act of persecution.[19798] Having found that the Accused shared the intent for murder, extermination, and forcible transfer, the Chamber finds that the only reasonable inference from the circumstances in which the removal and killing aspects of the plan to eliminate were conducted, and of which he was fully aware, is that he also shared the intent to subject the Bosnian Muslim population in Srebrenica to cruel and inhumane treatment.

(C) Genocide

5825. With respect to the crime of genocide, the Chamber recalls that, in order for the Accused to be criminally responsible for this crime, it must be satisfied that the Accused intended to destroy the protected group, in whole or in part, as such.[19799] The Chamber further notes that, as other chambers have held, indications of such intent are "rarely overt",[19800] and thus intent must often be inferred on the basis of the totality of the evidence, taking into account such factors as the scale of

19797 *See* para. 500.

19798 *See* paras. 5644–5646.

19799 *See* para. 549.

19800 *Tolimir* Trial Judgement, para. 745 (citing *Kayishema and Ruzindana* Appeal Judgement, para. 159 and *Gacumbitsi* Appeal Judgement, para. 40).

atrocities as well as the systematic targeting of victims on account of their membership in a particular group.[19801]

5826. The Prosecution argues that the Accused shared with other members of the Srebrenica JCE the intent to destroy the Bosnian Muslims of Srebrenica, which—taking into account the Accused's "supreme position"—manifested itself through his acts, omissions, and statements, as well as the systematic, coordinated, and targeted manner in which the genocidal acts were carried out.[19802] As stated at the outset of this section, the Chamber has considered the Accused's arguments, which were framed as denials of his membership in a "genocidal plan", in relation to whether the Accused was a member of the Srebrenica JCE above, as they relate primarily to whether the Accused was aware of the killing aspect of the plan to eliminate.[19803] The Chamber has been mindful of those same arguments when analysing whether the Accused intended to destroy the Bosnian Muslims in Srebrenica, as set out in the analysis below.

5827. The Chamber has already established that the Accused participated in the plan to eliminate the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men and killing the men and boys with the intent to discriminate against the Bosnian Muslims in Srebrenica.[19804] However, such discriminatory intent is not necessarily equivalent with the intent to destroy the Bosnian Muslims in Srebrenica as such, which constituted a substantial part of the protected group of Bosnian Muslims.[19805] The Chamber must therefore further analyse the acts and conduct of the Accused detailed above in order to determine whether, in light of his knowledge of the implementation of the plan to eliminate—particularly his knowledge of its killing aspect—it is satisfied that the only reasonable inference is that the Accused intended to destroy the Bosnian Muslims in Srebrenica as such.

5828. In this regard, the Chamber recalls that, in determining that the killings of thousands of Bosnian Muslim males and the acts causing serious bodily or mental harm to thousands of Bosnian Muslims of Srebrenica were carried out with the intent to destroy that part of the protected group as such, the Chamber had particular regard to the fact that the Bosnian Serbs tried to kill every able-bodied Bosnian Muslim male from Srebrenica.[19806] Indeed, the plan, which was carried out by Bosnian Serb Forces who vigorously pursued the Bosnian Muslim males in the column,

19801 *See* para. 550.

19802 Prosecution Final Brief, paras. 1096, 1098–1099. The Prosecution points specifically to the Accused's expression of regret that not all of the Bosnian Muslim men were killed, as well as his efforts to cover up the forcible removal and murder operations, in support of its argument. Prosecution Final Brief, para. 1099.

19803 *See* para. 5754.

19804 *See* para. 5824.

19805 *See* para. 5672.

encompassed the killing of all Bosnian Muslim males within Bosnian Serb custody, irrespective of whether they were combatants or civilians and regardless of whether they were captured or had surrendered.[19807]

5829. With respect to the intent of the Accused, the Chamber recalls that the Accused was apprised by Deronjić that as of 8:10 p.m., the Bosnian Serb Forces had "about two thousand" Bosnian Muslim males in custody and expected that number to increase overnight.[19808] The Chamber also considers that the only reasonable inference is that the Accused must have learned from Kovač—either during their conversation on 13 July or during their subsequent meeting on 14 July—that most of the able-bodied Bosnian Muslim men had not gone to the UN Compound with their families, but had fled through the woods.[19809] Moreover, the Chamber recalls that the Accused received daily combat reports from the Main Staff, which, after reporting on the existence of the column of Bosnian Muslim males—as well as on the Bosnian Serb Forces' subsequent organised efforts to intercept it which resulted in the capture and surrender of large numbers of Bosnian Muslim males between 12 and 14 July—made no further mention of detainees.[19810] Accordingly, in view of his awareness of the number of males in custody, in the Chamber's view, there is no doubt that the Accused knew that the thousands of Bosnian Muslim male detainees being held by the Bosnian Serb Forces in the Srebrenica area constituted a very significant percentage of the Bosnian Muslim males from Srebrenica.

5830. The Chamber therefore takes particular note of the fact that, despite his contemporaneous knowledge of its progress as set out above, the Accused agreed with and therefore did not intervene to halt or hinder the killing aspect of the plan to eliminate between the evening of 13 July and 17 July. Instead, he ordered that the detainees be moved to Zvornik, where they were killed.[19811] Moreover, once Pandurević reported on 16 July that he had opened a corridor to allow members of the column who had not yet been captured or surrendered to pass through, Karišik was promptly sent to investigate and the corridor was closed within a day.[19812] Finally, the Chamber recalls that although he touted the opening of the corridor when speaking to the international press, in a closed

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19806 *See* para. 5669.

19807 *See* paras. 5669, 5731.

19808 *See* para. 5772.

19809 *See* paras. 5804, 5806.

19810 *See* para. 5801.

19811 *See* para. 5818. The Chamber recalls that it received evidence that the Accused agreed to allow the local staff of UNPROFOR, which included Bosnian Muslim males, to leave the UN Compound with UNPROFOR. *See* para. 5132. The Chamber considers that the reason proffered by the Bosnian Serb Forces for separating and taking custody of the other Bosnian Muslim males in Potočari—namely that they were to be screened for involvement in war crimes—would not have applied to such staff, and the Chamber finds that this action by the Accused does not raise any doubt regarding his intent that all Bosnian Muslim males in Bosnian Serb custody be killed.

19812 *See* paras. 5470–5472, 5784.

session of the Bosnian Serb Assembly held weeks later, the Accused expressed regret that the Bosnian Muslim males had managed to pass through Bosnian Serb lines.[19813] Accordingly, the Chamber considers that the only reasonable inference available on such evidence is that the Accused shared with Mladić, Beara, and Popović the intent that every able-bodied Bosnian Muslim male from Srebrenica be killed, which, in the Chamber's view, amounts to the intent to destroy the Bosnian Muslims in Srebrenica.

(D) Conclusion

5831. Having found above that the Accused shared the intent for the crimes of murder, inhumane acts (forcible transfer), extermination, persecution, and genocide, the Chamber finds that by virtue of his participation in the Srebrenica JCE, the Accused is responsible for these crimes.[19814] However, the Chamber notes that because it is only able to determine that the Accused agreed to the killing aspect of the plan to eliminate the Bosnian Muslims in Srebrenica by, at the latest, 13 July at 8:10 p.m., it cannot hold the Accused responsible for the killings and the related acts of persecution which occurred prior to that time through his participation in the Srebrenica JCE.

5832. The Chamber takes note of the Prosecution's alternative allegation that the Accused is responsible for the crimes of genocide, murder, extermination, and persecution as foreseeable consequences of the Overarching JCE.[19815] However, the Chamber considers this allegation to be an alternative charge only if the Chamber had been unable to determine the existence of the common plan to eliminate the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men and killing the men and boys. Since the Chamber has established the existence of the common purpose of the Srebrenica JCE above, as well as the sharing of this common purpose by a plurality of persons, including the Accused, who significantly contributed to it, the Chamber shall not consider the Prosecution's alternative allegation further.

c. Superior responsibility

5833. Having found above that the Accused could not be held responsible through his participation in the Srebrenica JCE for the killings which occurred prior to his conversation with Deronjić on 13 July, wherein he agreed to the killing aspect of the common plan to eliminate, the Chamber will now consider the Accused's responsibility as a superior pursuant to Article 7(3) of

19813 *See* paras. 5474, 5791.

19814 In addition, based on all the evidence discussed above, the Chamber finds that the Accused was aware that his conduct was part of a widespread and systematic attack directed against a civilian population.

19815 Indictment, paras. 43, 59, 64.

the Statute. In this regard, the Chamber will consider whether the Accused is responsible for failing to punish these killings.[19816]

*i. Submissions of the parties*

5834. The Prosecution generally argues that the Accused is responsible for the crimes in Srebrenica as a superior pursuant to Article 7(3) of the Statute, in his capacity of SDS party leader, President of the SNB, President of the Presidency, Supreme Commander of the VRS, and the acknowledged leader of the Bosnian Serbs.[19817] It adds that the Accused had command and effective control over a vast network of subordinates in the Bosnian Serb Forces and the Bosnian Serb Political and Governmental Organs.[19818] According to the Prosecution, during the Indictment period the Accused knew or had reason to know that his subordinates were about to commit or had committed crimes charged in the Indictment and nevertheless failed to take the necessary and reasonable measures to prevent the commission of these crimes and/or punish his subordinates who perpetrated them.[19819]

5835. The Chamber notes that, as he did above in relation to his arguments regarding his participation in the Srebrenica JCE, the Accused focuses his arguments in relation to his responsibility under Article 7(3) of the Statute for the Srebrenica component on his alleged responsibility for failing to prevent or punish genocide. However, the Chamber will interpret these arguments to pertain to the Accused's responsibility for failing to prevent or punish the killings listed above.[19820]

5836. The Accused submits that (i) he lacked knowledge or reason to know that crimes had been committed by his subordinates in Srebrenica, (ii) he lacked effective control over the perpetrators, and (iii) he took necessary and reasonable measures to punish the perpetrators.[19821] According to the Accused, a review of the information available to him as of August 1995, demonstrates that there was nothing to indicate to him that crimes had occurred.[19822] Therefore, the Prosecution has failed to prove beyond reasonable doubt that the Accused knew or should have known that crimes

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19816 In the context of this case—particularly the Chamber's findings regarding the point at which the Accused came to know about to the expansion of the means of carrying out the objective of the Srebrenica JCE—the Chamber considers that the Accused's material ability to prevent the killings which occurred prior to this point is irrelevant. Accordingly, it will only examine the Accused's failure to punish these crimes.

19817 Prosecution Final Brief, para. 1113.

19818 Prosecution Final Brief, para. 1113.

19819 Prosecution Final Brief, para. 1114.

19820 *See* para. 5754.

19821 Defence Final Brief, paras. 3239–3275.

19822 Defence Final Brief, paras. 3241, 3252, 3273.

had been committed in connection with the fall of Srebrenica.[19823] Lastly the Accused claims that he took necessary and reasonable measures to punish the perpetrators, even though he no longer was required to request an investigation after the Tribunal indicted him for the Srebrenica events.[19824] In this regard, the Accused argues that, given that he did not have investigative or prosecutorial organs in his cabinet, the only measure he could take to punish crimes was to ensure that the competent authorities were investigating.[19825] He also argues that the Prosecution has failed to establish that he deliberately or wilfully failed to punish the perpetrators, as during and after the killings of the men from Srebrenica, "he was no longer in control of the army".[19826]

*ii. Crimes committed by subordinates*

5837. The Chamber has found above that the killings of Bosnian Muslim males which occurred prior to the Accused's agreement to the expansion of the means of eliminating the Bosnian Muslims in Srebrenica, which occurred at the latest by 8:10 p.m. on 13 July, were perpetrated by various members of the Bosnian Serb Forces. Specifically, the Chamber has found that ten Bosnian Muslim men were killed by members of the Bosnian Serb Forces present in Potočari on 13 July 1995, all of whom were either members of the VRS or the MUP.[19827] The Chamber has also found that, on that same day, 15 Bosnian Muslim men were killed in an isolated area on the bank of the Jadar River by members of the Bosnian Serb Forces, including at least one member of the Bratunac SJB.[19828] The Chamber also recalls that the killings of 10 to 15 Bosnian Muslim at the Sandići Meadow on 13 July were carried out by members of the Jahorina Recruits, who were part of the Bosnian Serb Forces deployed in the area at the time.[19829] Similarly, the Chamber found that the killings at the Kravica Warehouse on 13 and 14 July were carried out by members of the Bosnian Serb Forces deployed in the area, including members of the 3rd Skelani Platoon of the 2nd Šekovići Detachment.[19830] Finally, the Chamber recalls its finding that the killing of at least 50 Bosnian Muslim men in Bratunac town between 12 and 14 July, and the killing of a mentally challenged man outside the Vuk Karadžić School in Bratunac on the evening of 13 July, were carried out by members of the Bosnian Serb Forces.[19831] In this regard, the Chamber recalls that the Bosnian

19823 Defence Final Brief, para. 3275.
19824 Defence Final Brief, paras. 3239, 3287–3300.
19825 Defence Final Brief, para. 3289.
19826 Defence Final Brief, paras. 3298–3299.
19827 *See* Sections IV.C.1.d.v.A: Near the UN Compound, and IV.C.1.d.v.B: The White House; para. 5120.
19828 *See* Section IV.C.1.e.iv.A: Jadar River.
19829 *See* Section IV.C.1.e.iv.D: Sandići Meadow.
19830 *See* Section IV.C.1.e.iv.C: Kravica Warehouse. The Chamber recalls the evidence that a member of the 10th Sabotage Detachment threw two hand-grenades inside one of the rooms of the warehouse. *See* para. 5233.
19831 *See* Section IV.C.2.e.v.B: Vuk Karadžić School and killing of a mentally challenged man.

Muslim men being detained in Bratunac town starting on the afternoon of 12 July were guarded by members of the Bratunac Brigade MP and the MUP.[19832]

5838. The Chamber notes that it has not received evidence which would suggest the presence of armed groups or units not affiliated with the Bosnian Serb Forces operating in the Srebrenica area between the evening of 12 July and the morning of 14 July, i.e. when the killings referred to in the previous paragraph took place. Thus, while the Chamber was unable to precisely identify each individual perpetrator of the killing incidents referred to above, it is satisfied that the units to which such persons belonged were all part of the subordinate Bosnian Serb Forces deployed in the area at the time, and were thus directly subordinated to, and fell under the structure of, the VRS or the MUP.

5839. In relation to the subordinate VRS forces operating in the area at the time, the Chamber recalls that they were part of the units previously deployed in the Drina Corps' area of responsibility pursuant to the deployment orders issued in accordance with the Krivaja 95 plan.[19833] These forces were operating under the command of Krstić, who was a direct subordinate of the VRS Commander, Mladić. The Chamber recalls that Mladić, as Commander of the Main Staff, was the Accused's direct subordinate.[19834]

5840. In relation to the subordinate MUP units operating in the area at the time, the Chamber recalls that they can be grouped in two main categories, namely the municipal police units belonging to the Zvornik CJB, and those redeployed to the area pursuant to Kovač's order on 10 July.[19835] While in the Srebrenica area, these units were also operating under the command of the VRS.[19836] The Chamber recalls that the latter included RS MUP forces previously deployed on the Sarajevo front, including the 2nd Šekovići Detachment and a company of the Jahorina Recruits, which were sent to the Srebrenica sector as a conglomerate of forces under Borovčanin's command.[19837] According to the order of redeployment, these forces were to make contact with

19832 *See* para. 5293.

19833 *See* paras. 5005–5006, 5010. The Chamber further recalls that on 10 July, the Main Staff redeployed a part of the 10th Sabotage Detachment to the Srebrenica front. *See* para. 5021.

19834 *See* para. 160.

19835 *See* para. 5021; P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), paras. 2.14–2.17. The Chamber also recalls its finding that members of the RDB were present in Potočari on 12 and 13 July. *See* para. 5120. These forces under Kijac were ultimately subordinated to Kovač as the acting head of the RS MUP. *See* Section II.C.3: Bosnian Serb MUP; para. 5764.

19836 *See* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 2.14.

19837 *See* para. 5021.

Krstić on arrival to its destination on 11 July.[19838] By reporting to Krstić, they were to receive further instructions.[19839] In relation to the municipal police units, such as the Bratunac SJB and the PJPs present in the area and assisting in various tasks, including the guarding of detainees in Bratunac town, the Chamber recalls that, as part of the Zvornik CJB, they could be deployed for combat related operations and were to supplement military forces in the area of responsibility of the Drina Corps.[19840] The Chamber received evidence that these forces were re-subordinated to the VRS upon their deployment on mission.[19841] Accordingly, these forces were also operating under the command of Krstić, and, ultimately, Mladić.

*iii. Superior-subordinate relationship*

5841. With regard to the Accused's authority over the Bosnian Serb Forces during the take-over of Srebrenica, the Chamber recalls its previous finding that since 1992 the Accused had *de jure* authority over the VRS which he exercised in fact.[19842] Further, the Chamber reiterates that despite the differences that existed between Mladić, as Commander of the VRS Main Staff, and the Accused, as Supreme Commander, the Accused retained *de jure* authority over Mladić.[19843] As such, the Accused and Mladić maintained a superior-subordinate relationship throughout the Indictment period, including the time period relevant to the Srebrenica component of the case.[19844] The Chamber further notes with particular regard to the attack and eventual take-over of Srebrenica that prior to the attack, the Accused and Krajišnik visited the Drina Corps Command in Vlasenica and gave Krstić a combat assignment; that once the attack was underway, Tolimir sought and received the Accused's prior approval for its expansion so as to include taking over the town; and that Mladić thereafter conveyed the Accused's order to his subordinate commanders.[19845] Accordingly, the Chamber is satisfied that the Accused continued to have *de jure* authority over the VRS in July 1995, which he exercised in fact. Furthermore, as outlined in more detail above, once prompted by international attention to the fate of the missing Bosnian Muslim males of Srebrenica—in particular by Madeline Albright's visit to Pilica on 22 March 1996—within one day, the Accused issued an order to the Main Staff and the Bosnian Serb MUP to form a mixed

19838 P2992 (Order of RS MUP, 10 July 1995), para. 5.

19839 *See* Christian Nielsen, T. 16334–16335 (7 July 2011).

19840 *See* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 2.17.

19841 *See* paras. 229–230; P4923 (RS Presidential Order, 22 April 1995). *See also* P4914 (Richard Butler's expert report entitled "Srebrenica Military Narrative (Revised): Operation 'Krivaja 95'", 1 November 2002), para. 2.17.

19842 *See* Section II. C.1.a: Establishment and composition of the VRS.

19843 *See* paras. 160, 3141.

19844 *See* paras. 3130, 3141.

19845 *See* paras. 5008, 5018, 5688.

investigative commission.[19846] In the Chamber's view, this establishes that as late as 1996, the Accused not only had the authority to issue orders as Supreme Commander but also that his orders were followed in fact.[19847]

5842. As noted above, the Law on the Army set out the Accused's exclusive competence in terms of the initial commission of officers, their subsequent appointment, transfer, and termination of service of officers with the rank of General.[19848] Further, the Chamber found earlier that by the time of the events in the Srebrenica component of the case, military courts were functioning.[19849] Therefore taking all these circumstances into account, in particular the nature of the orders the Accused had the authority to give, the nature of his position and the powers resulting therefrom, and the fact that military court system was functioning at the relevant time, the Chamber is satisfied that the Accused had the material ability to punish the killings that occurred prior to the point at which he agreed to the killing aspect of the Srebrenica JCE on 13 July 1995.

*iv. Knowledge or "reason to know"*

5843. The Chamber has found above that the Accused learned of the expansion of the plan to eliminate such that it involved killing the Bosnian Muslim men and boys of Srebrenica sometime before he spoke to Deronjić at approximately 8 p.m. on 13 July.[19850] Further, the Chamber recalls its finding that Deronjić specifically informed the Accused about the Kravica Warehouse killings at least by the time they met alone prior to a meeting with a larger group from Srebrenica on 14 July.[19851] The Chamber is therefore satisfied that the Accused knew of the large scale Kravica Warehouse killings by the day after they were committed. Considering that, at a minimum, this news put the Accused on notice that members of the Bosnian Serb Forces had killed hundreds of Bosnian Muslim detainees who had been in their custody following the fall of the Srebrenica enclave, the Chamber finds that the Accused possessed sufficiently alarming information to justify further inquiry into whether other unlawful acts had been committed.

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19846 *See* paras. 5793–5797.

19847 The Chamber recalls that the Accused had *de jure* authority which he exercised in fact over the military in the RS, including its justice systems, throughout the Indictment period, as demonstrated by his executive action acquitting David Rohde of espionage on 8 November 1995. *See* paras. 3157, 3412. 5792. The Chamber further notes that, two days after the issuance of the 23 March 1996 Order, Vasić held a meeting in Zvornik pursuant to its terms. *See* para. 5794.

19848 *See* para. 167. The Chamber recalls that the Accused himself acknowledged at the Bosnian Serb Assembly that if he did not trust Mladić, he would have dismissed him as he had the authority to do that. *See* para. 3146.

19849 *See* para. 3412.

19850 *See* para. 5811.

19851 *See* para. 5808.

*v. Failure to take necessary and reasonable measures*

5844. The Chamber recalls that the duty of a superior to punish will be fulfilled when necessary and reasonable, or feasible, measures to punish perpetrators have been taken.[19852] "Necessary" measures are the measures appropriate for the superior to discharge his obligation (showing that he genuinely tried to punish) and "reasonable" measures are those reasonably falling within the material powers of the superior.[19853]

5845. First, the Chamber has found that the Accused had the material ability to remove from service the perpetrators of the killings about which he had received information. Instead of doing so, upon learning of the large scale killings which had just occurred, not only did the Accused take no steps to remove the perpetrators from service, but he joined in the killing aspect of the plan to eliminate.[19854]

5846. With regard to the orders issued by the Accused in March 1996, the Chamber recalls that the 23 March 1996 Order was issued within two days of the U.S. government's release of aerial photographs showing a large number of bodies lying in a field near Branjevo Military Farm on 17 July 1995, and within one day of Madeleine Albright's visit to the Branjevo Military Farm on 22 March 1996.[19855] In addition, the Chamber notes that the day before the order's issuance the

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19852 *Popović et al.* Appeal Judgement, para. 1927.

19853 *Popović et al.* Appeal Judgement, para. 1927.

19854 The Chamber recalls that, for a period in August 1995, the Accused removed Mladić as Commander of the VRS and appointed him as Special Advisor to the Supreme Commander. However, on 27 August, he abrogated this decision. *See* paras. 174, 3138. Around the same time, the Accused also praised and recognised VRS Commanders for their actions in Srebrenica. *See* para. 5789. The Chamber also recalls that other members of the Srebrenica JCE continued to exercise their functions in the VRS unhindered. *See inter alia* P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), e-court pp 310–311 (recording a meeting held on 22 August 1995 between VRS officers and Rupert Smith which was attended, among others, by Mladić and Popović); Vujadin Popović, T. 43138–43139 (6 November 2013); P1489 (Ratko Mladić's notebook, 28 August 1995–15 January 1996), e-court p. 117 (recording a meeting of the Main Staff held on 19 November 1995 which was attended, among others, by Mladić and Beara), e-court pp. 123, 126 (recording a meeting of the Main Staff held on 22 November 1995 which was attended, among others, by Mladić and Beara); e-court pp. 189, 201 (recording a meeting of the *collegium* of Main Staff Commanders held on 24 December 1995 which was attended, among others, by Mladić and Beara); pp. 231 (recording a meeting of the RS core leadership held on 31 December 1995 which was attended, among others, by the Accused, Mladić, and Beara); P1490 (Ratko Mladić's notebook, 16 January–28 November 1996), p. 8 (recording a meeting of the expanded *collegium* of Main Staff Commanders held on 16 January 1996 which was attended, among others, by Mladić and Beara), e-court pp. 36, 72–73, 88 (recording three briefings of Main Staff organs held on 4 March, 29 April, and 10 June 1996, which were attended, among others, by Mladić and Beara), e-court p. 82 (recording a meeting held on 30 May 1996 attended by Beara), pp. 124, 128 (recording a meeting held on 16 September 1996 attended by Beara), e-court pp. 132, 138 (recording a meeting of the *collegium* of Main Staff Commanders held on 12 October 1996 which was attended, among others, by Mladić and Beara), e-court p. 141 (recording a meeting of the Main Staff with the VJ's General Staff held on 15 October 1996 which was attended, among others, by Mladić and Beara), e-court p. 158 (recording a meeting of the expanded *collegium* of Main Staff Commanders held on 14 November 1996 which was attended, among others, by Mladić and Beara); e-court pp. 163–164 (recording a meeting of Main Staff Generals held on 15 November 1996 which was attended, among others, by Mladić and Beara).

19855 *See* para. 5451. The Accused argues that the 23 March 1996 Order's reference to the "arbitrary and biased conclusions" drawn by Albright and "media experts" demonstrates that at the time, he did not believe the

Accused warned Mladić that, "[i]f they expand the campaign then they would form a joint commission [...] to investigate the killing of every individual",[19856] as well as by the fact that Predrag Drinić's attempt to implement the 23 March 1996 Order was met with silence from the Main Staff.[19857] In the Chamber's view, the fact, despite the Accused's long-standing awareness of the killings in Pilica, he took no action until that point, the 23 March 1996 Order was a response to international pressure created by the release of the photos and Albright's visit, not a genuine attempt to shed light on what had actually transpired.

5847. In light of all the evidence, the Chamber finds that the Accused failed in his duty to punish the killings which occurred prior to the point at which he joined the Srebrenica JCE on the evening of 13 July 1995. Although he should have taken steps to investigate these crimes and punish the perpetrators either immediately upon learning of them or soon thereafter, the Accused issued the 23 March 1996 Order and the 1 April 1996 Order, more than eight months after the killings in question. In his capacity as Supreme Commander, the Accused had a duty to do more than that.

*vi. Conclusion*

5848. Based on the evidence discussed above, the Chamber finds that the Accused knew that crimes had been committed by his subordinates in the aftermath of the fall of the Srebrenica enclave, and had reason to know that others had also been committed. The Accused failed in his duty as Supreme Commander to take necessary and reasonable measures to punish the commission of genocide, murder, extermination, and killing as an underlying act of persecution. He is therefore criminally responsible for such failures pursuant to Article 7(3) of the Statute.

d. Conclusions: Accused's individual criminal responsibility

5849. The Chamber found above that as Srebrenica fell, a common plan to eliminate the Bosnian Muslims in Srebrenica—first through forcible removal and later through the killing of the men and boys—was established, that the Accused significantly contributed to this common purpose, and that he shared with the other members of the Srebrenica JCE the intent for the crimes within its scope. Accordingly, the Chamber finds that the Accused bears individual criminal responsibility pursuant to Article 7(1) of the Statute for genocide (Count 2); persecution, a crime against humanity (Count 3); extermination, a crime against humanity (Count 4); murder, a crime against humanity (Count 5);

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allegations of large-scale executions. Defence Final Brief, para. 3145. The Chamber refers to its analysis of the Accused's membership in the Srebrenica JCE at paras. 5804–5811, 5813.

19856 P1490 (Ratko Mladić's notebook, 16 January–28 November 1996), e-court p. 47.

19857 *See* para. 5794.

murder, a violation of the laws or customs of war (Count 6); and inhumane acts (forcible transfer), a crime against humanity (Count 8), which were found to have been committed in Srebrenica.

5850. In addition, the Chamber found that the Accused failed to punish the crimes of his subordinates which occurred before he agreed to the killing aspect of the Srebrenica JCE. Therefore, the Accused also bears individual criminal responsibility pursuant to Article 7(3) of the Statute in relation to genocide (Count 2); persecution, a crime against humanity (Count 3); extermination, a crime against humanity (Count 4); murder, a crime against humanity (Count 5); and murder, a violation of the laws or customs of war (Count 6). However, since the Chamber has already found the Accused responsible for genocide on the basis of his participation in the Srebrenica JCE as set out above, the Chamber will not enter a conviction pursuant to Article 7(3) of the Statute in relation to Count 2.[19858]

5851. The Chamber will address address the issue of cumulative convictions in Section IV.F. below.

### D. HOSTAGES COMPONENT

5852. In Count 11, the Accused is charged with taking hostages as a violation of the laws or customs of war punishable under Article 3 of the Statute and Common Article 3. The Indictment alleges that on 25 and 26 May 1995, in response to shelling attacks on Sarajevo and other locations in BiH by the Bosnian Serb Forces, NATO carried out air strikes against Bosnian Serb military targets.[19859] It is further alleged that between 26 May and 19 June 1995, over 200 UN peacekeepers and military observers in various locations across BiH were taken hostage by Bosnian Serb Forces.[19860] According to the Indictment, the purpose of taking the UN personnel hostage was to compel NATO to abstain from conducting further air strikes against Bosnian Serb military targets.[19861] The Accused is charged both under Article 7(1) of the Statute for having committed in concert with others, through his participation in a JCE, planned, instigated, ordered, and/or aided and abetted the taking of these hostages, and under Article 7(3) as a superior for failing to take the necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.[19862]

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19858 *See* para. 591.
19859 Indictment, para. 85.
19860 Indictment, para. 86.
19861 Indictment, para. 84.
19862 Indictment, para. 87.

1. Facts

a. NATO air strikes

5853. As stated earlier, the situation in Sarajevo and BiH deteriorated further in May 1995.[19863] In Sarajevo in early May 1995, tensions between the VRS and the ABiH increased.[19864] On 16 May 1995, there was intense shelling in Grbavica.[19865] Fighting southwest of the Jewish cemetery escalated significantly.[19866] The VRS used weapons from the Osijek WCP to break through the ABiH defence.[19867] The shelling continued the following day.[19868]

5854. On 22 May 1995, the activity of NATO jets flying overhead in Goražde increased.[19869] The VRS had removed heavy weapons from the WCPs near Sarajevo, as did the ABiH, and fighting escalated.[19870]

5855. On 24 May 1995, there was intense shooting in Grbavica and NATO planes flew over the area.[19871] The VRS removed more heavy weapons from the WCP following an increase in the fighting and refused to return them.[19872] Smith called Mladić to express his concern that, in and around Sarajevo, weapons were not being returned to the WCPs and that heavy weapons were being fired from there.[19873] Smith stated that he would issue a warning to both parties and release it to the press.[19874] The warning was that if the weapons were not returned to the WCPs by 12 p.m. on 25 May 1995, then NATO air strikes would commence.[19875] Smith told Mladić that they should meet as soon as possible to discuss a way in which the Sarajevo TEZ could be respected.[19876]

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19863 *See* paras. 416–418.

19864 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4. *See also* para. 3608.

19865 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4.

19866 P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 74.

19867 P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 74.

19868 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4.

19869 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), e-court p. 4.

19870 P820 (Witness statement of David Harland dated 4 September 2009), para. 183; P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 188.

19871 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 5.

19872 Rupert Smith, T. 11366–11367 (8 February 2011). *See also* Adjudicated Fact 2792.

19873 Rupert Smith, T. 11367–11368 (8 February 2011); P2267 (UNPROFOR report re telephone conversation with Ratko Mladić, 25 May 1995), p. 2.

19874 Rupert Smith, T. 11367–11368 (8 February 2011); P2267 (UNPROFOR report re telephone conversation with Ratko Mladić, 25 May 1995), p. 2.

19875 Rupert Smith, T. 11367–11368 (8 February 2011); P820 (Witness statement of David Harland dated 4 September 2009), para. 183; Patrick Rechner, T. 11083–11084 (2 February 2011). *See also* P5012 (UNPROFOR report re Sarajevo heavy weapon exclusion zone, 25 May 1995).

19876 P2267 (UNPROFOR report re telephone conversation with Ratko Mladić, 25 May 1995), p. 2.

Mladić agreed to meet but reiterated that the use of force by the UN would lead to a further escalation of the conflict.[19877]

5856. On 25 May 1995, after the failure of the VRS to return heavy weapons to the WCPs, NATO was authorised by the UN to launch air strikes against Bosnian Serb military targets in Pale.[19878] Smith stated that the purpose behind the air strikes was to re-impose the TEZ and the WCP regime, which were both breaking down.[19879] Two air strikes were conducted: the first at 4 p.m. striking Jahorinski Potok and the second at 4:25 p.m. striking Ravna Planina.[19880]

b. VRS response to NATO air strikes

5857. On 25 May 1995, the Accused ordered Milovanović to "activate" a decision made the previous year ordering the VRS to "arrest everything foreign in RS territory and to treat military personnel as prisoners of war and hold them as hostages till the end of the war".[19881] Consequently, Živanović issued an order to all units of the Drina Corps that following the NATO air strikes, the VRS should respond by conducting operations against selected targets and "if UNPROFOR continues its operations against our military and civilian targets, all units of the Corps must be on stand-by for action against UNPROFOR checkpoints and bases".[19882] It further ordered the prevention of all movement of UNPROFOR vehicles and of all other international organisations in the area and to fire on UNPROFOR if fired upon.[19883]

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19877 P2267 (UNPROFOR report re telephone conversation with Ratko Mladić, 25 May 1995), p, 2.

19878 P5019 (UNPROFOR report re air strike near Pale, 25 May 1995); Rupert Smith, T. 11368 (8 February 2011); P2177 (UNMO report, 25 May 1995), p. 1; Patrick Rechner, T. 11084 (2 February 2011); D3488 (Yasushi Akashi's interview with Joint Information Mission at French National Assembly, 26 April 2001), e-court p. 9. The basis for this authorisation was UN Security Council Resolution 836 (1993). P985 (UNSC Resolution 836, 4 June 1993); David Harland, T. 2121–2123 (7 May 2010). On 25 May 1995, approximately 30 minutes following the NATO air strike, the 7 Lima UNMO Team was informed by the UNMO headquarters that the air strike had been carried out by NATO on behalf of the UN. P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 18. *See also* P820 (Witness statement of David Harland dated 4 September 2009), para. 183; Yasushi Akashi, T. 37706 (24 April 2013); D3489 (Excerpt from Yasushi Akashi's book entitled "In the Valley between War and Peace"), pp. 31–32; P5012 (UNPROFOR report re Sarajevo heavy weapon exclusion zone, 25 May 1995). On 25 and 26 May 1995, the SRK took a number of heavy weapons from the WCPs. Adjudicated Fact 2795.

19879 P2270 (UNPROFOR report, 29 May 1995), p. 1.

19880 P2177 (UNMO report, 25 May 1995), p. 1; P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), p. 147; D2149 (Aide mémoire of Manojlo Milovanović), p. 56. One of the targets was an ammunition depot 300 metres away from the SE-1 UNMO team and approximately five to ten kilometres from the 7 Lima UNMO team, which was chosen because of its military significance and the unlikely chance that there would be civilian casualties. Rupert Smith, T. 11368 (8 February 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 6; Patrick Rechner, T. 11083 (2 February 2011). *See also* P6575 (Report of VRS Main Staff, 25 May 1995).

19881 D2149 (Aide mémoire of Manojlo Milovanović), pp. 56–57.

19882 P2149 (Order of Drina Corps, 25 May 1995), p. 1.

19883 P2149 (Order of Drina Corps, 25 May 1995), p. 1.

5858. On the evening of 25 May 1995, the VRS shelled all the safe areas, which also included an attack on Tuzla and Goražde that killed approximately 70 civilians and injured 150 others.[19884] The following day, NATO air strikes started again around 10 a.m. in Pale and continued until 12 p.m.[19885] The VRS fired weapons from the Bare, Ilidža, Osijek, and Polinje WCPs in the afternoon, after the expiration of the deadline to return those weapons.[19886] There were 44 reported incidents involving firing of heavy weapons within the Sarajevo TEZ.[19887] Negotiations between UNPROFOR and the SRK commander for the return of the weapons continued.[19888]

5859. On 26 May 1995, Dragomir Milošević issued an order to all units of the SRK to immediately establish a full blockade of UN forces at check-points and on all roads in the "entire zone of the Corps" and to "use additional forces if the blockade is detected by the UN forces".[19889]

5860. On 27 May 1995, the VRS Main Staff issued an order, approved by the Accused, to the commands of the 1st Krajina Corps, 2nd Krajina Corps, SRK, Eastern Bosnia Corps, Herzegovina Corps, Drina Corps, as well as other VRS units, stating that based on information that NATO will continue its air strikes on important targets in the RS, captured UNPROFOR personnel were to be disarmed and placed in "the areas of command posts, firing positions and other potential targets that may come under the air strike".[19890] The order provided for the exact number of UNPROFOR personnel to be detained,[19891] the location where they should be sent, the manner in which they should be transported, as well as an instruction that "they are to be treated properly with military

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19884 Rupert Smith, T. 11369 (8 February 2011). *See also* P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2171 (UNPROFOR report, 27 May 1995), p. 2; D1055 (UNPROFOR report to Kofi Annan, 27 May 1995), e-court p. 4; P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 74; P820 (Witness statement of David Harland dated 4 September 2009), para. 183; D1051 (UNPROFOR report on air strikes, 26 May 1995); P5013 (UNPROFOR report re air-strikes in Bosnia, 26 May 1995); *see* Adjudicated Fact 2794. *See also* P6573 (Cable of Akashi to Annan re Air Strikes - Sarajevo, 26 May 1995).

19885 D1051 (UNPROFOR report on air strikes, 26 May 1995); Patrick Rechner, T. 11084 (2 February 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 6; *see* Adjudicated Fact 2796.

19886 P2171 (UNPROFOR report, 27 May 1995), p. 1.

19887 There were 16 reported incidents of weapons fired from the WCPs and eight VRS weapons still remaining in the TEZ. P2171 (UNPROFOR report, 27 May 1995), p. 2.

19888 P2414 (Witness statement of KDZ182 dated 8 March 2011), p. 74 (under seal).

19889 P6097 (SRK Order, 26 May 1995); Dragomir Milošević, T. 33228–33231 (5 February 2013) (testifying that while he did issue this order to detain UN personnel, the portion of the order stating "do not take into account any UN requests regarding the supplies of food, water, etc." did not pertain to the treatment of detained UN personnel, but rather to UN supply convoys and that UN personnel were treated as prisoners of war and provided with food and water). Dragomir Milošević, T. 33228–33231, 33247–33249 (5 February 2013).

19890 P2137 (VRS Main Staff Order, 27 May 1995), p. 1. *See also* P2151 (Order of Drina Corps, 27 May 1995), pp. 1–2 (implementing the order); Jonathon Riley, T. 10784 (26 January 2011).

19891 Specifically it stated that 18 UNPROFOR members be sent to the 2nd Krajina Corps, 40 UNPROFOR members sent to the 1st Krajina Corps, 27 UNPROFOR members sent to the Eastern Bosnia Corps, and 18 UNPROFOR members sent to the Herzegovina Corps. P2137 (VRS Main Staff Order, 27 May 1995), p. 1.

respect, treat them as prisoners of war and provide them with food and water like the VRS troops".[19892]

5861. On the same day, an urgent message was sent from the Intelligence and Security Sector of the VRS Main Staff, recommending the 1st Krajina Corps, 2nd Krajina Corps, the SRK, the Eastern Bosnian Corps, and the Herzegovina Corps to place the "captured members of UN forces" in areas of possible NATO air strikes.[19893] The next morning, the VRS again shelled Tuzla.[19894]

5862. As will be explained in further detail below, on 26 May 1995 following the NATO air strikes, a number of UNPROFOR and UNMO personnel throughout BiH were detained by the VRS.[19895] Some were taken from their posts or WCPs to various locations in the RS, such as the Bijeljina Barracks, the Lukavica Barracks, Jahorinski Potok, or Banja Luka.[19896] Others were simply detained at their locations by the VRS.[19897]

5863. By 29 May 1995, UNPROFOR estimated that approximately 347 UN personnel, including 32 UNMOs, were detained as "hostages" at their OPs and WPCs or held in isolated detachments, surrounded by Bosnian Serb Forces.[19898] Some of the UN personnel were held in locations of military significance for the VRS.[19899]

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19892 P2137 (VRS Main Staff Order, 27 May 1995), pp. 1–2.

19893 P2147 (VRS Main Staff Report, 27 May 1995), p. 1.

19894 P2269 (UNPROFOR report re telephone conversation with Ratko Mladić, 29 May 1995), p. 2.

19895 P2171 (UNPROFOR report, 27 May 1995), p. 1; P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 190. *See also* P2172 (UNMO report, 26 May 1995), e-court p. 4; P2173 (UNPROFOR report, 28 May 1995), p. 5; P2136 (Map of BiH); P2145 (Map of BiH); P2142 (Map of BiH); P2162 (Map of BiH); P2173 (UNPROFOR report, 28 May 1995), pp. 1–6. In Sector Sarajevo, approximately 260 UNPROFOR personnel were taken by the VRS. P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 75

19896 *See* P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 75; P2140 (Witness statement of KDZ196 dated 10 March 1998), pp. 6–7 (under seal); P2142 (Map of BiH); P5024 (Annex A to UNPROFOR report re UN hostages, 2 June 1995); P2171 (UNPROFOR report, 27 May 1995); P2172 (UNMO report, 26 May 1995); P2173 (UNPROFOR report, 28 May 1995); P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996); P2136 (Map of BiH); P2145 (Map of BiH); P2184 (Serbian TV news report re UN personnel, with transcript); P5013 (UNPROFOR report re air-strikes in Bosnia, 26 May 1995); P2179 (Video footage of UN personnel); P2180 (Video footage of UN personnel); P2181 (Video footage of UN personnel); P2432 (UNPROFOR protest letter to SRK, 3 June 1995). UNPROFOR personnel were taken to other locations, including Ilijaš, Rogatica, Sokolac, Knežina, Vlasenica, Vogosča, Višegrad, Blazuy, Milići, Bratunac, and Zvornik. P2150 (UK Report entitled "Final Debriefing Report - Goražde Hostages," 3 July 1995); P5024 (Annex A to UNPROFOR report re UN hostages, 2 June 1995).

19897 *See* P2171 (UNPROFOR report, 27 May 1995); P2172 (UNMO report, 26 May 1995); P2173 (UNPROFOR report, 28 May 1995); P2145 (Map of BiH); P2270 (UNPROFOR report, 29 May 1995); P5024 (Annex A to UNPROFOR report re UN hostages, 2 June 1995); P5013 (UNPROFOR report re air-strikes in Bosnia, 26 May 1995); P2432 (UNPROFOR protest letter to SRK, 3 June 1995).

19898 P2178 (UNMO report, 30 June 1995); P2270 (UNPROFOR report, 29 May 1995), p. 1; P5023 (UNPROFOR report, 29 May 1995); P2173 (UNPROFOR report, 28 May 1995), p. 1; P2171 (UNPROFOR report, 27 May 1995); P2172 (UNMO report, 26 May 1995), e-court, pp. 3–4.

19899 P2146 (VRS Main Staff Report, 26 May 1995); P2147 (VRS Main Staff Report, 27 May 1995); P2171 (UNPROFOR report, 27 May 1995); P2172 (UNMO report, 26 May 1995), e-court, pp. 3–4; P2173

c. Detention and treatment of UN personnel

*i. General observations*

5864. UNPROFOR and UNMO personnel were stationed throughout BiH. However, the charges in the Indictment under Count 11 focus on the UNPROFOR and UNMO teams located in Sector Sarajevo, in particular in the areas of Pale, Sarajevo, Banja Luka, and Goražde.[19900]

5865. As mentioned earlier,[19901] UNPROFOR's responsibilities included monitoring the DMZ and the TEZ, and reporting any incoming or outgoing fire.[19902] UNPROFOR teams in Sarajevo were also tasked with escorting UNHCR convoys into the city and overseeing the supply of water, gas, and electricity.[19903] Further responsibilities included observing the parties, reporting any cease-fire violations, controlling traffic, and ensuring free passage for all UN vehicles.[19904]

5866. The role of the UNMO teams included working with the parties to the conflict, monitoring the implementation of cease-fire agreements, monitoring WCPs, reporting on any incoming or outgoing shelling, and drafting investigating reports about shooting incidents.[19905] All UNMO teams were unarmed.[19906]

5867. In 1995 in the city of Sarajevo, there were approximately 5,000 UNPROFOR personnel comprised of troops mainly from France, Russia, Ukraine, and Egypt.[19907] Sector Sarajevo UNPROFOR had six battalions and one detachment in charge of the Sarajevo airport.[19908] In

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(UNPROFOR report, 28 May 1995); P2178 (UNMO report, 30 June 1995). For locations where the UN personnel were held, *see* P2136 (Map of BiH); P2142 (Map of BiH); P2162 (Map of BiH); P2145 (Map of BiH).

19900 Indictment, para. 86.

19901 For more details on UNPROFOR and UNMO, *see* Section II.E.2: Vance Plan.

19902 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), e-court p. 4; P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 4; P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 44; Michael Rose, T. 7256, 7260 (5 October 2010); P820 (Witness statement of David Harland dated 4 September 2009), paras. 79–80.

19903 P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 4.

19904 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 4.

19905 Patrick Rechner, T. 11078 (2 February 2011); Marcus Helgers, T. 10747 (26 January 2011); P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4.

19906 Marcus Helgers, T. 10747 (26 January 2011); Patrick Rechner, T. 11078 (2 February 2011); P4140 (Witness statement of Joseph Kingori dated 8 January 2002), para. 5. *But see* D2762 (Witness statement of KW554 dated 14 September 2012), para. 26 (stating that many of the UNMO teams were armed). On cross-examination, KW554 clarified that he was only familiar with the Canadian UNMO team and that the UNMO teams he thought had weapons were not part of the group that was taken hostage in May 1995. KW554, T. 32034–32035 (16 January 2013). Given the inconsistency of KW554's evidence, his deficiency in candour, and based on the totality of the evidence, the Chamber concludes that the UNMOs were unarmed.

19907 P2447 (Witness statement of KDZ182 dated 8 March 2011), para. 6; D2774 (Witness statement of Milenko Indić dated 19 January 2013), para. 78.

19908 P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 5.

Goražde, the UNPROFOR team was comprised of approximately 400 members of BritBat and one Ukrainian company of approximately 100 men.[19909]

5868. It was estimated that approximately 260 UNPROFOR personnel in Sector Sarajevo were taken and detained by the VRS.[19910] More specifically, a FreBat team stationed in Polinje was taken first to the Bijelina Barracks and then detained in Doboj.[19911] A FreBat team stationed at the Lukavica Barracks was detained there.[19912] Another FreBat team stationed at the Sierra Victor post near the Vrbanja Bridge was attacked and detained at the Lukavica Barracks.[19913] A UkrBat team in Sarajevo was taken to Bijeljina and then detained in Banja Luka.[19914] Members of the BritBat team based in Goražde were taken to various locations.[19915]

5869. The detained UNMOs in Sector Sarajevo were posted in areas such in Grbavica,[19916] Kasindo, Vogošća, and Pale.[19917] The UNMO team posted in the Bosnian Serb controlled area of Grbavica was taken to Jahorinski Potok and detained in the Pale Barracks.[19918] A UNMO team in Kasindo was taken to Grbavica, then to Pale, and detained at the Jahorina radar station.[19919] A UNMO team in Vogošća was detained in their accommodations and not allowed access to any communication.[19920] In Pale, there were two UNMO teams: the 7 Lima UNMO team and the SE-1

19909 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), e-court p. 4.

19910 P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 75.

19911 [REDACTED]; P2142 (Map of BiH).

19912 P5024 (Annex A to UNPROFOR report re UN hostages, 2 June 1995), p. 1.

19913 P2171 (UNPROFOR report, 27 May 1995), p. 1; P5024 (Annex A to UNPROFOR report re UN hostages, 2 June 1995), p. 2; [REDACTED]; P2433 (UNPROFOR protest letter to SRK, 3 June 1995); P5924 (UNPROFOR report, 27 May 1995); D1058 (UNPROFOR report to Marrack Goulding, 30 May 1995).

19914 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996); P2136 (Map of BiH).

19915 P2150 (UK Report entitled "Final Debriefing Report - Goražde Hostages", 3 July 1995) (indicating that locations included Rogatica, Sokolac, Knežina, Vlasenica, Milići, Bratunac, and Zvornik).

19916 One of the UNMO teams in Grbavica was posted in the Bosnian Serb controlled area in the centre of Sarajevo. The other UNMO team in Grbavica was posted in the Bosnian Muslim area of Sarajevo. P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4; P2171 (UNPROFOR report, 27 May 1995), p. 5. Grbavica was a neighbourhood in the municipality of Novo Sarajevo, located in the southern-central part of the city of Sarajevo. Adjudicated Fact 65.

19917 P2171 (UNPROFOR report, 27 May 1995); P2172 (UNMO report, 26 May 1995); P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4.

19918 P56 (Witness statement of Joseph Gelissen dated 18 January 1996).

19919 P49 (Witness statement of Gunnar Westlund dated 22 November 1995); P2117 (Witness statement of Marcus Helgers dated 3 August 1995).

19920 P2171 (UNPROFOR report, 27 May 1995), p. 4; P2172 (UNMO report, 26 May 1995), e-court p. 3; P2145 (Map of BiH).

UNMO team.[19921] They were taken to Jahorinski Potok and detained at the Koran Barracks in Pale.[19922]

5870. The Chamber will now examine in more detail the sequence of events in relation to some of these UNMO and UNPROFOR teams.

*ii. Evidence from the UkrBat team in Sarajevo*

5871. On 26 May 1995, members of the UkrBat team, including Aleksandr Vishnevski, were at the Zaria check-point when members of the VRS MP arrived.[19923] The VRS commander ordered that "in order to avoid bloodshed due to the NATO air strike on the Energoinvest plant", the UkrBat team should hand over their weapons and the MP would take them to a safe place.[19924] While the UkrBat team initially handed over their weapons, the team's lieutenant ordered that they stop doing so after Vishnevski had told him that he had seen on television the FreBat team being taken from their post, handcuffed, and treated harshly by some VRS soldiers.[19925] A clash ensued with the MP demanding that the UkrBat team hand over their remaining weapons.[19926] The MP commander put his pistol to the UkrBat Lieutenant's head and threatened to fire if the UkrBat team failed to comply.[19927] Two UkrBat team members attempted to intervene and hit some of the MP.[19928] The MP then fired in the UkrBat team's direction, above their heads, and ordered them to lie down.[19929] The UkrBat team members ultimately surrendered their weapons.[19930] The UkrBat team was then taken to the police station in Ilidža, moved to a hotel for several hours, and driven back to the Zaria check-point where they spent the night.[19931]

5872. On 27 May 1995, at 4 a.m., they were woken up and told to collect their belongings.[19932] They boarded a bus going in the direction of Krivoglavci.[19933] The bus stopped at the Palub check-

19921 P2171 (UNPROFOR report, 27 May 1995), p. 4.

19922 Janusz Kalbarczyk, T. 10832–10859 (28 January 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995); P2173 (UNPROFOR report, 28 May 1995).

19923 Members of this squad were dressed in Bosnian Serb MP uniforms with black armlets around their sleeves. P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), pp. 1–2.

19924 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2; Aleksandr Vishnevski, T. 10707, 10714 (25 January 2011).

19925 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2; Aleksandr Vishnevski, T. 10707–10708 (25 January 2011).

19926 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2.

19927 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2.

19928 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2.

19929 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2.

19930 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2.

19931 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2.

19932 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2; P2138 (VRS Main Staff Report, 28 May 1995), p. 6.

point and five other UNPROFOR personnel were brought onboard.[19934] The bus, escorted by two VRS MP vehicles, arrived in Bijeljina where Vishnevski saw a group of 14 FreBat team members who had also been detained.[19935] The bus continued to Banja Luka where the UkrBat team members were taken to barracks near an airfield.[19936] They were ordered to separate into smaller groups.[19937] They refused to obey the order and as a result their flak jackets, shoulder straps, and shoe laces were taken away.[19938] They were told that they must carry out the orders of the MP and that they were held captive in order to force NATO to stop the air strikes against Bosnian Serb military positions.[19939] Leashed German shepherd dogs were set on the UkrBat team so that they were forced to move into the barracks.[19940] UkrBat members were detained in the Banja Luka Barracks until their release.[19941] During their detention, they received very little food and only cold water was available to wash but no towels or soap.[19942] They were released on 6 June 1995, transferred to Novi Sad, and flown to Zagreb.[19943]

*iii. Evidence from the UNMO team in Kasindo*

5873. The UNMO team in Kasindo, south of Sarajevo, had six members, including Marcus Helgers, Ahmad Manzoor, and Gunnar Westlund, the acting team leader.[19944] On 25 May 1995, after the first NATO air strike, a uniformed man claiming to be a VRS security officer entered the accommodations of the UNMO team in Kasindo.[19945] He informed them that there had been a

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19933 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2; Aleksandr Vishnevski, T. 10710, 10715 (25 January 2011).

19934 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 2.

19935 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3; Aleksandr Vishnevski, T. 10712 (25 January 2011); P2138 (VRS Main Staff Report, 28 May 1995), p. 6.

19936 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3; Aleksandr Vishnevski, T. 10709, 10711–10712 (25 January 2011); P2137 (VRS Main Staff Order, 27 May 1995), p. 1.

19937 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3; Aleksandr Vishnevski, T. 10708 (25 January 2011).

19938 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3; Aleksandr Vishnevski, T. 10708 (25 January 2011).

19939 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3 (first stating that they were told that they were "prisoners of war" but later explaining that they were informed that they "had been taken hostage").

19940 Aleksandr Vishnevski, T. 10708 (25 January 2011).

19941 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3; *see also* Aleksandr Vishnevski, T. 10708–10709 (25 January 2011); P2137 (VRS Main Staff Order, 27 May 1995), p. 1; P2136 (Map of BiH).

19942 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3.

19943 P2135 (Record of interview with Aleksandr Vishnevski, 5 February 1996), p. 3; Aleksandr Vishnevski, T. 10712–10713 (25 January 2011); P2139 (VRS Main Staff Order, 6 June 1995); P2136 (Map of BiH).

19944 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4; Marcus Helgers, T. 10747 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 2; P2171 (UNPROFOR report, 27 May 1995), p. 4 (stating that the call signal for the UNMO team in Kasindo was SS-1).

19945 Marcus Helgers, T. 10748 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 2; P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4. Although Westlund's witness statement states that the first NATO air strikes occurred on 24 May 1995, the Chamber finds that this is incorrect and the first NATO air strikes occurred on 25 May 1995.

NATO air strike against the Bosnian Serbs and that the UNMO team was under house arrest.[19946] They were told that their interpreter would be allowed to go to the VRS barracks with a list of items they may need.[19947]

5874. On 26 May 1995, at noon, Westlund heard the second NATO air strike and saw a large cloud of smoke on the other side of the mountains in the direction of Pale.[19948] At around 2 p.m., he heard Nicholas Ribić on the radio identifying himself as a VRS soldier and saying: "We have your Pale team. We will kill them if you do not stop the NATO air strikes".[19949] At 5:15 p.m., two armed soldiers wearing uniform-type trousers and green shirts with no insignia entered the UNMO office.[19950] They ordered the UNMO team to follow them immediately.[19951] The UNMO team was told to pack while their radios, flak jackets, and helmets were confiscated.[19952] Westlund and another UNMO were ordered to drive two UN vehicles with armed VRS soldiers sitting next to them.[19953] They were not told where they were going, but were ordered to take the back roads.[19954]

5875. The UNMOs eventually arrived in Grbavica, where they were taken to the basement of a civilian high-rise building where ten armed VRS soldiers were sitting.[19955] A stolen UN vehicle that had been painted black arrived and three armed men came out.[19956] The two soldiers who arrested the UNMO team appeared wearing stolen UN blue helmets and flak jackets; they were under the command of these three armed men.[19957] One of the soldiers ordered the UNMO team to take off their UN uniforms and to put on civilian clothing.[19958] The UNMOs did not have civilian clothing, so the soldiers gave them a combination of civilian clothes and old JNA uniforms to

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19946 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4; Marcus Helgers, T. 10748 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 2.

19947 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4.

19948 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4.

19949 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4. Patrick Rechner identifies Nicholas Ribić as a "Canadian of Serbian origin" who was a VRS soldier. Patrick Rechner, T. 11087 (2 February 2011).

19950 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court pp. 4–5.

19951 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4.

19952 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 4.

19953 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5 (specifying that the armed soldier was pointing the gun at him).

19954 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19955 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19956 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5 (noting that the individual who seemed to be the leader had a long beard, long black hair, was dressed in black, and did not seem to be a "regular VRS soldier").

19957 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19958 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5; Marcus Helgers, T. 10749 (26 January 2011).

wear.[19959] They were allowed to keep their identification cards, wallets, and cigarettes.[19960] The two soldiers who arrested the UNMO team drove away in the two UN vehicles taken from the UNMO office.[19961] The UNMO team was placed in the back of the black vehicle and driven towards Pale.[19962] Around 7 p.m., the vehicle reached the police station in Pale where the leader went inside; he then took them to a cafe in downtown Pale.[19963] There, the UNMO team was ordered to get out of the vehicle and line up on the pavement.[19964] Westlund saw many drunken VRS soldiers standing outside the cafe wearing stolen UN equipment.[19965] They also saw members of the 7 Lima UNMO team from Pale who had been captured earlier that day.[19966] Ribić told them: "You are now our prisoners and we are going to take you to the radar station where you will be locked-up to protect it".[19967] Ribić further stated that if there were any more NATO air strikes, one of the UNMOs would be shot, and if there was an air strike on the Mount Jahorina radar station, any of the UNMOs who survived would be executed afterwards.[19968] The UNMO team was then ordered to get into another stolen UN vehicle that had arrived at the cafe.[19969]

5876. Between 8 and 8:30 p.m., Westlund, Helgers, Manzoor, and other members of the UNMO team were driven to the Mount Jahorina ski resort and stopped *en route* at a cabin.[19970] The officer in charge came out of the cabin with three armed VRS soldiers.[19971] The officer spoke to Ribić and Ribić ordered Westlund to call the UNMO headquarters by radio and instructed him as follows: "Tell them that we will shoot you one by one if NATO does not stop the air strikes. Tell them that you are going to the Jahorina radar station where you will be locked up".[19972] When UNMO headquarters acknowledged the call, Ribić grabbed the radio, identified himself as a VRS soldier

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19959 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5; Marcus Helgers, T. 10749 (26 January 2011).

19960 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19961 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19962 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19963 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19964 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19965 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19966 P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 2; Patrick Rechner, T. 11103–11104 (2 February 2011).

19967 Although Westlund does not name Ribić, he states that he recognised his voice as that of the Bosnian Serb soldier from Canada who had previously spoken on the radio, in very good English, stating that he had detained the UNMO team in Pale. P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court pp. 5–6. Rechner and Helgers also testified that it was Ribić who was present and made these statements. Patrick Rechner, T. 11087–11088 (2 February 2011); Marcus Helgers, T. 10750 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 2.

19968 Marcus Helgers, T. 10750 (26 January 2011); Patrick Rechner, T. 11087–11088 (2 February 2011).

19969 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 5.

19970 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6; P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 2; Marcus Helgers, T. 10751 (26 January 2011).

19971 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6.

19972 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6.

and then repeated the message.[19973] Westlund, Helgers, and the UNMOs were ordered out of the vehicle and into a camouflaged Volkswagen minibus.[19974] Ribić and another soldier drove away in the stolen UN vehicle in the direction of Pale.[19975] The three remaining VRS soldiers were very drunk, aggressive, and hostile, and one of them hit three of the UNMOs on the head with the butt of a Kalashnikov rifle.[19976] They drove Westlund, Helgers, and the UNMOs up the mountain towards the Mount Jahorina radar station, which was approximately 50 metres from the main radar tower.[19977] When they arrived at the barracks, a man who introduced himself as the commander of the VRS unit gave the UNMOs paper to write down their names, nationalities, and ID numbers.[19978] He said he would send the information to the Lukavica Barracks so that the UNMO headquarters would know their whereabouts.[19979] He informed them that they were prisoners of war.[19980] Later, the UNMOs were warned that the area around the radar station was mined.[19981] They were told that they had been taken pursuant to orders from the Bosnian Serb President or the VRS command.[19982]

5877. On 27 May 1995, Westlund, Helgers, Manzoor, and the UNMOs were woken up at 4:45 a.m. and taken by three VRS soldiers towards the radar station 200 metres away.[19983] Near the radar station, they were taken to a small shelter that contained four beds, blankets, pillows, and a heater.[19984] Two of the UNMOs were told to go outside with their blankets.[19985] Two hours later, they returned and told Westlund that they had been forced to sit around the radar station with their blankets and had been guarded by two armed soldiers at all times.[19986] Next, Westlund and another UNMO were taken outside and forced to sit between the two radar antennas for two hours before returning to the shelter.[19987] At 3 p.m., three VRS soldiers entered the shelter.[19988] One of them was the battalion commander and ordered Westlund and Manzoor to get into a car.[19989] They were

19973 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6.
19974 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6.
19975 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6.
19976 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6; Marcus Helgers, T. 10751 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 3.
19977 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6 (specifying that after 20 minutes, the minibus stopped and they walked the rest of the way up the mountain).
19978 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6; P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 3.
19979 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6.
19980 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 6.
19981 Marcus Helgers, T. 10756–10757 (26 January 2011).
19982 Marcus Helgers, T. 10756–10757 (26 January 2011).
19983 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19984 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19985 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19986 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19987 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19988 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19989 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.

driven towards the radar station.[19990] Westlund was ordered to get out and the car was driven off with Manzoor still inside.[19991] Westlund and a VRS soldier walked 50 metres over a hill to a large army building which housed the radio communication centre.[19992] A VRS Lieutenant Colonel was present.[19993] Westlund was locked in a room on the second floor of the radio communications centre building.[19994] A younger deputy VRS commander told Westlund that he was under orders to shoot him if he attempted to escape.[19995] Westlund was kept in this building and given meals.[19996] After several days, Manzoor was brought back and detained with Westlund.[19997] Several times during the following days, Westlund heard NATO aircraft flying overhead.[19998] When this occurred Weslund and Manzoor were ordered to go outside until the flights passed.[19999]

5878. On 13 June 1995, Westlund was told that he would be released but that Manzoor would not.[20000] Westlund was released in Pale where he met a member of his team and eight UNMOs from other teams.[20001] There were members of the BritBat and FreBat teams who had also been released.[20002] Helgers, Manzoor, and other members of the UNMO team were released over the next few days.[20003]

*iv. Evidence from the UNMO team in Grbavica*

5879. The UNMO team posted in the Bosnian Serb controlled area of Grbavica included Joseph Gelissen, Sergey Golubev, and Harley Alves.[20004] On 26 May 1995, at 4 p.m., a group of VRS soldiers entered the UNMO team's house in Grbavica.[20005] The soldiers handcuffed Gelissen and Alves.[20006] They confiscated the UNMO's equipment and personal items.[20007] They were then

19990 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19991 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19992 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19993 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7 (specifying that the Lieutenant Colonel was the commander of the air defence complex).
19994 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 8.
19995 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 8.
19996 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 7.
19997 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 8.
19998 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 8.
19999 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 8.
20000 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 8.
20001 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 8; P2160 (UNPROFOR report re released hostages, 14 June 1995). *See also* March Helgers, T. 10758 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 3; para. 5936.
20002 P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court pp. 8–9.
20003 P2117 (Witness statement of Marcus Helgers dated 3 August 1995), e-court p. 4
20004 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4; P2171 (UNPROFOR report, 27 May 1995), p. 5.
20005 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 5.
20006 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 5.

taken outside by the VRS soldiers and placed in a vehicle, which had been painted black.[20008] Golubev remained behind at the UNMO team's house.[20009] The VRS soldiers stated that they had orders to detain the UNMOs and that the person in charge was Ribić.[20010] Gelissen and Alves were driven towards Pale and their car was joined by two other stolen UN cars, driven by VRS soldiers including Ribić.[20011] The cars were full of equipment taken from the UNMOs.[20012]

5880. In Pale, they stopped at a hospital, where they were made to wait on the staircase and filmed.[20013] They were surrounded by about 20 VRS soldiers and civilians who were very aggressive.[20014] At 5 p.m., they were driven to the front of the Pale Barracks where they were handcuffed to a flagpole.[20015] Romero Huelin and Griffith Evans, members of the 7 Lima UNMO team in Pale, were already there and also handcuffed to a second flagpole.[20016] They stayed handcuffed until 7 p.m.[20017] Gelissen saw NATO aircraft flying overhead and some of the VRS soldiers shouted at the aircraft and one VRS soldier made a gesture pretending to cut the UNMOs' throat.[20018] A VRS captain named Vojvodić was in charge and he sent a different set of soldiers to guard the UNMOs.[20019] At 7 p.m., the UNMOs were taken to the canteen to have dinner with the VRS soldiers.[20020] Thereafter, the UNMOs were taken back outside and handcuffed to the flagpoles again.[20021] Later in the evening, they were taken to a park where they rested.[20022] Other members from the 7 Lima UNMO team in Pale, including Patrick Rechner and Janusz Kalbarczyk, were brought in.[20023] All the UNMOs were then taken to a room in the Pale Barracks to sleep.[20024] Vojvodić explained to them that they were captured, that he could not give them any more

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20007 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 5.
20008 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20009 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20010 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20011 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20012 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20013 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20014 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20015 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20016 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6. *See* paras. 5918, 5921.
20017 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20018 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20019 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20020 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20021 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20022 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 6.
20023 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court pp. 6–7.
20024 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court pp. 6–7. The UNMOs included Gelissen, Alves, Rechner, Kalbarczyk, Evans, Huelin, and four others. P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

information, but that they should do as they were told because he was responsible for their safety.[20025]

5881. On 27 May 1995, at 10:30 a.m., all the UNMOs held at the Pale Barracks were driven in a truck to Jahorinski Potok and detained in a canteen.[20026] Alves and Kalbarczyk were taken to the radar station where they were filmed by Pale TV.[20027] While a NATO aircraft flew overhead, a Serbian reporter interviewed Alves and Kalbarczyk, who were handcuffed to the base of the radar station.[20028] Ribić came to see the UNMOs and told them they would be released in a few days.[20029] At 8 p.m., all the UNMOs were taken back to the Pale Barracks.[20030]

5882. On 28 May 1995, Gelissen and the UNMOs were detained in their room at the Pale Barracks the whole day while the two Russian UNMOs were released.[20031] Vojvodić had promised the UNMOs that they would be released soon but conditions at the Jahorinski Potok Barracks remained tense.[20032]

5883. On 31 May 1995, a VRS Major named Batinić came to see Gelissen and the UNMOs, he introduced himself as Vojvodić's superior.[20033] Gelissen asked if they could return to their accommodations to pick up their personal items, take a shower, and shave.[20034] Batinić promised to help them.[20035] At 3:40 p.m., Pale TV arrived and filmed the UNMOs.[20036] Vojvodić was present during the filming.[20037]

5884. On 1 June 1995, Gelissen was chosen by his fellow UNMOs to be their representative.[20038] They drafted a letter to Batinić stating that they knew that the VRS was referring to them as prisoners of war and as such, they made certain demands.[20039] At 8 p.m., two VRS officers from

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20025 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

20026 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

20027 P2143 (Serbian TV news report re UN personnel, with transcript); P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

20028 P2143 (Serbian TV news report re UN personnel, with transcript). *See also* Janusz Kalbarczyk, T. 10841–10843 (28 January 2011).

20029 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

20030 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

20031 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

20032 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 7.

20033 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20034 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20035 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20036 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20037 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20038 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20039 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8 (noting that these demands included having contact with their next of kin, access to the news, visits from a doctor, conversations with the Bosnian Serb authorities, a visit from the ICRC, and access to laundry and to their personal items). D3139

the Lukavica Barracks came to interrogate Evans and another UNMO about guided weapons systems because both men had backgrounds as pilots.[20040] At 9 p.m., the UNMOs had a meeting with Vojvodić, during which Gelissen gave Vojvodić the letter he had drafted and told him he would not allow Pale TV to film them anymore and even "threatened him with the International Tribunal in The Hague".[20041] Vojvodić got very nervous and promised to deliver the letter to Batinić.[20042]

5885. On 3 June 1995, Batinić visited the UNMOs.[20043] He informed them that he had received their letter and promised to take some action soon.[20044] On 5 June 1995, two doctors from the Pale hospital visited the UNMOs.[20045] The following day, Huelin was released as a result of the doctor's visit.[20046] The ICRC visited them on 8 and 9 June 1995.[20047] Professor Mirko Šošić, a doctor at the Koran Hospital, told Gelissen and the other UNMOs that they would soon be released.[20048] On 10 June 1995, some of the UNMOs were taken to the 7 Lima UNMO team's former accommodations and allowed to call their families.[20049]

5886. On 13 June 1995, Kalbarczyk, Westlund, and other UNMOs were released.[20050]

*v. Evidence from the FreBat teams*

(A) FreBat team at Lukavica

5887. FreBat had three posts in and around Sarajevo.[20051] On 26 May 1995, at 10:30 a.m., members of the FreBat team who were part of the armed platoon posted at the entrance of the

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(Excerpt from manuscript of Mirko Šošić); Patrick Rechner, T. 11114–11115 (2 February 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court pp. 9–10. They were not allowed to meet with the ICRC until 8 June 1995, despite the insistence from the ICRC that they be allowed access to the UNMOs. Patrick Rechner, T. 11115 (2 February 2011).

20040 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8; *see* para. 5924.

20041 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20042 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20043 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20044 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 8.

20045 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9; Mirko Šošić, T. 35756–35758 (21 March 2013); D989 (Medical report for UN personnel, 6 June 1995); D3139 (Excerpt from manuscript of Mirko Šošić).

20046 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9.

20047 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9.

20048 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9; Mirko Šošić, T. 5756–35758 (21 March 2013); D989 (Medical report for UN personnel, 6 June 1995); D3139 (Excerpt from manuscript of Mirko Šošić); D3138 (Witness statement of Mirko Šošić dated 17 March 2013), para. 10.

20049 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9.

20050 Janus Kalbarczyk, T. 10868–10869 (28 January 2011); P49 (Witness statement of Gunnar Westlund dated 22 November 1995), e-court p. 9; P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9. *See also* para. 5936.

20051 P2171 (UNPROFOR report, 27 May 1995), p. 1.

Lukavica Barracks were surrounded by armed VRS soldiers.[20052] At 12:30 p.m., a group of 30 armed men wearing VRS uniforms surrounded members of the other FreBat team located 800 metres away from the entrance.[20053] The VRS soldiers ordered this FreBat team to join the FreBat platoon team posted at the entrance of Lukavica Barracks.[20054] They refused to do so and waited for instructions from their headquarters.[20055] By this time, the second NATO air strike in Pale had occurred and the Bosnian Serbs wanted to take some FreBat members over to Pale to assess the damage that the civilian population had suffered.[20056] The FreBat Lieutenant in charge of the platoon at the entrance of the Lukavica Barracks refused.[20057] Tensions escalated.[20058] Five of the VRS tank crews were ordered to take up combat positions.[20059] FreBat also took up combat positions, prepared their rocket-launchers but were ordered not to load their guns.[20060] This confrontation lasted several hours.[20061]

5888. The FreBat team members at the entrance of the Lukavica Barracks were guarding their post when Milenko Inđić arrived and attempted to negotiate with the FreBat Lieutenant to surrender.[20062] Inđić stated that an order had come from "higher authorities" to disarm the UNPROFOR members at the Lukavica Barracks.[20063] The FreBat Lieutenant responded that he did not have the orders to surrender.[20064] Inđić then ordered the Bosnian Serb soldiers to take up firing positions targeting the building until the FreBat team surrendered.[20065] Two rocket-propelled grenades hit a truck and an APC.[20066] Minutes later, the FreBat team came out of the building and surrendered.[20067]

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20052 [REDACTED].

20053 [REDACTED].

20054 [REDACTED].

20055 [REDACTED].

20056 [REDACTED].

20057 [REDACTED].

20058 [REDACTED].

20059 [REDACTED].

20060 [REDACTED].

20061 [REDACTED].

20062 Milenko Inđić, T. 32630–32632 (24 January 2013); P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995). The UN personnel's main contact with the VRS was Milenko Inđić, the Liaison Officer of the VRS to the UN, *see* Milenko Inđić, T. 32414–32415, 32428–32429 (22 January 2013); D2774 (Witness statement of Milenko Inđić dated 19 January 2013), paras. 39, 41–42, 44; P2447 (Witness statement of KDZ182 dated 8 March 2011, para. 11; Rupert Smith, T. 11371-11372 (8 February 2011); P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4; P1762 (Witness statement of David Fraser dated 17 October 2010), p. 8.

20063 D2774 (Witness statement of Milenko Inđić dated 19 January 2013), para. 171.

20064 Milenko Inđić, T. 32630–32632 (24 January 2013); P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995).

20065 Milenko Inđić, T. 32630–32632 (24 January 2013); P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995).

20066 Milenko Inđić, T. 32630–32632 (24 January 2013); P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995).

5889. Around 7:30 p.m., the FreBat Lieutenant and his liaison officer, Captain Jouannic, went to the other FreBat post.[20068] Jouannic explained that, as the liaison officer, he was conveying an order that the FreBat team to lay down their arms and that Indić would talk to them.[20069] Then Indić came and introduced himself to this FreBat team.[20070] Indić was accompanied by a civilian who was videotaping the entire interaction.[20071] He informed the FreBat team that they were now prisoners of war of the VRS.[20072] The two FreBat teams at the Lukavica Barrackspent the night at their respective posts.[20073]

5890. On 27 May 1995, a team of reporters arrived, under VRS escort, to film and photograph the FreBat teams.[20074] FreBat members were asked to give the contact details of relatives or individuals to be informed but they refused to provide them.[20075] Around midnight, a number of VRS trucks arrived with more soldiers.[20076] The FreBat teams were ordered to get into the trucks.[20077] After being told they were "hostages" and not "prisoners of war" [REDACTED] refused to have any further dealings with the VRS soldiers.[20078] The FreBat members were held at gunpoint and their equipment and UN IDs were forcibly taken from them.[20079] They were placed onto the trucks and driven to the Lukavica Barracks command post and detained there.[20080] Later, one FreBat member was taken to the Lukavica MP building.[20081] He was locked in a room with two UNMOs already inside.[20082] During this first week, the conditions were "very poor" and he

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20067 Milenko Indić, T. 32630–32632 (24 January 2013); P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995). [REDACTED]. Indić testified that he went into the building unarmed and was told by a FreBat officer that he had not received the order to surrender. Therefore, according to Indić, there was an agreement that the VRS would fire at the vehicles without jeopardising the lives of the UN personnel and then when the firing stopped, the FreBat officer would come out of the barracks with a white flag and surrender. Milenko Indić, T. 32632 (24 January 2013). Considering the totality of the evidence and Indić's lack of credibility on this point, the Chamber does not accept Indić's evidence that he did not make these statements.

20068 [REDACTED].

20069 [REDACTED].

20070 D2774 (Witness statement of Milenko Indić dated 19 January 2013), para. 171; P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995); [REDACTED].

20071 D2774 (Witness statement of Milenko Indić dated 19 January 2013), para. 171; P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995); [REDACTED].

20072 D2774 (Witness statement of Milenko Indić dated 19 January 2013), para. 171; P6086 (Article from Associated Press entitled "French UN Platoon Surrenders to Bosnian Serbs", 26 May 1995); [REDACTED].

20073 [REDACTED].

20074 [REDACTED].

20075 [REDACTED].

20076 [REDACTED].

20077 [REDACTED].

20078 [REDACTED].

20079 [REDACTED].

20080 [REDACTED].

20081 [REDACTED].

20082 [REDACTED].

was only allowed out of the room to eat.[20083] There were frequent visits by Indić and a VRS major, who continued to ask him for personal information about his FreBat team members.[20084] The following day, [REDACTED] saw ten more UNPROFOR members arrive at the barracks but they were detained on a separate floor of the building.[20085]

5891. On 2 June 1995, at 4 p.m., the commander of the Lukavica MP told [REDACTED] and two UNMOs also detained at the barracks to gather their belongings and follow him.[20086] Outside the entrance of the Lukavica Barracks there was a bus with other FreBat members onboard.[20087] Indić, Jouannic, and a VRS Major were standing next to the bus.[20088] Jouannic asked [REDACTED] and the two UNMOs to board the bus.[20089] [REDACTED].[20090] [REDACTED].[20091]

5892. On 6 June 1995, at 8 a.m., [REDACTED] was driven to Pale in a civilian vehicle and taken to a building which served as a prison where he met two other UNMOs.[20092] The three men were placed in a small VRS van and driven to the Serbian border where they were greeted by an official and were filmed shaking hands with him.[20093] They were taken to Novi Sad by helicopter and released, where [REDACTED] met the other members of his FreBat team.[20094]

(B) FreBat team at the Vrbanja Bridge

5893. On 27 May 1995, at 4:30 a.m., the UNPROFOR post near the Vrbanja Bridge was taken over by approximately 15 VRS soldiers wearing FreBat uniforms and carrying UNPROFOR equipment.[20095] The VRS soldiers swiftly encircled the FreBat team stationed there.[20096] One

20083 [REDACTED].
20084 [REDACTED].
20085 [REDACTED].
20086 [REDACTED].
20087 [REDACTED].
20088 [REDACTED].
20089 [REDACTED].
20090 [REDACTED].
20091 [REDACTED].
20092 [REDACTED].
20093 [REDACTED].
20094 [REDACTED].
20095 P2171 (UNPROFOR report, 27 May 1995), p. 1; D1058 (UNPROFOR report to Marrack Goulding, 30 May 1995), para. 13; [REDACTED]; P2269 (UNPROFOR report re telephone conversation with Ratko Mladić, 29 May 1995), p. 2; [REDACTED]; P5924 (UNPROFOR report, 27 May 1995), pp. 4, 10–11; [REDACTED]; P2433 (UNPROFOR protest letter to SRK, 3 June 1995). *See also* P2028 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2433 (UNPROFOR protest letter to SRK, 3 June 1995). In the attack by FreBat to retake the bridge, [REDACTED], two FreBat and four VRS soldiers were killed, and both FreBat and VRS soldiers were injured. FreBat took four VRS soldiers as prisoners and detained them. P2447 (Witness statement of KDZ182 dated 8 March 2011), p. 75; [REDACTED]; P5924 (UNPROFOR report, 27 May 1995), pp. 1, 4–7, 10–11; P2407 (Witness statement of KDZ304), p. 9; [REDACTED]; D1058 (UNPROFOR report to Marrack Goulding, 30 May 1995), para. 13; [REDACTED]. Andrey Demurenko stated that the ABiH check-point had been attacked by the VRS and the ABiH informed FreBat. This resulted in FreBat attacking the VRS

FreBat member was hit in the chin with the butt of a rifle during the attack.[20097] Attempts to contact UNPROFOR BiH command failed.[20098] The FreBat team was taken from the Vrbanja Bridge to the "Prisunic building", which was held by Bosnian Serbs.[20099] They were then taken to the Lukavica Barracks, in a building previously occupied by UNPROFOR.[20100] They were detained for approximately three hours, before being taken back to the Prisunic building and led to a room on the second floor.[20101] They were made to sit on the floor, with their hands behind their necks, for hours at a time and were under constant surveillance.[20102] They were also forced to change into VRS uniforms.[20103] One of them was hit and physically mistreated.[20104]

5894. At 6 or 7 p.m., six members of the FreBat team were led outside to the courtyard.[20105] There was a large crowd gathered outside, including soldiers and civilians.[20106] [REDACTED] was physically mistreated by the two VRS soldiers who had been in charge of the FreBat team's capture at the outset.[20107] The FreBat team was taken back inside the Prisunic building. FreBat members were tied, in pairs, with steel wire.[20108] Once tied together, they were taken back outside and forced to kneel in the middle of the road opposite the UN post which was facing the Bosnian Muslim sector.[20109] [REDACTED] heard the French interpreter behind him, on the radio, saying that if the UN did not heed the Bosnian Serbs' request, that the UN would be responsible for their subsequent executions.[20110] This message was repeated twice.[20111] UNPROFOR was informed that unless

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soldiers. D2270 (Witness statement of Andrey Demurenko dated 13 October 2012), para. 38; Andrey Demurenko, T. 28973–28976 (17 October 2012). Considering the totality of the evidence, in particular the accepted relevant UN reports and Demurenko's lack of credibility on this point, the Chamber does not accept his evidence that it was FreBat that initiated the attack against the VRS soldiers at the Vrbanja Bridge at the request of the ABiH.

20096 P2171 (UNPROFOR report, 27 May 1995); [REDACTED]; P2269 (UNPROFOR report re telephone conversation with Ratko Mladić, 29 May 1995), p. 2; [REDACTED].

20097 [REDACTED]. KDZ304 reported that the FreBat members were threatened with death and "when these threats did not have the expected result" the FreBat members were taken back to Lukavica barracks. P2407 (Witness statement of KDZ304), p. 9.

20098 [REDACTED].

20099 [REDACTED]; D2296 (UNPROFOR daily report, 28 May 1995), pp. 10–11; P5924 (UNPROFOR report, 27 May 1995), p. 13.

20100 [REDACTED].

20101 [REDACTED].

20102 [REDACTED].

20103 [REDACTED].

20104 [REDACTED].

20105 [REDACTED].

20106 [REDACTED].

20107 [REDACTED].

20108 [REDACTED].

20109 [REDACTED]; P2434 (UNPROFOR protest letter to SRK, 3 June 1995) (in which Gobilliard protests to Dragomir Milošević against the "disgusting sight of a French officer, Lt. Bonraisin, forced to kneel in the street, his hands tied behind his back, and with a gun at his head, while Serbian soldiers threatened to shoot him if the UNPROFOR troops refused to withdraw from the OP").

20110 [REDACTED].

NATO stopped air strikes, one of the French soldiers would be killed.[20112] After ten minutes passed, nothing happened and no executions took place.[20113] The FreBat team was taken back to the first floor of the Prisunic building.[20114] In the evening, they were moved to different buildings on two different occasions before finally being taken to a warehouse where they were detained overnight.[20115]

5895. On 28 May 1995, in the morning, the FreBat team members were untied.[20116] They were visited by a young woman, dressed in civilian clothes, who spoke French.[20117] She informed them that negotiations for their release, which had taken place the previous day between UNPROFOR and the Bosnian Serbs, had not been conclusive and that some of them were scheduled to die.[20118] She asked [REDACTED] to provide a list of his men along with their ages, which he did.[20119] She informed [REDACTED] that he and a corporal were to die first and that [REDACTED] was to designate two other individuals.[20120] After the woman had left, a male wearing a dark suit and a navy blue sailor's cap whom [REDACTED] recognised as "Duke Alexis" came in.[20121] This man hit [REDACTED] on the side of his head with a dagger and then kicked him in the face.[20122] After "Duke Alexis" left, two VRS officers entered the room and asked [REDACTED] and others to follow them.[20123] The FreBat members were told they would be handed over to the "Serbian regular army".[20124] They were taken and detained in the Lukavica Barrackswhere they met a commander who informed them that they would be well-treated as long as NATO did not conduct any further air strikes.[20125]

5896. On 29 and 30 May 1995, four FreBat members were taken from the Lukavica Barracksand handcuffed to military equipment at a factory near the barracks while being filmed by a Bosnian

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20111 [REDACTED].
20112 P2434 (UNPROFOR protest letter to SRK, 3 June 1995) (referring to the fact that Indić had spoken to a UNPROFOR officer and said: "if you don't stop the attack immediately, I will kill one of the French soldiers"); [REDACTED].
20113 [REDACTED].
20114 [REDACTED].
20115 [REDACTED].
20116 [REDACTED].
20117 [REDACTED].
20118 [REDACTED].
20119 [REDACTED].
20120 [REDACTED].
20121 [REDACTED].
20122 [REDACTED].
20123 [REDACTED].
20124 [REDACTED].
20125 [REDACTED].

Serb cameraman.[20126] When asked how they were feeling, if they were afraid, and if they were being treated well, they responded that they were not afraid and that they were being treated well.[20127]

5897. On 2 June 1995, Gobilliard wrote a letter to Dragomir Milošević protesting that the ICRC had not been allowed to visit the detained FreBat members.[20128] The following day, Gobilliard wrote again to Milošević noting that although 20 FreBat members had been released, their equipment had been confiscated.[20129] Gobilliard also noted that UNPROFOR soldiers remained detained at WCPs and other positions and demanded their full release.

5898. On 13 June 1995, [REDACTED] and his FreBat team members were taken to Pale and then released in Belgrade.[20130]

(C) FreBat team at Polinje WCP

5899. On 26 May 1995 at 2:15 p.m., a VRS soldier came to speak to KDZ196 who was posted at the WCP in Polinje.[20131] KDZ196 was told that Captain Vlado Medić wanted to see him at the VRS post headquarters which was located approximately 50 metres away.[20132] KDZ196 and a fellow FreBat member left their WCP to speak to Medić.[20133] Upon arriving at the VRS post, Medić told them that the FreBat team should surrender, lay down their weapons, and that they were prisoners.[20134] They were told that they had been detained due to the NATO air strikes and that the Bosnian Serbs hoped to recover the weapons that had been placed under UNPROFOR control.[20135] A few hours later, KD196 was allowed to return to his UNPROFOR post and establish radio contact with the commander of his battalion who told him that negotiations were underway for their release.[20136] KDZ196 returned to the VRS post and told Medić about his conversation with the UNPROFOR commander.[20137] Medić left to make a phone call and upon his return, the situation

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20126 [REDACTED].
20127 [REDACTED].
20128 P2430 (UNPROFOR protest letter to SRK, 2 June 1995); [REDACTED].
20129 P2431 (UNPROFOR protest letter to SRK, 3 June 1995); [REDACTED]. *See also* P2432 (UNPROFOR protest letter to SRK, 3 June 1995). [REDACTED].
20130 [REDACTED].
20131 [REDACTED].
20132 [REDACTED]. Medić was identified by KDZ196. KDZ196, T. 10728, 10735 (25 January 2011); P2141 (Order of Koševo Brigade, 27 May 1992).
20133 [REDACTED].
20134 P5907 (Witness statement of KDZ196, dated 10 March 1998), paras. 13–14.
20135 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 16.
20136 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 17.
20137 [REDACTED].

quickly escalated.[20138] Medić was very upset and accused KDZ196 of lying.[20139] Medić ordered a VRS soldier to fire a rocket launcher at the UNPROFOR post, which destroyed the watchtower.[20140] The UNPROFOR personnel took up combat positions and this stand-off lasted for ten minutes.[20141] They refused to surrender their weapons and Medić stated that next time he would order his soldiers to shoot the UNPROFOR members.[20142] Later, a Bosnian Serb captain arrived, accompanied by soldiers.[20143] He threatened to kill KDZ196 and another FreBat member.[20144] He ordered the VRS soldiers to fire rocket launchers at the UNPROFOR tank.[20145] KDZ196 realised that they were losing control of the situation and so he laid down his weapons.[20146] They were immediately surrounded by 50 armed VRS soldiers who confiscated their weapons and equipment.[20147] Some members of the FreBat team were punched and kicked.[20148] All members of the FreBat team were placed in a military truck and driven to the military hospital in Jagomir, in the suburbs of Sarajevo where they stayed.[20149]

5900. On the morning of 28 May 1995, KDZ196 and his team were taken to the Bijelina barracks.[20150] They were first transported in a military truck and later boarded civilian buses where they met with other UNPROFOR and UNMO personnel.[20151] In discussing amongst themselves, it became clear that the detention of UN personnel had been carried out in the same manner and at the same time across numerous locations.[20152] The large group of UN personnel were divided into two groups; one of the groups remaining at the Bijelina Barracks and KDZ196 and his group being taken to Doboj.[20153] In Doboj, KDZ196 and his team were housed in an ammunition depot.[20154]

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20138 [REDACTED].

20139 [REDACTED].

20140 KDZ196, T. 10728, 10735 (25 January 2011); P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 17.

20141 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 17.

20142 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 17.

20143 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 18.

20144 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 18.

20145 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 19.

20146 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 19.

20147 P5907 (Witness statement of KDZ196, dated 10 March 1998), paras. 20, 22; P2109 (SRK Order, 27 May 1995).

20148 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 22.

20149 KDZ196, T. 10727 (25 January 2011); P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 23.

20150 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 25. *See also* P2142 (Map of BiH); KDZ196, T. 10728–10729 (25 January 2011).

20151 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 26.

20152 P5907 (Witness statement of KDZ196, dated 10 March 1998), para. 26.

20153 P5907 (Witness statement of KDZ196, dated 10 March 1998), paras. 27–31; KDZ196, T. 10722–10723 (25 January 2011). *See also* P2142 (Map of BiH); KDZ196, T. 10729 (25 January 2011).

20154 KDZ196, T. 10726 (25 January 2011); P5907 (Witness statement of KDZ196, dated 10 March 1998), paras. 27–31.

5901. On 6 June 1995, KDZ196 and his fellow FreBat team members were taken back to the Bijelina Barracks by bus.[20155] Later they were driven to Belgrade, via Novi Sad, together with another bus of UNPROFOR soldiers.[20156] They were released in Novi Sad.[20157]

*vi. Evidence from the BritBat teams in Goražde*

(A) BritBat team, including Nightingale

5902. On 26 May 1995, at 11 a.m., Hugh Nightingale, an OP commander and liaison officer, was asked to meet with the local VRS commander, at the VRS headquarters, 15 metres away from his OP in Goražde.[20158] The VRS commander informed him that the VRS was taking over the OP, that the BritBat members needed to pack up, and they would be taken to a safe location.[20159] Nightingale told the VRS commander that he was willing to withdraw from the area but intended to take his troops to UNPROFOR headquarters in Goražde.[20160] The commander responded: "You do not understand, you are coming with us to Višegrad, we can do it two ways. With shooting or without".[20161] Nightingale agreed to co-operate.[20162] He returned to his OP to brief the BritBat team and they packed their kits.[20163] VRS soldiers entered the OP and the BritBat team got into two UN vehicles.[20164] They were escorted down the road where they met up with two vehicles from the BritBat team stationed at another OP.[20165] On the way down, one of the UNPROFOR vehicles slid and rolled over down the hill causing five members of the BritBat team to sustain serious injuries.[20166] At the bottom of the hill, the vehicles stopped and Nightingale met Lieutenant Colonel Radomir Furtula, the Commander of the 5th Podrinje Light Infantry Brigade.[20167]

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20155 [REDACTED]; P2139 (VRS Main Staff Order, 6 June 1995); KDZ196, T. 10725–10726 (25 January 2011). *See also* P2142 (Map of BiH); KDZ196, T. 10729 (25 January 2011).

20156 [REDACTED].

20157 [REDACTED].

20158 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 2 (noting that he never learned who this commander was).

20159 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3. *See* also P2033 (BBC news report re UN hostage-taking in Goražde, with transcript).

20160 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.

20161 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.

20162 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.

20163 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.

20164 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.

20165 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.

20166 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.

20167 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3. Jonathon Riley identifies "Radomir Fortula" as the VRS commander of the "Goražde/Višegrad Light Mountain Brigade, assigned to the Drina Corps". Riley stated that Fortula told him "by Mladić's orders" if any further air strikes took place, UNPROFOR would be shelled. P2148 (Witness statement of Jonathon Riley dated 30 May 1996), pp. 3–4. The commander of the 5th Podrinje Light Infantry Brigade of the Drina Corps was Lieutenant Colonel Radomir Furtula. P4920 (Diagrams of various VRS Military Command structures), p. 2.

5903. Upon arriving at the military barracks in Višegrad, the BritBat team members were informed by Furtula that they were hostages and if they did as they were told, there would be no problem.[20168] The VRS soldiers took the BritBat team's protection kits, weapons, ammunition, grenades, and rations.[20169] Their UN identification numbers and names were written down.[20170] The injured BritBat team members received medical care.[20171] Furtula asked Nightingale to guarantee the good behaviour of his soldiers and in return, they would not handcuff them.[20172] Nightingale did as asked.[20173] When Nightingale asked Furtula what was going to happen, he responded that it was outside his control.[20174]

5904. Nightingale returned to the room where the BritBat team was being held.[20175] There were guards outside and seven or eight armed VRS soldiers inside the room.[20176] A Bosnian Serb television crew who had come to film the detained BritBat team asked Nightingale for an interview, which he gave.[20177] At 10 p.m., they were placed in a truck.[20178] The injured members were dropped off at the Sokolac Hospital.[20179] Some of the remaining BritBat members were paired off and dropped off in various locations where VRS troops were present.[20180] Nightingale remained on the truck, which drove through Rogatica and continued into the night.[20181]

5905. On the morning of 27 May 1995, Nightingale and another BritBat member were dropped off at an unknown location and taken to a building, which was a jail located next to a warehouse that stored military clothing and equipment.[20182] They were taken to the guards' accommodations.[20183] The door to their room was locked.[20184] There were always two armed guards present with them at

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20168 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 3.
20169 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20170 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20171 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20172 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20173 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20174 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20175 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20176 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20177 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20178 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20179 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4. *See also* P3805 (VRS Main Staff hospital record, 2 June 1995).
20180 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20181 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20182 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20183 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20184 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.

all times.[20185] They were occasionally visited by the local VRS soldiers.[20186] They were fed twice per day the same food as the guards.[20187] They were detained in this room for six days.[20188]

5906. After the seventh day of detention, they were told to prepare for departure.[20189] They were blindfolded and placed in the back of a troop carrier.[20190] Along the way, the vehicle picked other BritBat members from Nightingale's team and the injured BritBat members from the Sokolac Hospital.[20191] They were taken to the police station, which Nightingale thought was in Višegrad.[20192] There, they were handed over to the Serbian authorities and driven over the border to Serbia.[20193] At the border, the vehicle also picked up some French Legionnaires and they met Jovica Stanisić.[20194] They were all driven to Novi Sad and released in Belgrade where they were flown to Zagreb.[20195]

(B) BritBat team at OP-2 in Goražde

5907. On 27 May 1995, at 2 p.m., a team of BritBat, including Michael Cornish,[20196] were stationed at OP-2 in Goražde when they received a radio message from UNPROFOR command directing them to move to check-point 2.[20197] Given that check-point 2 did not exist, Cornish understood this as a signal for them to withdraw back to their camp.[20198] As they made their way past a VRS post called "Scabs 1", VRS soldiers brought out two rocket-propelled grenades and placed them on the road.[20199] The UNPROFOR vehicle was forced to stop.[20200] The BritBat Corporal went into the VRS post and spoke to their local commander on the radio.[20201] He returned to the vehicle and informed the BritBat team that the VRS commander told him that because they were on Bosnian

20185 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 4.
20186 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20187 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20188 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20189 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20190 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20191 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20192 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20193 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20194 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20195 P50 (Witness statement of Hugh Nightingale dated 5 February 1996), p. 5.
20196 Michael Cornish was a Lance Corporal and second in command of the B-company stationed on the east bank of the Drina River. P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 4.
20197 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 5. Although Cornish's statement does not mention the date, he stated that he heard on the BBC that the FreBat had been detained by the VRS and Goražde was being shelled as a result of the air strikes in Pale, therefore recalling paragraphs 5860, 5893, and 5894, the Chamber concludes that this radio message was received on 27 May 1995.
20198 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 5.
20199 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 5.
20200 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 5.
20201 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 5.

Serb controlled territory, they were now ordered to follow the VRS soldiers to Scabs 1.[20202] The BritBat team was escorted by armed VRS soldiers to Scabs 1 where they were disarmed.[20203] After several hours, they were taken to the cellar.[20204] They managed to maintain radio contact with the main UNPROFOR camp and reported back every hour, on the hour.[20205]

5908. On 28 May 1995, at 7 a.m., the BritBat team was moved to a house behind the VRS post, and there was a lot of firing coming towards the house from the Bosnian Muslim side.[20206] The VRS fought back using the weapons and ammunition taken from the UNPROFOR team.[20207] They took the BritBat team through the valley, on foot.[20208] Multiple mortars landed near them as they were travelling through the valley towards a house where they were held for a short time.[20209] From this house, the BritBat team was moved to a house in Karpaci, approximately one kilometre away, where they spent the night.[20210] The house was on the other side of a bridge leading to Goražde where all the VRS soldiers going to Goražde would stop.[20211] Five UkrBat soldiers were also detained there.[20212] Cornish and a BritBat Corporal met a VRS Captain named Kepić who told them that they would be released shortly.[20213]

5909. On 29 May 1995, in the evening, everyone was moved to another house several hundred metres up the road, where they spent one night.[20214] The following day, a truck arrived, loaded with ammunition and they were all ordered to get inside.[20215] They were driven for two hours and taken to Cajnice where their kits were taken from them.[20216] Together with five UkrBat soldiers, they were driven for several hours, having to sit with their heads between their legs.[20217] After several stops, they stopped at a military camp, where they all got out of the truck and were taken into a

20202 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 5.
20203 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 6.
20204 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 6.
20205 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 6.
20206 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 6.
20207 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 6.
20208 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 6.
20209 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court pp. 6–7.
20210 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p.7.
20211 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 7.
20212 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 7.
20213 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 7.
20214 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 8.
20215 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 8.
20216 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 8.
20217 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 8.

building, a converted indoor firing range, and placed in a large cell.[20218] The door to the cell was locked and the VRS soldiers left the building.[20219]

5910. On 30 May 1995, Cornish saw a group of approximately 20 FreBat soldiers who were also being detained in a separate area of the same building.[20220] They were given meals but were not allowed to leave their cell.[20221] Cornish requested a visit from the ICRC which was denied.[20222] They were held for eight or nine days.[20223] On the day of their release, they were allowed to shower and were given clean clothes to wear.[20224] They boarded buses and were driven to Novi Sad; they were released and met staff from the British Embassy.[20225]

*vii. Evidence from the UNMO teams in Pale*

(A) 7 Lima UNMO team in Pale

5911. The 7 Lima UNMO team was led by Patrick Rechner and included three other officers.[20226] Unlike other UNMO teams, the 7 Lima UNMO team was tasked primarily with administrative and political functions.[20227] It served as the UNMO liaison office to the Bosnian Serb Presidency and the VRS Main Staff.[20228] The 7 Lima UNMO team's primary contact in the Bosnian Serb leadership was Koljević.[20229] They also had frequent contact with the Accused's secretary, Mira Mihajlović and Jovan Zametica, his political adviser.[20230] As the only UN liaison office in Pale, the UNMO office also acted as the liaison office for Akashi.[20231] It was responsible for facilitating communications between the UN and the Bosnian Serb political and military authorities and

20218 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 8.
20219 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 8.
20220 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 9.
20221 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 9.
20222 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 9.
20223 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 9.
20224 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 9.
20225 P52 (Witness statement of Michael Cornish dated 13 February 1996), e-court p. 9.
20226 Patrick Rechner, T. 11081 (2 February 2011). The other UNMOs included Captains Oldrich Zidlik, Pavel Teterevsky, and Thelmos Reis. However, Reis was on leave during this time period. P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 8.
20227 Patrick Rechner, T. 11079 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 8.
20228 Patrick Rechner, T. 11079–11080 (2 February 2011). Their main contact with the VRS was through Indić, *see* Milenko Indić, T. 32414–32415, 32428–32429 (22 January 2013); D2774 (Witness statement of Milenko Indić dated 19 January 2013), paras. 39, 41–42, 44; P2447 (Witness statement of KDZ182 dated 8 March 2011, para. 11; P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 4.
20229 Patrick Rechner, T. 11082–11083 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 10–11 (clarifying that he had almost daily communication with Koljević's secretary).
20230 Patrick Rechner, T. 11082–11083 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 12.
20231 Patrick Rechner, T. 11145 (2 February 2011).

between the Bosnian Serbs and Bosnian Muslims.[20232] In addition, this UNMO team worked on behalf of the representative of UN Civil Affairs in Sarajevo and, in an unofficial capacity, assisted in the delivery of humanitarian aid to Pale, such as bringing medicine from Sarajevo to the hospital in Pale.[20233]

5912. On 25 May 1995, Rechner saw two large explosions, due to the NATO air strikes, five to ten kilometres south of his UNMO team's office.[20234] Rechner made a request to the Accused, through Mihajlović, to make sure that the UNMO team's house and office were being watched by Bosnian Serb security forces in order to protect them from any locals trying to attack them out of revenge for the NATO air strikes.[20235]

5913. On 26 May 1995, at approximately 10:30 a.m. and a few minutes after the NATO air strikes, Rechner, who was on the third floor of the UNMO team's house, heard some shots fired from outside and people yelling.[20236] Bosnian Serb soldiers had entered the house, one was armed.[20237] Rechner went downstairs to the kitchen and made two telephone calls.[20238] First, he phoned Mihajlović and told her that there were some armed people in their office and to send someone to investigate the situation.[20239] She asked if they were regular VRS soldiers, Rechner replied that he could not tell because they were not dressed in full uniform.[20240] Mihajlović then informed Rechner that these men were sent officially.[20241] When Rechner asked for clarification, she did not give any further information.[20242] The second telephone call was to Zametica.[20243] Rechner informed him of the situation and Zametica replied that "something had been organised to send some people" and suggested that Rechner be as co-operative as possible.[20244]

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20232 Patrick Rechner, T. 11079 (2 February 2011).

20233 Patrick Rechner, T. 11080 (2 February 2011).

20234 Patrick Rechner, T. 11083 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 16.

20235 Patrick Rechner, T. 11085 (2 February 2011).

20236 Patrick Rechner, T. 11084 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), paras. 19–20.

20237 Patrick Rechner, T. 11085 (2 February 2011); P2172 (UNMO report, 26 May 1995), p. 2.

20238 Patrick Rechner, T. 11085 (2 February 2011).

20239 Patrick Rechner, T. 11085 (2 February 2011).

20240 Patrick Rechner, T. 11086 (2 February 2011).

20241 Patrick Rechner, T. 11086 (2 February 2011).

20242 Patrick Rechner, T. 11086 (2 February 2011).

20243 Patrick Rechner, T. 11086 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 23.

20244 Patrick Rechner, T. 11086 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 23.

5914. Downstairs in the UNMO office, Rechner was met by two VRS soldiers—both heavily armed—one was Ribić, who was very angry and told him to sit down.[20245] Rechner and the two UNMOs in the office managed to establish radio contact with the UNMO headquarters and notified them that there were armed men in their office.[20246] Ribić then got on the radio and threatened that if the UNMO headquarters valued the lives of their UNMOs, they should call off the NATO air strikes.[20247] Ribić continued making threats and said that "for every bomb, one of the UNMOs will be killed".[20248] UNMO headquarters responded that the UNMOs were not involved in the NATO air strikes and had no means of communicating with NATO to stop them.[20249] Ribić then demanded to speak to Smith and Rechner called Smith's office.[20250] Ribić made the same threats directly to Smith.[20251] Another group of VRS soldiers arrived and the UNMO team was ordered to get into the UNMO vehicle outside.[20252] Ribić told Rechner to radio UNMO headquarters and tell them that the UNMO team would be taken to the target of the NATO air strikes at Jahorinski Potok.[20253]

5915. At 11:45 a.m., Rechner and his UNMO team were handcuffed, placed in the back of their UNMO vehicle, and driven to Jahorinski Potok where they stopped at the logistics and ammunition storage depot.[20254] They were then taken inside the building where they waited approximately 20 or 30 minutes before they received a call from UNMO headquarters stating that Smith had confirmed the NATO air strikes had been called off.[20255] Ribić responded to UNMO headquarters that if the air strikes continued, the UNMOs would "die for the sake of NATO".[20256] The UNMO team was driven to the bunkers, one of which had been destroyed the previous day by the NATO

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20245 Patrick Rechner, T. 11086–11087 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), paras. 25–27.

20246 Patrick Rechner, T. 11087 (2 February 2011).

20247 Patrick Rechner, T. 11088 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 27.

20248 Patrick Rechner, T. 11088 (2 February 2011); P2172 (UNMO report, 26 May 1995), p. 2.

20249 Patrick Rechner, T. 11089 (2 February 2011). Gelissen and the SG-1 UNMO team in Grbavica also heard on the radio that the 7 Lima UNMO team had been taken by VRS soldiers and the threats issued by Ribić. P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 5.

20250 Patrick Rechner, T. 11089 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 28.

20251 Patrick Rechner, T. 11089 (2 February 2011); P2172 (UNMO report, 26 May 1995), p. 2; P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 28.

20252 Patrick Rechner, T. 11089–11090 (2 February 2011); P2172 (UNMO report, 26 May 1995), p. 2.

20253 Patrick Rechner, T. 11090 (2 February 2011); P2172 (UNMO report, 26 May 1995), p. 2.

20254 Patrick Rechner, T. 11092–11093 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 31.

20255 Patrick Rechner, T. 11093–11094 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 38; P2172 (UNMO report, 26 May 1995), p. 2.

20256 P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 39; Patrick Rechner, T. 11128 (2 February 2011); P2172 (UNMO report, 26 May 1995), p. 2; P2174 (Video footage of UN personnel, with transcript).

air strike.[20257] Rechner and another UNMO were handcuffed to the lighting poles in front of the bunker.[20258] A third UNMO was handcuffed to the door of the bunker.[20259] The bunker was filled with ammunition.[20260] Rechner saw an UNMO vehicle drive past him in the back of which were members of the SE-1 UNMO team.[20261] The vehicle was driven by VRS soldiers.[20262] Rechner remained handcuffed to the lightning pole for five hours and the other UNMO remained handcuffed for nine hours.[20263]

5916. At 3:30 p.m., a group of Bosnian Serb military officers and government officials, including Zametica, came to inspect the area.[20264] Zametica spoke to both Rechner and his fellow UNMO.[20265] Rechner expressed his shock and surprise at the way they were treated and demanded an explanation as to the reason why the UNMOs had been attacked.[20266] Zametica told them that "times have changed".[20267] At 5 p.m., Rechner was released from the lightning pole, handcuffed and placed in the back of a UN vehicle.[20268] Kalbarczyk, a member of another UNMO team in Pale, was in the vehicle and also handcuffed.[20269] They were both blindfolded for the duration of the drive.[20270] During the drive, they were told that the Bosnian Serbs thought the 7 Lima UNMO

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20257 Patrick Rechner, T. 11094–11095 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 41.

20258 Patrick Rechner, T. 11094–11095, 11123–11124 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), paras. 42–43; P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2174 (Video footage of UN personnel, with transcript); Janusz Kalbarczyk, T. 10839–10840 (28 January 2011); P2153 (Serbian TV news report re UN personnel, with transcript). *See also* P2184 (Serbian TV news report re UN personnel, with transcript).

20259 Patrick Rechner, T. 11094–11095, 11123–11124 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), paras. 42–43; P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2174 (Video footage of UN personnel, with transcript); Janusz Kalbarczyk, T. 10839–10840 (28 January 2011); P2153 (Serbian TV news report re UN personnel, with transcript).

20260 Patrick Rechner, T. 11094–11095, 11123–11124 (2 February 2011); P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2174 (Video footage of UN personnel, with transcript); Janusz Kalbarczyk, T. 10839–10840 (28 January 2011); P2153 (Serbian TV news report re UN personnel, with transcript).

20261 Patrick Rechner, T. 11095 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 44.

20262 Patrick Rechner, T. 11098 (2 February 2011).

20263 Patrick Rechner, T. 11098 (2 February 2011).

20264 Patrick Rechner, T. 11098–11099 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), paras. 46–47

20265 Patrick Rechner, T. 11098–11099 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 47.

20266 Patrick Rechner, T. 11099 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 47.

20267 Patrick Rechner, T. 11099 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 47.

20268 Patrick Rechner, T. 11099–11100 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 51.

20269 Patrick Rechner, T. 11099–11100 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 51; *see* para. 5917.

20270 Janusz Kalbarczyk, T. 10843–10845 (28 January 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 51; P2154 (Video footage of UN personnel, with transcript).

team was directing the NATO air strikes onto the Bosnian Serb military targets.[20271] They were taken to Pale, where more VRS soldiers joined them.[20272] They were then driven to the Mount Jahorina ski resort.[20273] They stopped in front of a large radar dome.[20274] Kalbarczyk was taken out of the vehicle and handcuffed to the radar dome.[20275] Two VRS soldiers guarded Kalbarczyk while he was filmed.[20276]

(B) SE-1 UNMO team in Pale

5917. The SE-1 UNMO team in Pale had five members, including Kalbarczyk and Evans.[20277] On 26 May 1995, between 8 and 9 a.m., the sirens went off in Pale and approximately 40 minutes later, Kalbarczyk saw an explosion in the southeast area of Pale.[20278] He reported this to the UNMO sector headquarters in Sarajevo.[20279] He was told not to leave the building.[20280] Around 12:15 p.m., Bosnian Serb policemen came into the UNMO's accommodations; four were dressed in police uniforms and one was dressed as a civilian.[20281] The UNMOs were informed that they were under arrest and told that if there were any more NATO air strikes, they would be shot.[20282] Approximately 40 minutes later, two cars arrived and VRS soldiers got out and said that the UNMOs were being taken hostage by the VRS.[20283] UNMO headquarters attempted to reach them over the radio but they were not allowed to respond.[20284] Seven additional VRS soldiers came in and confiscated the UNMOs' garage and vehicle keys.[20285] The UNMOs were handcuffed in pairs, taken outside to the cars, and driven to the Pale police station.[20286] Ribić came to their vehicle, took

20271 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.
20272 Patrick Rechner, T. 11099–11100 (2 February 2011).
20273 Patrick Rechner, T. 11099–11100 (2 February 2011).
20274 Patrick Rechner, T. 1110–11101 (2 February 2011).
20275 Patrick Rechner, T. 11101 (2 February 2011).
20276 Patrick Rechner, T. 11101 (2 February 2011); *see* paras. 5919–5920.
20277 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 6. Other members of the team included Jose Antonio Romero, Dimitri Batiouchenkov, and Zlatko Kozusnik. Evans was the acting team leader at the time of the events alleged in the Indictment. P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 6; Janusz Kalbarczyk, T. 10832–10833 (28 January 2011).
20278 Janusz Kalbarczyk, T. 10834 (28 January 2011).
20279 Janusz Kalbarczyk, T. 10834 (28 January 2011).
20280 Janusz Kalbarczyk, T. 10834 (28 January 2011).
20281 Janusz Kalbarczyk, T. 10834–10835 (28 January 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 6.
20282 Janusz Kalbarczyk, T. 10835 (28 January 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court pp. 6–7 (noting that one of the policemen was pointing a gun at them).
20283 Janusz Kalbarczyk, T. 10835–10836 (28 January 2011).
20284 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 6.
20285 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court pp. 6–7.
20286 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.

the radio, and spoke to the duty officer at the UNPROFOR Sector Sarajevo headquarters.[20287] Ribić identified himself as a VRS soldier and stated, "three UN observers are now at the site of the warehouse. Any more bombing, they will be the first to go".[20288]

(C) Detention of the 7 Lima and SE-1 UNMO teams in Pale

5918. The UNMOs were driven to the ammunition depot in the Koran military barracks, which had just been struck by NATO.[20289] One UNMO was taken from the vehicle and handcuffed to the door of another ammunition bunker.[20290] The rest of the UNMOs were driven to the headquarters in the Koran barracks.[20291] Upon arriving in front of the headquarters building, Evans and others were handcuffed to the flagpoles outside.[20292] Kalbarczyk was taken up to the radar dome and handcuffed to the base where he was filmed and interviewed by a journalist.[20293] A VRS soldier told Rechner that Mladić wanted them to be filmed.[20294]

5919. Approximately 20 minutes later, Ribić came and spoke to the UNMO headquarters in Sarajevo, telling them that they should inform NATO that two UNMOs had been chained to the bridge leading to Pale and that if NATO decided to bomb that bridge, then the UNMOs would go down with it.[20295] Evans and a fellow UNMO team member were immediately escorted into a vehicle, taken to the bridge and handcuffed there.[20296] A reporter from Pale TV came to film them.[20297] Ribić told them to memorise the following statement: "The NATO aircrafts have bombed civilian targets and killed civilians. This is a crime against humanity and General Smith

20287 P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.

20288 P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.

20289 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.

20290 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.

20291 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.

20292 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7; Patrick Rechner, T. 11123–11124 (2 February 2011); P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); *see* para. 5880.

20293 Janusz Kalbarczyk, T. 10847–10849 (28 January 2011); P2155 (Serbian TV news report re UN personnel, with transcript); Patrick Rechner, T. 11101, 11121–11122 (2 February 2011); P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript).

20294 Patrick Rechner, T. 11102, 11122–11123 (2 February 2011). *See also* P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript).

20295 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 7.

20296 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court pp. 7–8.

20297 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8.

should inform NATO to stop the bombings, otherwise we die".[20298] They did as instructed and were filmed making this statement on Pale TV.[20299]

5920. After being filmed by Pale TV, the UNMOs were driven back to the Koran Barracks and handcuffed to the flagpoles.[20300] After a few hours, they were released and allowed to sit together in the shade.[20301] Kalbarczyk, Rechner, and another UNMO from the 7 Lima UNMO team were also brought to the same place and driven down from the radar station.[20302] Evans and the other UNMOs were introduced to Vojvodić and Batinić, who were in charge.[20303] The UNMOs were told that unless there was a clear declaration from NATO to stop the air strikes, they would continue to be held by the VRS in locations of strategic military importance to the VRS, which were the likely targets of the NATO air strikes.[20304] The UNMOs were then taken back to the Jahorina ski resort hotel where they had dinner with the VRS soldiers.[20305] After dinner, they were taken back to their accommodations to collect their belongings.[20306] They were told they would be taken to bunkers or other "strategic targets" to spend the night.[20307] They were taken back to Pale and *en route* Rechner saw the UNMO team from Kasindo in another UN vehicle being driven to a different location.[20308] Rechner, Kalbarczyk and six other UNMOs spent the night at the Koran Barracks in Pale.[20309]

5921. On 27 May 1995, Ribić took Rechner outside the barracks and ordered him to send a message to the UNMO headquarters in Sarajevo.[20310] He gave Rechner a list of UN personnel and where they were being held.[20311] Rechner was ordered to relay this to UNMO headquarters, which he did.[20312] Meanwhile, Evans and the other UNMOs were taken to the ammunition depot near the

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20298 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8.

20299 P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8; Patrick Rechner, T. 11138 (2 February 2011).

20300 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8 (specifying that two other UNMOs were also handcuffed to flagpoles).

20301 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8.

20302 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8; Janusz Kalbarczyk, T. 10849–10850 (28 January 2011).

20303 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8; *see* para. 5880.

20304 Janusz Kalbarczyk, T. 10850 (28 January 2011).

20305 Patrick Rechner, T. 11103–11104 (2 February 2011).

20306 Patrick Rechner, T. 11103 (2 February 2011).

20307 Patrick Rechner, T. 11103 (2 February 2011).

20308 Patrick Rechner, T. 11103 (2 February 2011).

20309 Janusz Kalbarczyk, T. 10849–10850 (28 January 2011); Patrick Rechner, T. 11103–11104 (2 February 2011). The other UNMOs were from the SE-1 UNMO Team and the SG-1 UNMO Team.

20310 Patrick Rechner, T. 11105 (2 February 2011).

20311 Patrick Rechner, T. 11105–11106 (2 February 2011); P2171 (UNPROFOR report, 27 May 1995), p. 2.

20312 Patrick Rechner, T. 11105–11106 (2 February 2011); P2171 (UNPROFOR report, 27 May 1995), p. 2.

Koran barracks.[20313] They were kept outdoors but not handcuffed.[20314] Kalbarczyk and another UNMO were taken from the Pale barracks, blindfolded, placed in a car, and driven to the radar station.[20315] At the radar station, they were handcuffed, interviewed, and filmed again by Pale TV.[20316] They were taken back to the barracks afterwards and spent the night there with the rest of the UNMOs.[20317] Later in the afternoon, two Russian UNMOs were brought in and joined the eight UNMOs at the Koran barracks.[20318] Rechner and a member of the UNMO team from Kasindo were allowed to go back to their accommodations to pick up personal items for themselves and the other UNMOs.[20319]

5922. On 28 May 1995, Evans, Kalbarczyk, and the other UNMOs were moved to another part of the Koran Barracks where they were guarded at all times.[20320] Food was brought to them but they did not have access to a radio or a television.[20321] Vojvodić visited them a few times per day and told them they were prisoners of war.[20322] The UNMOs were detained in this building for one week.[20323] Once again, Rechner was allowed to go to the 7 Lima UNMO team's accommodations to pick up personal items as they were going to be detained for several more days.[20324] Rechner saw that confidential UN situation reports had been sent to their office in their absence.[20325] The landlord of the house told Rechner that Krajišnik had called the house and said telephone calls and faxes were not permitted, and that the UNMOs should just do as they were told and they would be released in a few days.[20326]

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20313 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8 (specifying that they included five from SE-1 UNMO team, three from the 7 Lima UNMO team, and two from the SG-1 UNMO team).

20314 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 8.

20315 Janusz Kalbarczyk, T. 10852–10856 (28 January 2011); P2143 (Serbian TV news report re UN personnel, with transcript); Marcus Helgers, T. 10752–10756 (26 January 2011).

20316 Janusz Kalbarczyk, T. 10852–10856 (28 January 2011); P2143 (Serbian TV news report re UN personnel, with transcript); March Helgers, T. 10752–10756 (26 January 2011).

20317 Janusz Kalbarczyk, T. 10857–10858 (28 January 2011).

20318 Patrick Rechner, T. 11106–11107 (2 February 2011).

20319 Patrick Rechner, T. 11107 (2 February 2011).

20320 Janusz Kalbarczyk, T. 10857–10859 (28 January 2011); Patrick Rechner, T. 11104 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 57; P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 9.

20321 Janusz Kalbarczyk, T. 10858–10859 (28 January 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 9.

20322 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 9.

20323 Janusz Kalbarczyk, T. 10859 (28 January 2011).

20324 Patrick Rechner, T. 11108 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 58.

20325 Patrick Rechner, T. 11108 (2 February 2011).

20326 Patrick Rechner, T. 11108–11109 (2 February 2011). Rechner explained that the landlord of the 7 Lima UNMO team's office was a close friend or colleague of Krajišnik and this is why there was this message from Krajišnik to Rechner.

5923. On 29 May 1995, Rechner was again allowed to go back to the 7 Lima UNMO team's accommodations.[20327] He stopped by the UNMO team in Kasindo's accommodations first and tried to arrange a meeting with Koljević through his secretary.[20328] When Rechner returned to the Koran barracks, he spoke to Vojvodić and agreed to draft a letter outlining the issues he wanted to discuss with Koljević.[20329] Topics for discussion included the circumstances surrounding the UNMOs capture and detention, their mistreatment, and possible ways to resolve the situation.[20330] The proposed meeting with Koljević never took place.[20331] The next time Rechner met Koljević was on 15 June 1995.[20332]

5924. On 1 June 1995, Mladić visited the barracks to check on the UNMOs and their accommodations.[20333] He stayed there for 30 minutes and spoke to Evans about whether UNMOs were able to guide NATO aircrafts and direct their air strike targets.[20334] Evans told them that this was impossible.[20335] An UNMO from the 7 Lima UNMO team was also interviewed and asked the same questions to which he gave similar answers as Evans.[20336]

5925. On 5 June 1995, two Bosnian Serb doctors came and examined the UNMOs.[20337] Two days later, one of the UNMOs was released due to the doctor's recommendation.[20338]

5926. On 8 June 1995, the ICRC visited the UNMOs and registered them.[20339] Dragan Bulajić, the president of the Bosnian Serb Exchange Commission, accompanied the ICRC on this visit.[20340] Rechner spoke to him about their detention.[20341] When Bulajić said they were prisoners of war,

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20327 Patrick Rechner, T. 11109–11110 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 59.

20328 Patrick Rechner, T. 11109–11110 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 59.

20329 Patrick Rechner, T. 11110–11111 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 61.

20330 Patrick Rechner, T. 11111 (2 February 2011).

20331 Patrick Rechner, T. 11111 (2 February 2011).

20332 Patrick Rechner, T. 11111 (2 February 2011); P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 62; *see* para. 5930.

20333 Janusz Kalbarczyk, T. 10859–10860, 10891–10892 (28 January 2011); P653 (Video still of Ratko Mladić with two men). *See also* Jonathon Riley, T. 10777 (26 January 2011); P2148 (Witness statement of Jonathon Riley dated 30 May 1996), p. 5.

20334 Janusz Kalbarczyk, T. 10860–10861 (28 January 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 9.

20335 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 9.

20336 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 9.

20337 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 10.

20338 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 10.

20339 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 10; Patrick Rechner, T. 11115–11116 (2 February 2011).

20340 Patrick Rechner, T. 11115–11116 (2 February 2011).

20341 Patrick Rechner, T. 11116 (2 February 2011).

Rechner reminded him that they were unarmed UNMOs, and not soldiers, and the UNMOs were working on Bosnian Serb held territory with the permission of the Accused.[20342]

5927. On the morning of 13 June 1995, Kalbarczyk was released and transferred to the police station in Pale where he met other UN personnel who had also been released.[20343] From Pale, they were driven in buses to Novi Sad.[20344] Upon arriving in Novi Sad, Kalbarczyk and the UNMOs were taken to a holiday resort called Sloboda and placed under the custody of the VJ.[20345]

5928. On 14 June 1995, 18 UNPROFOR members and eight UNMOs, including Westlund and Kalbarczyk, were transported to Belgrade airport where they were flown to Zagreb and released.[20346]

5929. On 15 June 1995, other UNMOs, including Rechner, Evans, Gelissen, and Helgers, were taken to the police station in Pale where they met with ICRC representatives.[20347] Afterwards, they were taken back to the Pale Barracksand two more UNMOs from the Banja Luka team were brought in.[20348]

5930. On 15 June 1995, 15 UNMOs remained in detention.[20349] Rechner, Evans, Gelissen, and six UNMOs were still detained at the Pale barracks.[20350] Helgers and three UNMOs were detained at the Jaharina radar station.[20351] There were two UNMOs from Banja Luka whose whereabouts were unknown.[20352] The following day, the UNMOs detained at the Pale Barrackswere told by Vojvodić that they would be released that day.[20353] They were taken to their accommodations to pick up personal items and then driven to the Koran Hospital where they met Koljević.[20354] Rechner related

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20342 Patrick Rechner, T. 11116 (2 February 2011).

20343 Janusz Kalbarczyk, T. 10861–10863 (28 January 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 10.

20344 Janusz Kalbarczyk, T. 10862, 10865–10866 (28 January 2011); P2157 (Serbian TV news report re UN personnel, with transcript).

20345 Janusz Kalbarczyk, T. 10868 (28 January 2011).

20346 Janusz Kalbarczyk, T. 10869–10870 (28 January 2011); P2159 (UNPROFOR report, 14 June 1995), p. 1; P2160 (UNPROFOR report re released hostages, 14 June 1995), pp. 1–3.

20347 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9.

20348 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 9.

20349 P2161 (UNPROFOR report re released hostages, 14 June 1995), pp. 1–3; Janusz Kalbarczyk, T. 10870–10872 (28 January 2011).

20350 P2161 (UNPROFOR report re released hostages, 14 June 1995), pp. 1–3; Janusz Kalbarczyk, T. 10870–10872 (28 January 2011).

20351 P2161 (UNPROFOR report re released hostages, 14 June 1995), pp. 1–3; Janusz Kalbarczyk, T. 10870–10872 (28 January 2011).

20352 P2161 (UNPROFOR report re released hostages, 14 June 1995), pp. 1–3; P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 10.

20353 P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 10.

20354 Patrick Rechner, T. 11111–11112 (2 February 2011); P2525 (Witness statement of Griffiths Evans dated 6 September 1995), e-court p. 10.

all of his concerns about the UNMOs' capture and detention to him, including their limited opportunity to make contact with their families.[20355] Rechner also discussed the actual details of their capture and detention.[20356] Koljević knew what had happened but was surprised to hear that the UNMOs had been threatened.[20357] In relation to the NATO air strikes, Koljević told Rechner that due to the intensity of the air strikes, which was not expected by the Bosnian Serbs, they felt that they needed to react in a way that would send a shock to the UN.[20358] Koljević also told Rechner that due to these air strikes, the Bosnian Serbs' relationship with the UN would be completely different and the UNMO office in Pale would be closed.[20359]

5931. On 18 June 1995, the UNMOs were taken to the Pale police station by bus and handed over to the Serbian authorities.[20360] Koljević apologised to the UNMOs for the treatment they had received but emphasised that due to the NATO air strikes, the Bosnian Serbs had needed to react and take extreme measures.[20361] He informed them that they were being handed over to the Serbian authorities of the FRY.[20362] Koljević asked them to give a statement and Rechner did so.[20363] Inđić also spoke to the UNMOs stating that he was happy the situation had ended well.[20364] Inđić signed a release document and the UNMOs were handed over to the Serbian authorities.[20365] The UNMOs were escorted by Serbian Special forces, wearing red berets, who accompanied them to Novi Sad.[20366] The next day, they were taken to Belgrade and then flown to Zagreb where they were met by Akashi.[20367]

d. Negotiations and release

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20355 Patrick Rechner, T. 11112–11113 (2 February 2011).

20356 Patrick Rechner, T. 11113 (2 February 2011).

20357 Patrick Rechner, T. 11113 (2 February 2011).

20358 Patrick Rechner, T. 11114 (2 February 2011).

20359 Patrick Rechner, T. 11114 (2 February 2011).

20360 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 10. *See also* P2156 (Radovan Karadžić's Order to VRS Main Staff, 13 June 1995.)

20361 Marcus Helgers, T. 10758 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 4; Patrick Rechner, T. 11117 (2 February 2011).

20362 Marcus Helgers, T. 10758 (26 January 2011); P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 4.

20363 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 10.

20364 P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 4.

20365 P2117 (Witness statement of Marcus Helgers dated 3 August 1995), p. 4.

20366 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 10.

20367 P56 (Witness statement of Joseph Gelissen dated 18 January 1996), e-court p. 10; P5211 (UNPROFOR daily report, 20 June 1995); D1131 (UNPROFOR Weekly Situation Report, 18 June 1995), p. 2 (specifying that "[t]he Bosnian Serbs had linked the release of these hostages to that of four Bosnian Serb soldiers held by UNPROFOR since the [VRS] attack on the Vrbanja Bridge in Sarajevo on 27 May 1995. These four soldiers were handed over to the Bosnian Serb military authorities at Lukavica Barracksin Sarajevo today.")

5932. Communication between the UN and the Bosnian Serbs on negotiating the release of the UN personnel began shortly after the first group was detained.[20368] Charles Kirudja, the UN Delegate of the Special Representative of the Secretary General to the FRY, was involved in these negotiations.[20369] From the FRY, Jovica Stanišić was the special negotiator for Slobodan Milošević.[20370] Janvier emphasised that the release of the UN personnel was his utmost priority.[20371] UNPROFOR's strategic aim was to negotiate the release of the detained personnel and re-establish UNPROFOR's mission in BiH.[20372]

5933. By 3 June 1995, 120 UNPROFOR personnel had been released by the VRS and handed over to the Serbian authorities.[20373] Akashi thanked the Accused for the release of these UNPROFOR members but noted that approximately 264 others were still being detained and demanded their unconditional release.[20374]

5934. By 9 June 1995, due to "increased shelling on Bosnian Serb positions in Trskavica, Majevica, Kalenik and Livansko Polje," the Bosnian Serbs were refusing to release the remaining UN personnel.[20375] As Jovica Stanišić was planning on meeting with Mladić the following day, he asked Kirudja to provide him with information on the location of the remaining UN personnel, including the precise numbers, the conditions under which they were being held, and whether they were surrounded and blocked by Bosnian Serb forces.[20376] Kirudja stressed that a condition of their release was that they be released "unconditionally", namely with all of their equipment.[20377]

5935. On 10 June 1995, Kirudja met again with Jovica Stanišić to provide him with the latest information on the numbers and locations of the remaining UN personnel.[20378] Stanišić was certain

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20368 P2268 (UNPROFOR report re telephone conversations with Ratko Mladić, 26 May 1995); D1055 (UNPROFOR report to Kofi Annan, 27 May 1995); P5023 (UNPROFOR report, 29 May 1995), p. 5.

20369 P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 149.

20370 P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 149–150; P3872 (UNPROFOR report, 10 June 1995), p. 1.

20371 P2284 (UNSG report entitled "The Fall of Srebrenica", 15 November 1999), para. 194.

20372 P5023 (UNPROFOR report, 29 May 1995), p. 3.

20373 P5022 (Letter from Yasushi Akashi to Radovan Karadžić, 3 June 1995); P3873 (Official note of Pale SJB, 2 June 1995); P3874 (Official note of Pale SJB, 2 June 1995); P3875 (Official note of Pale SJB, 2 June 1995); P3876 (RS MUP report re handover of captured UNPROFOR members and military observers, 2 June 1995); P3877 (List of UNPROFOR members released by the VRS, 2 June 1995); P888 (UNPROFOR Weekly Situation Report (Sarajevo), 3 June 1995), p. 2. *See also* P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 159–160; P889 (Radovan Karadžić's Order to VRS and to RS MUP, 2 June 1995); P2152 (VRS Main Staff Order, 2 June 1995).

20374 P5022 (Letter from Yasushi Akashi to Radovan Karadžić, 3 June 1995).

20375 P3871 (UNPROFOR report, 9 June 1995), p. 1. *See also* P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 151–152.

20376 P3871 (UNPROFOR report, 9 June 1995), pp. 2–3.

20377 P3871 (UNPROFOR report, 9 June 1995), pp. 2–3.

20378 P3872 (UNPROFOR report, 10 June 1995), p. 1.

that based on the information from the UN, Mladić had been withholding information from him and he would have to revise his approach for negotiations, particularly with respect to the UN personnel held in and around Sarajevo.[20379] Stanišić told Kirudja that he had spoken with the Accused in the morning and the Accused was very concerned that there may be further NATO air strikes in retaliation for detaining UN personnel whereas Mladić seemed intent on continuing to hold the UN personnel in Sarajevo "fearing that their release would set the conditions for renewed NATO air strikes and/or a renewed assault by government troops".[20380] Stanišić questioned whether it would be better to put pressure on the Accused and Mladić to release the UN personnel directly to UNPROFOR in Sarajevo or to release them to him for transportation to Belgrade, as had been done with the two previous groups who were released.[20381] Kirudja stated that it would be best to release them to UNPROFOR in Sarajevo and to propose this to Mladić.[20382] Stanišić thought that Mladić would rather release them to the FRY and be publicly seen as "handing them over" to Stanišić.[20383] Stanišić requested that there be a moratorium on any use of external force by the UN and NATO during and immediately after the process of releasing the UN personnel, which Kirudja said he would communicate to the UN and Akashi.[20384] Smith's response to this was that he would not agree to anything with the Bosnian Serbs, including entering into negotiations with them, and that his demand was they release the hostages immediately and unconditionally.[20385]

5936. By 13 June 1995, additional UNPROFOR personnel were released.[20386] On 16 June 1995, the Security Council passed resolution 998 demanding the immediate and unconditional release of all remaining UN personnel.[20387] By 18 June 1995, all remaining UNPROFOR and the remaining 15 UNMOs were released.[20388] The UNPROFOR and UNMO personnel were released by the VRS and handed over to Jovica Stanišić in Belgrade and flown back to UNPROFOR HQ in Zagreb.[20389]

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20379 P3872 (UNPROFOR report, 10 June 1995), pp. 1–2.

20380 P3872 (UNPROFOR report, 10 June 1995), p. 2.

20381 P3872 (UNPROFOR report, 10 June 1995), p. 2.

20382 P3872 (UNPROFOR report, 10 June 1995), p. 3.

20383 P3872 (UNPROFOR report, 10 June 1995), p. 3.

20384 P3872 (UNPROFOR report, 10 June 1995), p. 3.

20385 P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 157.

20386 P2156 (Radovan Karadžić's Order to VRS Main Staff, 13 June 1995); P2159 (UNPROFOR report, 14 June 1995); P2160 (UNPROFOR report re released hostages, 14 June 1995); P2161 (UNPROFOR report re released hostages, 14 June 1995).

20387 P5014 (UNSC Resolution 998, 16 June 1995), p. 2.

20388 P2156 (Radovan Karadžić's Order to VRS Main Staff, 13 June 1995); P2183 (VRS Main Staff Order, 17 June 1995). *See also* P2175 (Video footage of UN personnel, with transcript).

20389 P2156 (Radovan Karadžić's Order to VRS Main Staff, 13 June 1995); P2159 (UNPROFOR report, 14 June 1995); P2160 (UNPROFOR report re released hostages, 14 June 1995); P2161 (UNPROFOR report re released hostages, 14 June 1995).

e. Conclusion

5937. The Chamber finds that on 25 and 26 May 1995, following the NATO air strikes on Bosnian Serb military targets, over 200 UNPROFOR and UNMO personnel in BiH were detained by Bosnian Serb Forces and taken to various locations throughout BiH.[20390] Some of the UN personnel were taken from their locations and driven to locations of military significance for the VRS, such as the Mount Jahorina radar station, the Banja Luka barracks, Pale barracks, Lukavica barracks, Bijeljina barracks, Višegrad barracks, Jahorinski Potok, and Koran barracks. Others were simply detained at their locations, including OPs and WCPs. Threats were made by the VRS against the UN personnel, that they would be killed if NATO launched further air strikes and these threats were communicated to the UN.

2. Legal findings on crimes

a. Chapeau requirements for Article 3

5938. In relation to the Hostages component of the case, the Accused is charged with one count of violations of the laws or customs of war under Article 3 of the Statute, namely the taking of hostages. The Chamber recalls that before entering findings on counts under Article 3 of the Statute, the Chamber must first be satisfied that a number of general requirements are met.

5939. The Chamber found that there was an armed conflict in BiH throughout the period relevant to the crimes alleged in the Indictment. The Chamber further finds that the taking of hostages, as analysed above, is closely related to the armed conflict. In relation to the four so called "*Tadić* Conditions",[20391] the Chamber refers to the applicable law section of this Judgement, which expanded on the legal basis for each of the crimes charged in the Indictment under Article 3 of the Statute.[20392] In relation to the taking of hostages, the prohibition stems from Common Article 3 which is deemed to be part of customary international law.[20393] Further, the Appeals Chamber has

20390 While paragraph 86 of the Indictment alleges that over 200 UNPROFOR and UNMOs were detained, the evidence reflects that the total number of UNPROFOR personnel detained was more than 300. *See* P2173 (UNPROFOR report, 28 May 1995); P2270 (UNPROFOR report, 29 May 1995); P5024 (Annex A to UNPROFOR report re UN hostages, 2 June 1995); P5022 (Letter from Yasushi Akashi to Radovan Karadžić, 3 June 1995).

20391 *See* para. 443.

20392 *See* Section III.A.1: Article 3 of the Statute of the Tribunal.

20393 *Čelebići* Appeal Judgement, para. 143.

confirmed that violations of the provisions of Common Article 3 entail individual criminal responsibility.[20394]

5940. The Chamber is therefore satisfied that the four *Tadić* Conditions are met, and consequently that the chapeau requirements for Article 3 of the Statute are fulfilled, in relation to the crime of taking hostages.

b. Crime of hostage-taking: Count 11

*i. Actus reus of hostage-taking*

5941. The Chamber refers to its findings above that on 25 and 26 May 1995, following the NATO air strikes on Bosnian Serb military targets, over 200 UNPROFOR and UNMO personnel in BiH were detained by Bosnian Serb Forces and taken to various locations in BiH. Some of the UN personnel were taken to locations of military significance for the VRS, such as the Banja Luka barracks, Mount Jahorina radar station, Pale barracks, Lukavica barracks, Bijeljina barracks, Višegrad barracks, Jahorinski Potok, and Koran barracks. Others were simply detained at their locations, including OPs and WCPs.

5942. The Accused has argued throughout the case, that the status of the UN personnel at the time of the alleged hostage taking was determinative for a finding on the existence of the crime. He argued that due to the NATO air strikes, the UN personnel were transformed into persons taking active part in the hostilities and thus not entitled to the protections of Common Article 3.[20395]

5943. The Chamber finds the Accused's argument in this regard to be unconvincing. As a preliminary matter, the Chamber recalls that the UN and its associated peacekeeping forces were not a party to the conflict. UNPROFOR was established and deployed pursuant to Security Council Resolution 743 as "an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis".[20396] While the details of its operations were enlarged and strengthened over the course of the conflict in order to preserve the security of its personnel and enable the implementation of its mandate, it remained a peacekeeping

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20394 *Čelebići* Appeal Judgement, paras. 167, 170, 173–174 (holding at para. 173: "It is universally acknowledged that the acts enumerated in common Article 3 are wrongful and shock the conscience of civilised people, and thus are, in the language of Article 15(2) of the ICCPR, 'criminal according to the general principles of law recognised by civilised nations'.").

20395 *See Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-AR73.9, Appeal from Denial of Judgement for Acquittal for Hostage Taking, 25 July 2012, paras. 42–52; Hearing, T. 28619–28626 (11 June 2012). *See* the Accused's line of questioning during the testimony of Michael Rose, T. 7391–7397 (6 October 2010), T. 7568–7569 (8 October 2010); Rupert Smith, T. 11488–11498 (10 February 2011); John Zametica, T. 42473–42475 (29 October 2013); David Harland, T. 2293–2294 (11 May 2010);

20396 UNSC Resolution 743 (1992), S/RES/743, 21 February 1992.

force.[20397] Accordingly, at the time the UN personnel were detained on 25 and 26 May 1995, they were persons taking no active part in the hostilities and, as such, were afforded the protection of Common Article 3. The NATO air strikes of 25 and 26 May 1995 did not transform the status of all of the UN personnel in BiH into that of persons taking active part in the hostilities. However, even if the UN personnel had been combatants prior to their detention, as the Accused argues, they were in any event rendered *hors de combat* by virtue of their detention and thus were also entitled to the minimum protections guaranteed by Common Article 3.[20398] As confirmed by the Appeals Chamber in this case, Common Article 3 applies to the detained UN personnel irrespective of their status prior to detention.[20399] Therefore, the Chamber finds that all UN personnel who were detained by the Bosnian Serb Forces were entitled to the protections under Common Article 3, including the prohibition against hostage-taking.

5944. While the UNPROFOR and UNMO personnel were detained, Bosnian Serb Forces threatened to kill, injure, or continue to detain them unless NATO ceased its air strikes. These threats were communicated by the Bosnian Serb Forces to the detained UN personnel and to UNMO and UNPROFOR headquarters.[20400]

5945. The Chamber therefore finds that between 25 May and 18 June 1995, UNPROFOR and UNMO personnel were detained by Bosnian Serb Forces and threats were used against them in order to obtain a concession, namely that NATO cease its air strikes against Bosnian Serb military targets in BiH.

*ii. Mens rea of hostage-taking*

5946. The Chamber finds that the detention of the UNPROFOR and UNMO personnel by Bosnian Serb Forces was intentionally carried out to compel NATO to refrain from conducting further air

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20397 *See* P981 (UNSC Resolution 758, 8 June 1992); P985 (UNSC Resolution 836, 4 June 1993) (authorising UNPROFOR, in carrying out its mandate, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys); UNSC Resolution 914 (1994), S/RES/914, 27 April 1994; UNSC Resolution 982 (1995), S/RES/982, 31 March 1995 (extending UNPROFOR's mandate until 30 November 1995 and paying tribute to all UNPROFOR personnel, especially those who have given their lives for the cause of peace); UNSC Resolution 947 (1994), S/RES/947, 30 September 1994 (stressing that UNPROFOR plays an essential role in preventing and containing hostilities and thus creating the conditions for achieving an overall political settlement); P5014 (UNSC Resolution 998, 16 June 1995) (authorising the increase in the number of UNPROFOR personnel in order to carry out its mandate).

20398 *See* Appeal Decision on Count 11, para. 21 (holding that "Common Article 3's prohibition on hostage-taking applies to all detained individuals, irrespective of whether their detention is explicitly sought in order to use them as hostages and irrespective of their prior status as combatants" and that the Chamber did not err in making this finding).

20399 *See* Appeal Decision on Count 11, paras. 21–22.

20400 *See* paras. 5871–5872, 5874–5876, 5880, 5890, 5894–5895, 5899, 5902, 5914–5915, 5917.

strikes on Bosnian Serb military targets. In reaching this conclusion, the Chamber has had regard to orders and reports from the VRS, threats made to the UN personnel and communicated to UNMO and UNPROFOR headquarters, and statements made by the Accused, Mladić, Zametica, and Krajišnik.[20401]

5947. In addition, the Chamber finds that members of the Bosnian Serb Forces knew or should have been aware that when the crime of hostage-taking was committed, the detained UN personnel were taking no active part in the hostilities.

*iii. Special defence: reprisals*

5948. The Accused submits that even if the Chamber finds that the elements of hostage-taking are met, the conduct of the Bosnian Serbs was justified by the defence of reprisals.[20402] The Prosecution submits that detainees may never be subjected to reprisals and therefore, the unlawful act of threatening detainees so as to obtain a concession cannot be justified as a reprisal.[20403]

5949. In the law of armed conflict, a belligerent reprisal is an act that would otherwise be unlawful but, in exceptional circumstances and if strict conditions are met, is considered lawful when it is used as an enforcement measure in reaction to unlawful acts of an adversary.[20404] However, the prohibition of reprisals against protected persons is absolute and can therefore not be used as a defence for the crime of taking protected persons hostage.[20405]

5950. Therefore, the Chamber finds that the taking of UN personnel hostage cannot be justified as a lawful reprisal and the Accused's argument in this regard is dismissed.

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20401 *See* paras. 5857, 5859–5861, 5871–5872, 5874–5876, 5880, 5890, 5894–5895, 5899, 5902, 5914–5915, 5917, 5958–5961.

20402 Defence Final Brief, para. 2743. *See also* Notice of Special Defence as to Count 11: Reprisals, 14 December 2012, wherein the Accused contends that (i) "the NATO/UN bombing of the Pale ammunition depot on 25-26 May 1995, not being in self-defence, was a violation of the law of armed conflict; (ii) he had provided a formal warning that UN personnel would be taken prisoner if air strikes were launched; (iii) the decision to detain UN personnel was made at the highest levels of the [RS]; (iv) the detention of UN personnel was a proportionate response to the air strikes; and (v) there was no impact on the civilian population". Notice of Special Defence as to Count 11: Reprisals, 14 December 2012, para. 7.

20403 Prosecution Final Brief, para. 1109. *See also* Prosecution's Submission Re. Notice of Special Defence as to Count 11: Reprisals, 5 March 2013.

20404 ICRC Customary IHL, Rule 145; *Martić* Trial Judgement, paras. 465–467.

20405 ICRC Customary IHL, Rule 146. The Geneva Conventions prohibits belligerent reprisals against "persons in the power of a party of the conflict, including the wounded, sick and shipwrecked, medical and religious personnel, captured combatants, civilians in occupied territory and other categories of civilians in the power of an adverse party to the conflict". ICRC Customary IHL, Rule 146, citing First Geneva Convention, art. 46; Second Geneva Convention, art. 47; Third Geneva Convention, art. 13; and Fourth Geneva Convention, art. 33.

*iv. Conclusion*

5951. The Chamber therefore finds that the detention of UN personnel by the Bosnian Serb Forces in order to compel NATO to cease its air strikes against Bosnian Serb military targets constitutes the crime of taking hostages, as a violation of the laws or customs of war.

3. Hostages JCE and the Accused's responsibility

a. Submissions of the Parties

5952. The Prosecution charges the Accused with having participated in a JCE during May and June 1995, the objective of which was to take UN personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian Serb military targets.[20406] It alleges that this objective involved the commission of the crime of taking hostages.[20407]

5953. The Prosecution further alleges that the Accused shared the intent for the commission of this crime with other members of the JCE, including Mladić.[20408] The Prosecution identifies the other members of the JCE as members of the Bosnian Serb Political and Governmental Organs; and commanders, assistant commanders, senior officers, and chiefs of the VRS and MUP.[20409] It alleges that each member of the JCE implemented its objective by personally committing crimes, and/or through and by using members of the VRS and MUP to carry out the crimes committed in furtherance of the objective.[20410] Alternatively, the Prosecution alleges that some or all of these individuals were not members of the JCE but were used by members of the JCE to carry out the crimes committed in furtherance of its objective.[20411]

5954. The Prosecution alleges that the Accused significantly contributed to achieving the objective of taking hostages and that he was a central participant at every stage of the implementation of the common purpose.[20412]

5955. The Prosecution submits that following the NATO air strikes on Bosnian Serb military targets on 25 and 26 May 1995, Bosnian Serb Forces took over 200 UN personnel hostage and

20406 Indictment, para. 25.
20407 Indictment, para. 25.
20408 Indictment, para. 26.
20409 Indictment, para. 27.
20410 Indictment, para. 28.
20411 Indictment, para. 27.
20412 Indictment, para. 29, referring to paras. 14(a), (b), (d), (e), and (h) of the Indictment. *See also* Prosecution Final Brief, para. 1108.

informed the UN that the hostages would be killed or injured if the NATO air strikes continued.[20413] It argues that these acts were part of a JCE to compel NATO to abstain from conducting further air strikes and that the Accused, with others, intended that the UN personnel be taken hostage and that the Accused ordered subordinates in the VRS and the MUP to seize them and use them as human shields.[20414]

5956. In relation to his responsibility under Count 11, the Accused submits that the Prosecution has failed to prove his *mens rea* for an essential element of the offence.[20415] The Accused argues that while he did agree that UN personnel should be detained following the NATO air strikes, he never agreed or contemplated that threats should be made against them.[20416] He also argues that there is no evidence that the plan to detain the UN personnel included the issuance of threats against them.[20417] He further argues that the threats that were made to the detained UN personnel were "not part of orders coming down the chain of command" and that while there were VRS orders to place the UN personnel in areas where air strikes may occur, he also ordered that the UN personnel be "treated properly with military respect".[20418] The Accused submits that the crime of taking hostages requires an essential element, namely that the perpetrator threatened to kill, injure, or continue to detain such person or persons and since he never agreed to this element, he cannot be found guilty of this crime under the basic form of JCE.[20419]

b. Findings on the common purpose and plurality of persons

5957. The Chamber found that following the NATO air strikes on 25 and 26 May 1995, the Bosnian Serb Forces detained UN personnel in various locations throughout BiH.[20420] The Accused had warned UNPROFOR that he would "treat UN soldiers as enemies" if NATO air strikes were conducted and UNPROFOR had expressed its own concerns about UN personnel being targeted by the VRS.[20421] Immediately after the air strikes, the Accused ordered Milovanović to "activate" a decision made the previous year to "arrest everything foreign in RS territory and to

20413 Prosecution Final Brief, para. 1102.

20414 Prosecution Final Brief, paras. 1102, 1108.

20415 Defence Final Brief, para. 3352. In relation to the third form of JCE, the Accused argues that there is no evidence that he should have foreseen the making of such threats to the detained UN personnel. He argues that since the threats were not foreseeable, he cannot be found guilty of hostage taking under the third form of JCE. Defence Final Brief, paras. 3366–3368. The Chamber notes that for the Hostages component of the case, the Prosecution does not charge the Accused with criminal responsibility through the third form of JCE, therefore the Chamber will not address the Accused's argument with respect to this form of responsibility.

20416 Defence Trial Brief, paras. 3354, 3359–3360.

20417 Defence Trial Brief, para. 3355.

20418 Defence Final Brief, para. 3358.

20419 Defence Final Brief, para. 3360.

20420 *See* para. 5937.

20421 *See* para. 5964.

treat military personnel as prisoners of war and hold them as hostages till the end of the war".[20422] Members of the Bosnian Serb Forces, including Mladić, Milovanović, Dragomir Milošević, and Živanović, carried out an operation with swift efficiency resulting in the detention of over 200 UN personnel throughout BiH during the few days immediately following the NATO air strikes.[20423] Some of the UN personnel were taken to locations of military significance to the VRS, while others were detained at their OPs or WCPs.[20424]

5958. Once it was clear that NATO air strikes would cease, the negotiations for the release of the hostages were successful.[20425] On 2 June 1995, the Accused issued an order to the Main Staff and the MUP that 120 detained UNPROFOR personnel should be released.[20426] Also on this day, Krajišnik, in a private telephone conversation, stated that the Bosnian Serbs were very pleased with the things they had achieved and that the hostages were the Bosnian Serbs' "trump card" and were used to avert the danger of NATO bombing their positions.[20427] The following day, Krajišnik stated that "we let some go and we captured some others" but that the Bosnian Serbs were holding on to some of the hostages, as "an excellent method" and they always had "an ace up our sleeve".[20428]

5959. On 4 June 1995, Janvier met with Mladić to discuss the remaining detained UN personnel.[20429] Janvier stated that the situation was unacceptable and demanded that the Bosnian Serbs release all detained UN personnel with all of their material and equipment.[20430] Mladić stated that the intention of the Bosnian Serbs in detaining UN personnel was that air strikes would never be repeated in the future and that the release of the UN personnel was dependent on this guarantee

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20422 *See* paras. 5857, 5965.

20423 *See* paras. 5857, 5859–5863, 5913, 5916, 5937.

20424 *See* para. 5937.

20425 *See* paras. 5932–5936.

20426 P889 (Radovan Karadžić's Order to VRS and to RS MUP, 2 June 1995); P820 (Witness statement of David Harland dated 4 September 2009), para. 189; P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 160. *See also* P3807 (Dispatch from RS MUP to Radovan Karadžić, 2 June 1995).

20427 P6520 (Intercept of conversation between Petar Makara and Momčilo Krajišnik, 02 June 1995); Momčilo Krajišnik, T. 43894–43898 (20 November 2013).

20428 P2271 (Intercept of conversation between Momčilo Vinković and Momčilo Krajišnik, 3 June 1995); Momčilo Krajišnik, T. 43890–43894 (20 November 2013). Krajišnik testified that he did not agree with Vinković, who he qualified as a radical in the Serbian diaspora, but he did not want to offend him during the phone conversation. Momčilo Krajišnik, T. 43890–43894 (20 November 2013).

20429 P2273 (UNPROFOR report re meeting with Ratko Mladić, 4 June 1995); Rupert Smith, T. 11414–11416 (9 February 2011). On 1 June 1995, Mladić visited the Koran barracks to check on the detained UNMOs and their accommodations. Janusz Kalbarczyk, T. 10859–10860, 10891–10892 (28 January 2011); P653 (Video still of Ratko Mladić with two men). *See also* Jonathon Riley, T. 10777 (26 January 2011); P2148 (Witness statement of Jonathon Riley dated 30 May 1996), p. 5.

20430 P2273 (UNPROFOR report re meeting with Ratko Mladić, 4 June 1995), p. 1; Rupert Smith, T. 11414–11416 (9 February 2011).

by the UN.[20431] Mladić proposed an agreement that he, as the VRS Commander, and Janvier, as the Commander of UNPROFOR, state the following:

> (1) The VRS will no longer threaten the life and the security of members of UNPROFOR by the use of force;
>
> (2) UNPROFOR will not engage any of its forces or air strikes against Bosnian Serb objectives or territory; and
>
> (3) the signing of this agreement immediately engages the liberation of all prisoners of war.[20432]

5960. On 15 June 1995, Krajišnik, in a private conversation, stated that the hostage situation was the "biggest deal and quite a lucrative one, I am not saying we could have gotten more out of it".[20433]

5961. In addition to the detention, the Chamber found that threats to kill and harm were used against the detained UN personnel in order to obtain a concession, namely that NATO cease its air strikes, including by the Accused.[20434] Mladić, Inđić, Zametica, Ribić, and members of the Bosnian Serb Forces communicated these threats directly to the detained UN personnel, Smith, and UNPROFOR.[20435] These threats were made in order to stop the NATO air strikes.[20436] Further, both Krajišnik and Zametica issued public statements following the NATO air strikes, that the Bosnian Serbs would treat the UN as their enemy.[20437] The Accused publicly warned against the

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20431 P2273 (UNPROFOR report re meeting with Ratko Mladić, 4 June 1995), p. 4; Rupert Smith, T. 11414–11416 (9 February 2011).

20432 P2273 (UNPROFOR report re meeting with Ratko Mladić, 4 June 1995), p. 4; Rupert Smith, T. 11414–11416 (9 February 2011).

20433 P6521 (Intercept of conversation between Petar Makara and Momčilo Krajišnik, 15 June 1995), p. 1; Momčilo Krajišnik, T. 43899–43900 (20 November 2013). Koljević told Rechner that due to the intensity of the NATO air strikes, which was unexpected on the part of the Bosnian Serbs, the Bosnian Serbs felt that they needed to react in a way that would send a shock to the UN. Patrick Rechner, T. 11113–11114 (2 February 2011).

20434 *See* paras. 5944–5945.

20435 *See* paras. 5944–5945, 5871–5872, 5874–5876, 5880, 5890, 5894–5895, 5899, 5902, 5914–5915, 5917. *See also* P2268 (UNPROFOR report re telephone conversations with Ratko Mladić, 26 May 1995); P5013 (UNPROFOR Report re air strikes in Bosnia, 26 May 1995); Rupert Smith, T. 11371–11373 (8 February 2011); P2269 (UNPROFOR report re telephone conversation with Ratko Mladić, 29 May 1995), p. 2; [REDACTED]; P2434 (UNPROFOR protest letter to SRK, 3 June 1995). [REDACTED]. In discussing the hostage taking with Rechner, Koljević stated that he knew what had happened but was surprised to hear that the UNMOs had been threatened. Patrick Rechner, T. 11113–11114 (2 February 2011). Milenko Inđić stated that he never told Smith that UNPROFOR personnel would be killed or harmed. D2774 (Witness statement of Milenko Inđić dated 19 January 2013), para. 171. The Chamber notes that the evidence shows that repeated threats were made to harm and kill the UN personnel, these threats were communicated to Smith, among others, by Inđić, and the UN personnel were placed in locations of strategic and military importance to the VRS, placing them at great risk of being harmed or killed in the event of a NATO air strike.

20436 *See* paras. 5871–5872, 5874–5876, 5880, 5890, 5894–5895, 5899, 5902, 5914–5915, 5917.

20437 John Zametica, T. 42498–424501 (29 October 2013); P6474 (Article from Reuters Press entitled "Serb Official Vows Heavy Price for Raids", 26 May 1995); D1055 (UNPROFOR report to Kofi Annan, 27 May 1995), e-court p. 6. Krajišnik testified that detaining UN personnel was a "desperate attempt" on the part of the VRS to prevent further NATO air strikes but it was in no way done to harm the actual UN personnel who were shown on television. He further testified that the intent of the Bosnian Serb leadership was to deter the air strikes and that is why the detained UN personnel were shown on television but that "we had no wish to destroy these

use of military intervention to free the hostages, stating that it would end in "catastrophe" and "a slaughter".[20438] He threatened to escalate retaliation by the Bosnian Serbs if the UN ordered more NATO air strikes.[20439]

5962. The Chamber is therefore satisfied beyond reasonable doubt that between 25 May and June 1995, there existed a JCE, the common purpose of which was to take UN personnel hostage in order to compel NATO to abstain from conducting further air strikes against Bosnian Serb targets. This common purpose came to fruition following the NATO air strikes on 25 and 26 May 1995 and involved a plurality of persons. These members of the JCE, including the Accused,[20440] Mladić, Krajišnik, and Milovanović, shared the intent for the crime of hostage-taking. Members of the JCE implemented the common purpose themselves and/or by using members of the VRS and the MUP to act in furtherance of the common purpose. In doing so, orders were issued to take UN personnel hostage, the orders were implemented, and information was reported about the hostages taken. The common purpose lasted until the last of the UN personnel was released on 18 June 1995.

c. Findings on the Accused's intent: whether the Accused shared the common purpose of the JCE

5963. The Accused argues that, while he did agree that UN personnel should be detained, he never agreed or contemplated that threats should be made against them and that there is no evidence that the plan to detain the UN personnel included the issuance of threats.[20441] In contrast, the Prosecution submits that the Accused was a central participant at every stage of the hostage taking.[20442] Given the importance placed by the Accused on whether he shared the intent that threats be issued against the detained UN personnel, the Chamber will examine this element in detail below.

5964. Prior to the hostage-taking events, the Accused warned UNPROFOR that he would treat UN soldiers as enemies if NATO air strikes were conducted.[20443] UNPROFOR had expressed its

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young people". Momčilo Krajišnik, T. 43339–43340 (12 November 2013). The Chamber notes that whether or not the Bosnian Serb leadership intended to actually harm the hostages is not an element of the crime of hostage taking. The accepted evidence discussed in this section of the Judgement shows that the Bosnian Serb political leadership was involved in the detention of the UN personnel at locations which placed them at a high risk of being harmed and this amounted to threatening to harm the UN personnel.

20438 D1056 (Reuters report re Radovan Karadžić, 1 June 1995), p. 1.

20439 D1056 (Reuters report re Radovan Karadžić, 1 June 1995), p. 2.

20440 The Accused's intent is discussed further below.

20441 Defence Final Brief, paras. 3354–3355, 3359–3360.

20442 Prosecution Final Brief, paras. 1107–1108.

20443 P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995); P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 3. *See also* P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), e-court pp. 2–3 (the Accused stated to Akashi

own concerns about UN personnel being targeted by the VRS.[20444] During a meeting with Smith on 9 May 1995, the Accused informed Smith that anyone who attacked the Bosnian Serbs was "their enemy" and made it clear that if NATO were to conduct air strikes against Bosnian Serb targets, then the UN forces would be attacked in retaliation or at least be "detained".[20445] The Accused again warned that the UN and NATO would be treated as enemies of the Bosnian Serbs.[20446]

5965. On 25 May 1995, after a warning issued by Smith prior to the NATO air strikes, the Accused, who was in Banja Luka at the time, again stated in a press interview that if the UN and NATO were to conduct air strikes, that he would "treat UN soldiers as 'enemies'".[20447] On the same day, the Accused ordered Milovanović to activate the decision made the previous year ordering the VRS to arrest everything foreign in RS territory and to treat military personnel as prisoners of war and "hold them as hostages" till the end of the war.[20448]

5966. On 27 May 1995, the Accused approved an order issued by Milovanović to the commanders of the VRS corps to "place the captured UNPROFOR staff, as well as staff of the other international humanitarian organisations" at the "warehouses, in the areas of command posts, firing positions and other potential targets that may come under the air strike".[20449]

5967. On 1 June 1995, the Accused gave an interview to the Bosnian Serb television station in Pale stating that any attempt to liberate the detained UN personnel would "end in catastrophe" and it would "be a slaughter".[20450] He stated that the detained UN personnel were prisoners of war but he threatened to escalate the Bosnian Serb response if the UN ordered more NATO air strikes.[20451]

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that if the international community treated the [Bosnian] Serbs like 'beasts in a cage', then that is how they would behave).

20444 P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995); P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), e-court p. 4; P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995); P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995).

20445 P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 3; John Zametica, T. 42474 (29 October 2013); Rupert Smith, T. 11357–11358 (8 February 2011); P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995).

20446 P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 7; John Zametica, T. 42474 (29 October 2013); P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995).

20447 D988 (Article from AFP entitled "Serbs Will Treat UN as Enemies if Smith Airstrikes: Karadžić", 25 May 1995); Patrick Rechner, T. 11149 (2 February 2011); P5012 (UNPROFOR report re Sarajevo heavy weapon exclusion zone, 25 May 1995).

20448 D2149 (Aide mémoire of Manojlo Milovanović), pp. 56–57. *See* para. 5857.

20449 P2137 (Order of VRS Main Staff, 27 May 1995), p. 1. *See* para. 5860.

20450 D1056 (Reuters report re Radovan Karadžić, 1 June 1995), p. 1; Rupert Smith, T. 11886–11887 (15 February 2011). *See also* P888 (UNPROFOR Weekly Situation Report (Sarajevo), 3 June 1995), p. 2.

20451 D1056 (Reuters report re Radovan Karadžić, 1 June 1995), p. 2. *See also* D928 (BBC news report re UN personnel), at 07:30–08:16; Martin Bell, T. 9917–9918 (15 December 2010).

5968. On 21 June 1995, the Accused gave an interview to the BBC, in which he discussed the detention of the UN personnel.[20452] He admitted that the detention of the UN personnel was a mistake but that "one drastic move causes another drastic reaction", referring to the NATO air strikes as the first drastic move and the detention as the drastic reaction.[20453] He stated that he needed to do something very drastic "in order to prevent further attacks [from NATO]".[20454] The Accused called the detainees "UN war prisoners" and stated that he had ordered their release.[20455] He stated that he was responsible for the actions of the VRS soldiers on the ground, stating that "we [he and the VRS] function as a State and I am Commander-in-Chief, Supreme Commander and everything that my Army do, I do back".[20456]

5969. The Chamber is of the view that the statements, acts, and conduct of the Accused, as described above, are tantamount to having issued threats to injure, kill, or continue to detain the UN personnel and that he deliberately used the detained UN personnel as a bargaining tool to stop NATO air strikes. It is also clear from the Accused's statements and actions that he envisaged using the UN personnel as hostages. The only reasonable inference the Chamber can draw from this evidence is that the Accused intended not only to detain the UN personnel but also to issue threats while they were detained in order to achieve his objective of stopping further NATO air strikes of Bosnian Serb targets.

5970. Further, Mladić, Inđić, Zametica, Ribić, and members of the Bosnian Serb Forces communicated threats directly to UNPROFOR.[20457] In particular, the evidence shows that Accused's close subordinates who the Chamber finds were the members of the JCE, were involved in issuing threats. When proposing an agreement to Janvier, Mladić stated that the VRS would no longer threaten the life and the security of members of UNPROFOR by the use of force. The only reasonable inference that can be drawn from this is that Mladić was aware of the threats and that he was involved in issuing threats. In addition, public statements were issued by Krajišnik and Zametica and media coverage at that time showed videos of UN personnel being threatened, handcuffed, and detained in locations of potential NATO air strikes.[20458]

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20452 P5026 (Video footage of interview of Radovan Karadžić by John Simpson).

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20456 P5026 (Video footage of interview of Radovan Karadžić by John Simpson).

20457 *See* para. 5961.

20458 *See* paras. 5961, 5967–5968; P2184 (Serbian TV news report re UN personnel, with transcript); P2179 (Video footage of UN personnel); P2180 (Video footage of UN personnel); P2181 (Video footage of UN personnel); P2174 (Video footage of UN personnel, with transcript); P2024 (BBC news report re UN hostage-taking in Sarajevo, with transcript); P2153 (Serbian TV news report re UN personnel, with transcript).

5971. On 26 May 1995, at 12 a.m., Zametica gave a statement to Bosnian Serb Radio in response to the NATO air strikes.[20459] Zametica reiterated that the Bosnian Serbs had always maintained that if there were air strikes against them, the Bosnian Serbs would treat UNPROFOR personnel as their "enemies" and that the UN had "hired an assassin" in the form of NATO to execute its tasks.[20460] He stated that if the NATO air strikes continued, the Bosnian Serbs would respond in the same manner but that they were also ready to negotiate.[20461] On the same day, he visited Jahorinski Potok where UN personnel were detained.[20462] The Chamber notes that as the Accused's personal advisor, Zametica was privy to "everything that was important" in the Presidency and would also communicate with the international community on behalf of the Accused.[20463]

5972. Given his relationship with Mladić, Krajišnik, and Zametica the only reasonable inference that can be drawn is that the Accused knew that threats were issued and that he approved of these threats. Moreover, as will be described below in relation to the Accused's contribution to the JCE, the Accused was closely involved at every stage of these events.

5973. Therefore, in light of the foregoing, the Chamber finds that the Accused intended for the threats to be issued in order to compel NATO to cease its air strikes and that he shared the common purpose and the intent for the crime of hostage taking, along with other members of the JCE.

d. Findings on the Accused's contribution to the JCE

*i. The Accused involvement in the lead up to NATO air strikes*

5974. On 5 April 1995, the Accused met with Smith at a hotel near Pale.[20464] Smith expressed serious concerns to the Accused about the recent attacks on the safe areas, the breaches of the TEZ, the direct targeting of UNPROFOR personnel, and the disruption of humanitarian aid convoys.[20465] Smith told the Accused that eventually UNPROFOR would be forced to respond with NATO air

20459 D1055 (UNPROFOR report to Kofi Annan, 27 May 1995), e-court p. 5.

20460 D1055 (UNPROFOR report to Kofi Annan, 27 May 1995), e-court p. 5; John Zametica, T. 42498–424501 (29 October 2013); P6474 (Article from Reuters Press entitled "Serb Official Vows Heavy Price for Raids", 26 May 1995).

20461 D1055 (UNPROFOR report to Kofi Annan, 27 May 1995), e-court p. 5; John Zametica, T. 42499–42500, 42504 (29 October 2013).

20462 *See* para. 5916; P2170 (Witness statement of Patrick Rechner dated 31 January 2011), para. 47; Patrick Rechner, T. 11098–11099 (2 February 2011).

20463 John Zametica, T. 42441, 42443–42444 (29 October 2013) (stating that he would appear in public to present the views of the Bosnian Serb leadership and he could not remember a "single occasion when [the Accused] or anyone else from the leadership, civilian leadership or even military leadership of the [RS] ever denied anything I said in public").

20464 P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), p. 1; Rupert Smith, T. 11344–11347 (8 February 2011).

20465 P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), p. 1. *See* paras. 4987–4990.

strikes.[20466] The Accused responded that he thought the UN was assisting the Bosnian Muslims and that the VRS was going to start a counter-offensive.[20467] The Accused wanted the UN to withdraw from all areas of confrontation.[20468] Smith responded that as the UN commander, he needed to ensure that the UN's mandate to protect the safe areas was respected and that he could use NATO airpower if the safe areas were attacked.[20469]

5975. On 1 May 1995, the Accused, Krajišnik, Subotica, and Zametica met with Akashi and Smith in Pale to discuss an extension of the COHA.[20470] The Accused told Akashi that the UN could count on the goodwill of the Bosnian Serbs but if the situation deteriorated (referring to the armed conflict in Croatia), so too would the relationship between the UN and the Bosnian Serbs.[20471] Following this meeting, the UNPROFOR assessment was that the Bosnian Serbs would strike against their "international enemy" by targeting the UN and taking UN personnel hostage.[20472] The assessment further stated that

> they [the Bosnian Serbs] will seek to bring NATO into play at the earliest opportunity so as to gain Serbian sympathy and to have the excuse to seize hostages and possibly 'punish' the UN by fire; methods that have always neutralized NATO in the past. We [UN] should expect more provocation for NATO and possibly the denial of convoy clearances to or from the enclaves; leave [sic] convoys would be an attractive choice for hostage taking.[20473]

5976. On 9 May 1995, the Accused and Zametica had another meeting with Smith.[20474] Smith explained to the Accused that he had recommended NATO air strikes against VRS military targets in response to the VRS mortar and artillery attacks in Sarajevo on 7 and 8 May 1995 against the civilian population.[20475] The Accused informed Smith that anyone who attacked the Bosnian Serbs was "their enemy" and made it clear that if NATO were to conduct air strikes against Bosnian Serb

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20466 P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), p. 1; Rupert Smith, T. 11346 (8 February 2011).

20467 P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), p. 1.

20468 P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), p. 1.

20469 P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), p. 2.

20470 P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), pp. 2–3; Rupert Smith, T. 11352–11355 (8 February 2011).

20471 P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), pp. 2–3.

20472 P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), p. 3.

20473 P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), pp. 3–4.

20474 P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995); Rupert Smith, T. 11355–11360 (8 February 2011).

20475 P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court pp. 3, 6; Rupert Smith, T. 11355–11357 (8 February 2011).

targets, then the UN forces would be attacked in retaliation or at least be "detained".[20476] Furthermore, the Accused stated that the UN and NATO would be treated as enemies of the Bosnian Serbs.[20477] The Accused told Smith that he would instruct Mladić to speak to Smith soon because he himself would be away for a few days in Banja Luka.[20478]

5977. On 21 May 1995, the Accused had a meeting with Smith near Pale to discuss, *inter alia*, the mandate of the UNPROFOR in BiH.[20479] Smith expressed his concern to the Accused about the "increasing targeting of UN personnel" and the debilitating effect of the denial of supplies and movement to the eastern enclaves.[20480] The Accused told Smith that he had "no belief in the impartiality, efficiency or credibility of the UN".[20481]

5978. As discussed above, on 24 May 1995, Smith called Mladić to express his concern about the situation in and around Sarajevo and issued a warning that if the heavy weapons taken by the Bosnian Serbs were not returned to the WCPs by 12 p.m. on 25 May 1995, then NATO air strikes would commence.[20482] The following day, Akashi spoke to the Accused and informed him that the VRS needed to return the four missing heavy weapons taken from the WCP earlier.[20483] The Accused spoke to Milovanović about the deadline and told him that Akashi "had been after" him all day although the Accused did not want to talk to him and that he told Akashi that the Bosnian Serbs would treat the UN as enemies if they called in the NATO air strikes.[20484] The Accused stated in a

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20476 P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 3; John Zametica, T. 42474 (29 October 2013); Rupert Smith, T. 11357–11358 (8 February 2011).

20477 P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 7; John Zametica, T. 42474 (29 October 2013).

20478 P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995).

20479 P2266 (UNPROFOR report re meeting with Radovan Karadžić, 21 May 1995); Rupert Smith, T. 11362–11364 (8 February 2011).

20480 P2266 (UNPROFOR report re meeting with Radovan Karadžić, 21 May 1995).

20481 P2266 (UNPROFOR report re meeting with Radovan Karadžić, 21 May 1995).

20482 Rupert Smith, T. 11367–11368 (8 February 2011). *See also* P820 (Witness statement of David Harland dated 4 September 2009), para. 183.

20483 P5019 (UNPROFOR report re airt strike near Pale, 25 May 1995); D987 (Intercept of conversation between Radovan Karadžić and General Milovanović, 25 May 1995).

20484 D987 (Intercept of conversation between Radovan Karadžić and General Milovanović, 25 May 1995); Patrick Rechner, T. 11150–11151 (2 February 2011). *See also* Momčilo Krajišnik, T. 43341 (12 November 2013) who testified that there were a number of statements made by the Accused and the Bosnian Serbs in which they warned UNPROFOR and the international community that they should not "meddle" in the conflict and if they did so, they would be considered the "enemies" of the Bosnian Serbs. Later, in June 1995, the Accused stated to the Bosnian Serb Assembly that the Bosnian Serb leadership had decided to heat up the conflict and "take whatever we can, create a fiery atmosphere and dramatize, threaten an escalation, etc." and the Bosnian Serbs did that around Sarajevo by taking the four artillery pieces". P1410 (Transcript of 51st session of RS Assembly, 14-15 June 1995), p. 329.

press interview that if the UN and NATO were to conduct air strikes, that he would "treat UN soldiers as 'enemies'".[20485]

*ii. The Accused's involvement in hostage taking*

5979. Following the NATO air strikes, the Accused ordered that the UN personnel be detained and kept in detention until assurances were made that there would be no further NATO air-strikes. On 25 May 1995, the Accused ordered Milovanović to activate the decision made the previous year ordering the VRS to "arrest everything foreign in RS territory and to treat military personnel as prisoners of war and hold them as hostages till the end of the war".[20486] Consequently, Živanović issued an order to all units of the Drina Corps that "NATO aircrafts, which are a part of UNPROFOR, conducted operations against" the VRS and the VRS should respond by conducting operations against selected targets.[20487] It stated that "if UNPROFOR continues its operations against our military and civilian targets, all units of the Corps must be on stand-by for action against UNPROFOR checkpoints and bases".[20488] It further ordered the prevention of all movement of "UNPROFOR vehicles and of all other international organisations" in the area and to

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20485 D988 (Article from AFP entitled "Serbs Will Treat UN as Enemies if Smith Airstrikes: Karadžić", 25 May 1995); Patrick Rechner, T. 11149 (2 February 2011).

20486 D2149 (Aide mémoire of Manojlo Milovanović), pp. 56–57. The Chamber notes UN personnel were already detained following the NATO air strikes in Goražde on 10 and 11 April 1994, *see* P1638 (Witness statement of Michael Rose dated 26 March 2009), paras. 81–82, 84, 90–92, 172; P1661 (Report from Ratko Mladić to VJ General Staff, 11 April 1994) and P1660 (Order of Drina Corps, 10 April 1994) (order from Milutin Skočaljić to the Drina Corps to block UNPROFOR convoys, disarm the UNPROFOR personnel, and take them to a "collection centre at a designated location"); P1662 (VRS Main Staff Report to Radovan Karadžić and VJ General Staff, 11 April 1994), pp. 3–4 (report from Milovanović, on 11 April 1994, to the Accused, Main Staff, and all corps command that following NATO air strikes, the order of the VRS Main Staff to ban all movement of UNPROFOR in the RS is being carried out); P1788 (VRS Main Staff Order, 13 April 1994), p. 1 (wherein Mladić issues an order on 13 April 1994 to place UN personnel in "premises outside of the facilities where they had been stationed to date, that is, in military facilities which are a potential target of the NATO Air Force, as per your choice", to limit their movement, guard them, prevent all communication, and treat them as prisoners of war); P855 (VRS Main Staff Order, 19 April 1994) (wherein Mladić issues an order, on 19 April 1994, to all the commands of the VRS corps to "immediately increase measures for the security and control of UNPROFOR and humanitarian organisations. In the event of massive air-raids against RS units and facilities, disarm and arrest them immediately, confiscate their weapons and combat equipment and use them for PVB/anti-aircraft warfare"); Rupert Smith, T. 7275–7277 (5 October 2010); D3497 (UNPROFOR report, 17 April 1994), p. 1. At other times, threats and orders were issued for the detention of UN personnel, *see* D3499 (UNPROFOR report, 4 May 1994), pp. 9–10 (at a meeting between the Accused and Akashi on 3 May 1994, the Accused stated that the VRS would retaliate against UNPROFOR if NATO launched air strikes and it would not limit itself to shooting down one plane); D3500 (UNPROFOR report, 7 October 1994) (at a meeting between the Accused, Mladić, Akashi, and others on 5 October 1994, Mladić stated that the next NATO air strikes will be "fatal" for UNPROFOR and he would "launch shelling on your positions immediately"); D2174 (VRS Main Staff Order, 23 November 1994); Manojlo Milovanović, T. 25708–25710 (5 March 2012) (wherein Milovanović testified that he issued an order, on 23 November 1994, to the VRS Main Staff and all VRS corps to arrest, disarm, and "put in prison near the firing positions" all UN personnel and that they "should be held hostage"); D3502 (Letter from Radovan Karadžić to Yasushi Akashi, 22 November 1994), p. 2 (where in the Accused informs Akashi that the Bosnian Serbs would treat UNPROFOR as their enemy if NATO air strikes were conducted in Bihać); Yasushi Akashi, T. 37721 (24 April 2013) .

20487 P2149 (Order of Drina Corps, 25 May 1995), p. 1; Marcus Helgers, T. 10778–10779, 10790–10791 (26 January 2011).

20488 P2149 (Order of Drina Corps, 25 May 1995), p. 1.

fire on UNPROFOR if fired upon.[20489] The following day, Dragomir Milošević issued an order to all units of the SRK to immediately establish a full blockade of UN forces at check-points and on all roads in the "entire zone of the Corps" and to "use additional forces if the blockade is detected by the UN forces".[20490]

5980. On 26 May 1995, Akashi sent a letter to the Accused expressing serious concerns about the situation in BiH and his wish that the UN and the Bosnian Serbs could resume a constructive working relationship.[20491] Akashi warned that the deliberate harming of UNPROFOR personnel would result in pressure from the international community for additional military action, including further air strikes.[20492]

5981. On 27 May 1995, the Accused approved an order issued by Milovanović to the commanders of the VRS corps to "place the captured UNPROFOR staff, as well as staff of the other international humanitarian organisations" at the "warehouses, in the areas of command posts, firing positions and other potential targets that may come under the air strike".[20493] The purpose of this order was to prevent NATO from carrying out further air strikes.[20494] The "commanders of the units" were "personally responsible" to Milovanović for the execution of the order and were required to inform him in writing by the following day.[20495] Following this order, on the same day, Lieutenant Colonel Jovica Karanović of the Main Staff Intelligence and Security Sector, issued an order to the Intelligence and Security Departments of the 1st Krajina Corps, 2nd Krajina Corps, Airforce and Anti-Aircraft Defence, the SRK, the Eastern Bosnia Corps, and the Herzegovina Corps stating that he had information that the NATO air strikes would continue against VRS military positions and that all commanders should familiarise themselves with this information.[20496] He recommended that the captured UN personnel be placed in areas of possible NATO air

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20489 P2149 (Order of Drina Corps, 25 May 1995), p. 1.

20490 P6097 (SRK Order, 26 May 1995); Dragomir Milošević, T. 33228–33231 (5 February 2013). Dragomir Milošević testified that while he did issue this order to detain UN personnel, the portion of the order stating "do not take into account any UN requests regarding the supplies of food, water, etc." did not pertain to the treatment of detained UN personnel, but rather to UN supply convoys and that UN personnel were treated as prisoners of war and provided with food and water. Dragomir Milošević, T. 33228–33231, 33247–33249 (5 February 2013).

20491 D1055 (UNPROFOR report to Kofi Annan, 27 May 1995), e-court p. 2; Rupert Smith, T. 11884–11886 (15 February 2011); John Zametica, T. 42498–42501 (29 October 2013).

20492 D1055 (UNPROFOR report to Kofi Annan, 27 May 1995), e-court p. 2.

20493 P2137 (Order of VRS Main Staff, 27 May 1995), p. 1; Rupert Smith, T. 11376 (8 February 2011); Manojlo Milovanović, T. 25721–25722 (5 March 2012). *See* para. 5860.

20494 P2137 (Order of VRS Main Staff, 27 May 1995), p. 1; Momčilo Krajišnik, T. 43887, 43897–43898 (20 November 2013).

20495 P2137 (Order of VRS Main Staff, 27 May 1995), p. 1; Momčilo Krajišnik, T. 43887, 43897–43898 (20 November 2013). Dragomir Milošević testified that this order was respected. Dragomir Milošević, T. 33247–33249 (5 February 2013).

20496 P2147 (VRS Main Staff Report, 27 May 1995).

strikes.[20497] Similarly, on this day, Dragomir Milošević ordered all SRK units to include in their regular combat reports for that day the following: (i) the numbers of UN personnel who were "taken prisoner" and what country they were from; (ii) the numbers of UN personnel who were "under blockade" and their locations; and (iii) the number of equipment and ammunition seised from the UN personnel.[20498] He also ordered all SRK units to deploy stronger forces at the check-points that were "taken from UNPROFOR" and not to allow any recapturing of these check-points from UNPROFOR or "enemy forces".[20499] Also implementing the order, Živanović issued an order to all commands of the Drina Corps to capture, disarm, and relocate UN personnel to locations such as depots and forward command posts.[20500]

5982. On 28 May 1995, Milovanović sent a report to the Accused and various VRS units stating that the 1st Krajina Corps Command took approximately 57 UNPROFOR soldiers from the Eastern Bosnia Corps, including 43 UkrBat and 14 FreBat members.[20501] The Herzegovina Corps Command held over 18 UNPROFOR soldiers.[20502] In addition, the Accused was informed that the Drina Corps had captured 27 members of the BritBat Team.[20503]

5983. On 28 May 1995, at a meeting of the Supreme Command in Pale, attended by, *inter alios*, the Accused and Mladić, the detention of UN personnel was discussed.[20504] The Supreme Command decided to further restrict the movement of UN forces in the enclaves, including in Sarajevo, and that the detained UN personnel should be treated as prisoners of war.[20505]

5984. On 29 May 1995, the Accused and Krajišnik spoke with an individual in contact with the British Ministry of Defence about the hostage situation.[20506] The Accused demanded, as a condition for the release of the UN personnel, that NATO air strikes would cease and "they [UN] need to make a decision at the Security Council about abolishing the use of force. That is very important; that abolishing the use of force and then we'll see. The solution is the more important

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20497 P2147 (VRS Main Staff Report, 27 May 1995); Marcus Helgers, T. 10760–10761 (26 January 2011).

20498 P2109 (SRK Order, 27 May 1995); [REDACTED]. However, Dragomir Milošević ordered that Russian UNPROFOR members must not be taken and if they were captured, they must be freed. P2109 (SRK Order, 27 May 1995); Rupert Smith, T. 11375 (8 February 2011). With respect to the incident on the Vrbanja Bridge, [REDACTED] could not "believe that General Milošević did not know that the SRK acted in violation of international law". *See* para. 5893; P2407 (Witness statement of KDZ304), p. 9.

20499 P2416 (SRK Order, 27 May 1995), p. 1; [REDACTED].

20500 P2151 (Order of Drina Corps, 27 May 1995); Jonathon Riley, T. 10784 (26 January 2011).

20501 P2138 (VRS Main Staff Report, 28 May 1995), p. 6; Aleksandr Vishnevski, T. 10711–10712 (25 January 2011).

20502 P2138 (VRS Main Staff Report, 28 May 1995), p. 6.

20503 P2138 (VRS Main Staff Report, 28 May 1995), p. 6.

20504 P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), pp. 148–149.

20505 P1473 (Ratko Mladić's notebook, 27 January–5 September 1995), p. 149.

20506 P5626 (Intercept of conversation between Radovan Karadžić, and unidentified male, and Momčilo Krajišnik, 29 May 1995).

because then negotiations follow".[20507] On the same day, the Accused sent a letter to Akashi demanding a guarantee that the use of force by the UN and NATO was no longer an option.[20508] The Bosnian Serbs issued a press release stating that at a session of the VRS Supreme Command chaired by the Accused and attended by Mladić, the VRS declared "all UN Security Council resolutions, all NATO ultimatums, and all agreements with the United Nations that have been abused are hereby declared null and void".[20509]

5985. On 30 May 1995, the Accused, the RS representative in Moscow at that time, Todor Dutina, and Krajišnik discussed the hostage situation.[20510] Dutina told the Accused, "let me tell you, Radovan, we made a move and now we should wait for a move of the other side".[20511] The Accused was informed that an intermediary from France was going to try to negotiate with the Bosnian Serbs.[20512] The Accused replied, "we are not interested in letting them [the detained UN personnel] go as much as they are interested in us letting them go".[20513] He further stated that he thought of the UN as opponents and that the UN would not be able to rescue all the UN personnel, "but let them come; how can they come by aircrafts when we keep them [the detained UN personnel] at three hundred places? They can't liberate that, maybe one or none".[20514] Krajišnik testified that the detention of the UN personnel was a "desperate attempt" by the Bosnian Serbs to prevent further air strikes.[20515]

*iii. The Accused's involvement in the release of UN hostages*

5986. Once it became clear that NATO would no longer be conducting air strikes against Bosnian Serb military targets, the Accused ordered the release of the UN hostages. On 2 June 1995, the Accused issued an order to the Main Staff and the MUP that 120 detained UNPROFOR personnel

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20507 P5626 (Intercept of conversation between Radovan Karadžić, and unidentified male, and Momčilo Krajišnik, 29 May 1995), p. 2.

20508 P5015 (Letter from Radovan Karadžić to Boutros Boutros-Ghali, 29 May 1995).

20509 P887 (SRNA news report, 29 May 1995); P820 (Witness statement of David Harland dated 4 September 2009), para. 185; P2501 (RS Office for Press Contacts statement, 29 May 1995); P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 170.

20510 P5607 (Intercept of conversation between Todor Dutina, Momčilo Krajišnik, and Radovan Karadžić, 30 May 1995), e-court pp. 5–6; John Zametica, T. 42492–42493 (29 October 2013); Momčilo Krajišnik, T. 43884–43890 (20 November 2013).

20511 P5607 (Intercept of conversation between Todor Dutina, Momčilo Krajišnik, and Radovan Karadžić, 30 May 1995), p. 5.

20512 P5607 (Intercept of conversation between Todor Dutina, Momčilo Krajišnik, and Radovan Karadžić, 30 May 1995), p. 6.

20513 P5607 (Intercept of conversation between Todor Dutina, Momčilo Krajišnik, and Radovan Karadžić, 30 May 1995), p. 6.

20514 P5607 (Intercept of conversation between Todor Dutina, Momčilo Krajišnik, and Radovan Karadžić, 30 May 1995), p. 11.

should be released.[20516] The Accused also ordered that a detailed report be submitted to him upon completion of this order.[20517] On the same day, Mladić implemented the order to the 1st Krajina Corps, 2nd Krajina Corps, Airforce and Anti-Aircraft Defence, the SRK, the Eastern Bosnia Corps, the Herzegovina Corps, and the Drina Corps to release 120 UNPROFOR personnel who were "taken prisoner" in the Pale area and turned them over to the MUP who would organise their transport to the FRY.[20518]

5987. On 6 June 1995, the Accused issued an order to release 95 more UNPROFOR soldiers and to hand them over to the MUP in the garrisons of Bijeljina and Višegrad on 7 June 1995.[20519] Again, Mladić implemented this order but all other UNPROFOR soldiers who were still detained were to remain until further instructions.[20520] Approximately 150 UN personnel remained detained by the VRS.[20521]

5988. On 13 June 1995, the Accused issued an order to the Commander and Assistant Commander for Intelligence and Security of the Main Staff, directing them to release all captured UN soldiers at 11 a.m. that day and to hand them over to Jovica Stanišić.[20522] 15 UNMOs were to remain in VRS custody near Pale and be released on 18 June 1995.[20523] The following day, the Accused made a statement to the Belgrade media stating that 15 UN personnel would be released later due to "technical reasons".[20524] The Accused stated: "[W]e regret what we had to do"; however, the Bosnian Serbs were attacked, they needed to defend themselves by all means.[20525]

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20516 P889 (Radovan Karadžić's Order to VRS and to RS MUP, 2 June 1995); P820 (Witness statement of David Harland dated 4 September 2009), para. 189; P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 160. *See also* P3807 (Dispatch from RS MUP to Radovan Karadžić, 2 June 1995).

20517 P889 (Radovan Karadžić's Order to VRS and to RS MUP, 2 June 1995); P820 (Witness statement of David Harland dated 4 September 2009), para. 189. *See also* P3807 (Dispatch from RS MUP to Radovan Karadžić, 2 June 1995).

20518 P2152 (Order of VRS Main Staff, 2 June 1995), p. 1; P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 159–160; *see also* D4530 (Intercept of conversation between Radovan Karadžić and Fnu Gojević, undated), p. 5 (referring to one third having been released).

20519 P891 (Radovan Karadžić's Order to VRS and RS MUP, 6 June 1995); Aleksandr Vishnevski, T. 10712–10713 (25 January 2011); KDZ196, T. 10725–10726 (25 January 2011); P820 (Witness statement of David Harland dated 4 September 2009), para. 192.

20520 P2139 (Order of VRS Main Staff, 6 June 1995), p. 3.

20521 P890 (UNPROFOR Weekly Situation Report (Sarajevo), 10 June 1995), p. 2; P820 (Witness statement of David Harland dated 4 September 2009), para. 191.

20522 P2156 (Radovan Karadžić's Order to VRS Main Staff, 13 June 1995), p. 1; Janusz Kalbarczyk, T. 10863–10864 (28 January 2011).

20523 P2156 (Radovan Karadžić's Order to VRS Main Staff, 13 June 1995), p. 1.

20524 P2159 (UNPROFOR report, 14 June 1995), p. 1; P2182 (Video footage of Radovan Karadžić's press conference re UN personnel).

20525 P2182 (Video footage of Radovan Karadžić's press conference re UN personnel).

5989. On 15 June 1995, at the 51st Session of the RS Assembly, the Accused recalled the escalation of hostilities, that he "decided to opt for an aggravation of the situation", and that they [Bosnian Serbs] had to "heat up the situation", the Accused stated:

> We ordered the arrest, we didn't go into detail as to when they would be tied up, but it had a good effect, it was very shocking for the world, now it's easy, when they ask us if that was a nice gesture, I ask if it's a nice gesture to bomb the Serbian rear and frighten our children and old people. [...] we couldn't let them all go at once, but in proportions, we even left 15 until the end of this week so we could keep the weapons we have in Sarajevo, knowing about the offensive and planning to do something in Sarajevo. Now any return of weapons is out of the question because of this offensive, so that, in a way, we even somewhat benefited from this whole crisis.[20526]

5990. The Accused further stated that after assessing the situation and noting that the media was describing the UN personnel as hostages, the Bosnian Serbs realised they may have a "spoil" in their hands which would result in a negative effect and "a justification for a possible military intervention" where they would lose their state.[20527] They therefore initiated a "cool down process" and "at the same time considered who to give those hostages back to".[20528]

5991. On 16 June 1995, the Security Council passed Resolution 998 condemning the attacks on the UNPROFOR personnel and demanding that the VRS immediately and unconditionally release all detained UNPROFOR personnel.[20529] On 17 June 1995, the Accused issued an order to the Main Staff that all UN personnel in VRS custody be released by 2 p.m. on 18 June 1995.[20530] The order was implemented by Mladić, who issued it to the commanders of the 1st Krajina Corps, 2nd Krajina Corps, Eastern Bosnia Corps, Drina Corps, SRK, Herzegovina Corps, Air Force and Air Defence but ordering that 26 UN personnel be handed over to the MUP by 18 June 1995 only after UNPROFOR releases four captured VRS soldiers.[20531] By 18 June 1995, UNPROFOR reported that all remaining UN personnel had been released and UNPROFOR had also released the four VRS soldiers.[20532]

*iv. Conclusion*

5992. The Chamber is satisfied beyond reasonable doubt that the Accused significantly contributed to the common purpose to take UN personnel hostage in order to deter NATO from engaging in further air-strikes. The Accused was the driving force behind the hostage taking and an

20526 P1410 (Transcript of 51st Session of RS Assembly, 14-15 June 1995), pp. 329–332.

20527 P1410 (Transcript of 51st Session of RS Assembly, 14-15 June 1995), p. 330.

20528 P1410 (Transcript of 51st Session of RS Assembly, 14-15 June 1995), pp. 330–331.

20529 P5014 (UNSC Resolution 998 (1995), 16 June 1995).

20530 P893 (Radovan Karadžić's Order to VRS, 17 June 1995), p. 1; P820 (Witness statement of David Harland dated 4 September 2009), para. 194.

20531 P2183 (Order of VRS Main Staff, 17 June 1995), p. 1; Patrick Rechner, T. 11185 (2 February 2011).

20532 P892 (UNPROFOR Weekly Situation Report Sarajevo), 24 June 1995), pp. 2–3; P820 (Witness statement of David Harland dated 4 September 2009), para. 193.

active participant in every aspect of the events. He directly participated in the operation to take UN personnel hostage as evidenced by his involvement in: (i) formulating and implementing the hostage taking plan, (ii) the statements he made prior to the NATO air strikes to attack and/or detain UN personnel, (iii) directing others to detain the UN personnel and place them in locations of military significance to the VRS after the NATO air strikes, (iv) monitoring the hostage taking operation, (v) receiving reports about the hostages, and vi) placing conditions on the release of the hostages.[20533] The Accused issued statements that the UN personnel would not be released unless NATO ceased the air strikes.[20534] Once the UN conceded to his demands that NATO air strikes would cease, the Accused issued orders for the release of the UN personnel.[20535]

e. Count 11: Conclusion

5993. The Chamber therefore finds that the Accused is criminally responsible, as a member of the Hostages JCE, under Article 7(1) of the Statute for the crime of taking hostages pursuant to Count 11 of the Indictment.

5994. In addition to the Accused's liability through participation in a JCE, the Prosecution also alleges that the Accused is individually criminally responsible for planning, instigating, ordering, and/or aiding and abetting the crime of taking hostages through certain acts and omissions.[20536] It also charges the Accused with individual criminally responsibility pursuant to Article 7(3) of the Statute.[20537] However, having considered all of the evidence and in light of the findings made above, the Chamber finds that commission through JCE pursuant to Article 7(1) most accurately and appropriately reflects the Accused's responsibility for the crime of hostage taking as charged in the Indictment. The Chamber will therefore not analyse the Accused's responsibility under the other modes alleged by the Prosecution in the Indictment.

## E. SUMMARY OF FINDINGS

5995. In the previous sections of the Judgement, the Chamber has made findings on the charges related to each of the four components of this case and on the Accused's responsibility in relation thereto. The Chamber will now summarise these findings, first in relation to each of the alleged JCEs and second with regard to each of the Counts of the Indictment.

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20533 *See* paras. 5957, 5961, 5964–5966, 5968, 5975–5979, 5989, 5981–5982.

20534 *See* paras. 5967, 5981–5985.

20535 *See* paras. 5958, 5986–5988, 5990–5991.

20536 Indictment, paras. 30–31; Prosecution Final Brief, paras. 1115–1118.

20537 Indictment, para. 32; Prosecution Final Brief, paras. 1113–1114.

a. Summary of findings on the four alleged JCEs

5996. In relation to the Municipalities component, the Chamber found that the Overarching JCE came into existence in October 1991 and continued until 30 November 1995. Its common purpose was to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory and was shared by the Accused, Momčilo Krajišnik, Nikola Koljević, Biljana Plavšić, Ratko Mladić, Mićo Stanišić, Momčilo Mandić, Željko Ražnatović (Arkan), and Vojislav Šešelj. The common plan of the Overarching JCE involved the commission of the crimes of deportation, inhumane acts (forcible transfer), and persecution (through forcible transfer, deportation, unlawful detention and imposition of discriminatory measures). The Chamber found that the Accused shared the intent for these crimes and, by virtue of his actions and omissions, significantly contributed to the furtherance of the common purpose of the Overarching JCE. In addition, the Chamber found that the Accused acted in furtherance of the common purpose of the Overarching JCE with the awareness of the possibility that the crimes of murder, extermination, and persecution (through killings, cruel or inhumane treatment, forced labour at the frontline, the use of non-Serbs as human shields, the appropriation or plunder of property, and the wanton destruction of private property, including cultural and sacred sites) might be committed either by members of the Overarching JCE or Serb Forces who were used by him or other members of the Overarching JCE to carry out the common plan, and that he willingly took that risk.

5997. In relation to the Sarajevo component, the Chamber found that the Sarajevo JCE came into existence in late May 1992 and continued until October 1995. The Chamber also found that the common plan of the Sarajevo JCE was to establish a campaign of sniping and shelling, the primary purpose of which was to spread terror among the civilian population of Sarajevo. The common purpose of the Sarajevo JCE was shared by the Accused, Ratko Mladić, Momčilo Krajišnik, Nikola Koljević, Biljana Plavšić, Stanislav Galić, and Dragomir Milošević. The common plan of the Sarajevo JCE involved the commission of murder, unlawful attacks on civilians, and terror. The Chamber found that the Accused shared the intent to commit these crimes and that, by virtue of his actions and omissions, the Accused significantly contributed to the furtherance of the common purpose of the Sarajevo JCE.

5998. In relation to the Srebrenica component, the Chamber found that the Srebrenica JCE came into existence as Srebrenica fell in July 1995. Its common purpose was to eliminate the Bosnian Muslims in Srebrenica—first through the forcible removal of the women, children, and the elderly, and later through the killing of the men and boys—and was shared by the Accused, Ratko Mladić, Ljubiša Beara , and Vujadin Popović. The Chamber found that the original scope of the common plan involved the commission of inhumane acts (forcible transfer) and persecution, and that the

expanded scope of the common plan also involved the commission of murder and extermination. The Chamber also found that the Accused shared the intent for these crimes and that he agreed with the expanded common purpose, *i.e.*, the killing of the men and boys, on the evening of 13 July 1995. The Chamber further found that the members of the Srebrenica JCE intended to kill every able-bodied Bosnian Muslim male from Srebrenica while forcibly removing women, children and the elderly, and that such intent amounted to the intent to destroy the Bosnian Muslims in Srebrenica. Therefore, the Chamber is satisfied that genocide was within the scope of the expanded common purpose. The Chamber finally found that, by virtue of his actions and omissions, the Accused significantly contributed to the furtherance of the common purpose of the Srebrenica JCE. In addition, the Chamber found that the Accused, as a superior exercising effective control over his subordinates, failed to punish the killings and the related acts of persecution that occurred prior to the evening of 13 July 1995, which he either knew or had reason to know.

5999. The Chamber found that the Hostages JCE existed between 25 May and June 1995 and that its common purpose was to take UN personnel hostage in order to compel NATO to abstain from conducting further air strikes against Bosnian Serb targets. The Chamber found that this common purpose came to fruition following the NATO air strikes on 25 and 26 May 1995 and involved a plurality of persons, including the Accused, Ratko Mladić, Momčilo Krajišnik, and Manojlo Milovanović, who all shared the intent for the crime of hostage-taking. The Chamber further found that Accused significantly contributed to the furtherance of the common purpose the Hostages JCE.

b. Summary of findings on the Counts of the Indictment

*i. Count 1 (genocide)*

6000. In relation to Count 1, genocide in the Count 1 Municipalities, the Chamber found that it was not satisfied beyond reasonable doubt that the acts under Article 4(2) of the Statute in the Count 1 Municipalities were committed with genocidal intent. Further, the Chamber was not satisfied that the only reasonable inference to be drawn from the evidence was that named members of the alleged Overarching JCE, including the Accused, other Bosnian Serbs not named as alleged members of the Overarching JCE, or physical perpetrators possessed such intent to destroy the Bosnian Muslim and/or Bosnian Croat groups in the Count 1 Municipalities as such. Therefore, the Accused bears no individual criminal responsibility in relation to Count 1.

*ii. Count 2 (genocide)*

6001. In relation to Count 2, genocide in Srebrenica, the Chamber found that the Accused bears individual criminal responsibility pursuant to Articles 7(1) and 7(3) of the Statute. However, since

the Chamber already found the Accused responsible for genocide on the basis of his participation in the Srebrenica JCE, the Chamber will not enter a conviction pursuant to Article 7(3) of the Statute in relation to Count 2.

*iii. Count 3 (persecution, a crime agains humanity)*

6002. In relation to the Municipalities component, the Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Overarching JCE. For the Srebrenica component, the Chamber found that the Accused bears responsibility pursuant to Article 7(1), on the basis of his participation in the Srebrenica JCE,[20538] and pursuant to Article 7(3) for having failed to punish the killings committed by his subordinates prior to the evening of 13 July 1995 and the related acts of persecution.

*iv. Count 4 (extermination, a crime against humanity)*

6003. In relation to the Municipalities component, the Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Overarching JCE. For the Srebrenica component, the Chamber found that the Accused bears responsibility pursuant to Article 7(1), on the basis of his participation in the Srebrenica JCE,[20539] and pursuant to Article 7(3) for having failed to punish the killings committed by his subordinates prior to the evening of 13 July 1995.

*v. Count 5 (murder, a crime against humanity)*

6004. In relation to the Municipalities and Sarajevo components, the Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) with regard to his participation in the Overarching JCE and the Sarajevo JCE. For the Srebrenica component, the Chamber found that the Accused bears responsibility pursuant to Article 7(1), on the basis of his participation in the Srebrenica JCE,[20540] and pursuant to Article 7(3) for having failed to punish the killings committed by his subordinates prior to the evening of 13 July 1995.

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20538 The Chamber has held that the Accused cannot be held responsible through his participation in the Srebrenica JCE for the killings and related acts of persecution which occurred prior to the evening of 13 July 1995.

20539 The Chamber has held that the Accused cannot be held responsible through his participation in the Srebrenica JCE for the killings and related acts of persecution which occurred prior to the evening of 13 July 1995.

20540 The Chamber has held that the Accused cannot be held responsible through his participation in the Srebrenica JCE for the killings and related acts of persecution which occurred prior to the evening of 13 July 1995.

*vi. Count 6 (murder, a violation of the laws or customs of war)*

6005. In relation to the Municipalities and Sarajevo components, the Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Overarching JCE and the Sarajevo JCE. For the Srebrenica component, the Chamber found that the Accused bears responsibility pursuant to Article 7(1), on the basis of his participation in the Srebrenica JCE,[20541] and pursuant to Article 7(3) for having failed to punish the killings committed by his subordinates prior to the evening of 13 July 1995.

*vii. Count 7 (deportation, a crime against humanity)*

6006. The Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Overarching JCE.

*viii. Count 8 (inhumane acts-forcible transfer, a crime against humanity)*

6007. The Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Overarching JCE and the Srebrenica JCE.

*ix. Count 9 (terror, a violation of the laws or customs of war)*

6008. In relation to Count 9, terror, a violation of the laws or customs of war, the Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Sarajevo JCE.

*x. Count 10 (unlawful attacks on civilians, a violation of the laws or customs of war)*

6009. The Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Sarajevo JCE.

*xi. Count 11 (hostage taking, a violation of the laws or customs of war)*

6010. The Chamber found that the Accused bears individual criminal responsibility pursuant to Article 7(1) on the basis of his participation in the Hostages JCE.

[20541] The Chamber has held that the Accused cannot be held responsible through his participation in the Srebrenica JCE for the killings and related acts of persecution which occurred prior to the evening of 13 July 1995.

## F. CUMULATIVE CONVICTIONS

### 1. Law on cumulative convictions and specific charges in this case

6011. The Chamber can enter multiple convictions under different provisions of the Statute for the same conduct only if each statutory provision involved has a materially distinct element not contained in the other. An element is materially distinct from another if it requires proof of a fact not required by the other.[20542] If this test is not met, only a conviction under the more specific provision should be entered because the more specific offence subsumes the less specific one.[20543] The purpose of the cumulative conviction test is therefore to ensure that an accused "is convicted only for distinct offences, and at the same time, ensuring that convictions entered fully reflect his criminality".[20544]

6012. In applying the cumulative convictions test, a Chamber must compare in the abstract all the general requirements of the statutory crimes in question, as well as the elements of the charged offences, to determine whether *each* crime requires, as a matter of law, proof of an element that the others do not.[20545] The focus of the test is, however, on the legal elements of each crime that may be subject to cumulative conviction rather than the underlying conduct of an accused.[20546]

#### a. Cumulative convictions under Articles 3 and 5 of the Statute

6013. In the Indictment, murder is the only offence charged both as a violation of the laws or customs of war punishable under Article 3 of the Statute and as a crime against humanity under Article 5 of the Statute.[20547]

6014. Cumulative convictions for the same conduct under Article 3 and Article 5 of the Statute are permissible given that crimes against humanity constitute crimes distinct from violations of the laws or customs of war because each contains an element not present in the other.[20548] Specifically, Article 3 requires a close link between the acts of an accused and the armed conflict, which is not

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20542 *Čelebići* Appeal Judgement, para. 412 (confirmed in *Krajišnik* Appeal Judgement, para. 386; *Strugar* Appeal Judgement, para. 321; *Galić* Appeal Judgement, para. 163; *Naletilić and Martinović* Appeal Judgement, para. 584; *Stakić* Appeal Judgement, para. 355; *Kordić and Čerkez* Appeal Judgement, para. 1032; *Krstić* Appeal Judgement, para. 218). *See also Kunarac et al.* Appeal Judgement, para. 173.

20543 *Galić* Appeal Judgement, para. 163; *Krstić* Appeal Judgement, para. 218; *Čelebići* Appeal Judgement, para. 413.

20544 *Kordić and Čerkez* Appeal Judgement, para. 1033 (confirmed in *Stakić* Appeal Judgement, para. 356). *See also Naletilić and Martinović* Appeal Judgement, para. 585.

20545 *Kordić and Čerkez* Appeal Judgement, paras. 1033, 1039–1040.

20546 *Dragomir Milošević* Appeal Judgement, para. 39; *Nahimana* Appeal Judgement, para. 1020; *Stakić* Appeal Judgement, para. 356 (confirmed in *Strugar* Appeal Judgement, para. 322; *Krajišnik* Appeal Judgement, para. 387).

20547 Indictment, para. 67.

20548 *Galić* Appeal Judgement, para. 165; *Kordić and Čerkez* Appeal Judgement, para. 1036; *Kunarac* Appeal Judgement, para. 176.

required for crimes charged under Article 5; in contrast, Article 5 requires proof that the act occurred as part of a widespread or systematic attack against a civilian population, which is not required for crimes charged under Article 3.[20549] On this basis, the Appeals Chamber has held that cumulative convictions for murder under Article 3 as a violation of the laws or customs of war and murder as a crime against humanity under Article 5 are permissible given that "each Article has an element requiring proof of a fact not required by the other".[20550]

b. Cumulative convictions for terror and unlawful attacks on civilians under Article 3 of the Statute

6015. Under Count 9 of the Indictment, the Accused is alleged to be criminally responsible for acts of violence the primary purpose of which was to spread terror among the civilian population.[20551] The Accused is also alleged to be criminally responsible for unlawful attacks on civilians, under Count 10 of the Indictment.[20552] Both offences are punishable as violations of the laws or customs of war under Article 3 of the Statute.

6016. The Appeals Chamber has clarified, that despite the similarities between the elements of terror and unlawful attacks on civilians, the two are separate and distinct offences as each requires proof of a fact not required by the other.[20553] Unlawful attacks on civilians require proof of death or serious injury to body or health which is not required for terror.[20554] Conversely, terror requires proof of a specific intent to spread terror among the civilian population which is not an element of unlawful attacks on civilians.[20555] Accordingly, the Chamber can enter cumulative convictions for these two offences, even when they are based on the same conduct.[20556]

c. Cumulative convictions for *intra* Article 5 convictions

6017. Under Article 5 of the Statute, the Accused is alleged to be criminally responsible for murder, extermination, deportation, other inhumane acts (forcible transfer), and persecution as crimes against humanity.[20557] With respect to persecution under Article 5(h), the alleged

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20549 *Galić* Appeal Judgement, para. 165; *Jelisić* Appeal Judgement, para. 82 (confirmed in *Kordić and Čerkez* Appeal Judgement, para. 1036).

20550 *Jelisić* Appeal Judgement, para. 82. *See also Kordić and Čerkez* Appeal Judgement, para. 1038.

20551 Indictment, para. 82.

20552 Indictment, para. 82.

20553 *Dragomir Milošević* Appeal Judgement, para. 39.

20554 *See* paras. 451–455.

20555 *See* paras. 463–466.

20556 *Dragomir Milošević* Appeal Judgement, para. 39.

20557 Indictment, paras. 60, 67, 75.

underlying acts of this crime specifically identified in the Indictment include, *inter alia*, killings,[20558] forcible transfer,[20559] and deportation.[20560]

6018. The Appeals Chamber has held that convictions for persecution as a crime against humanity are permissibly cumulative with other crimes against humanity because each has a materially distinct element not contained in the other.[20561] Following this reasoning, it is possible for convictions to be entered for persecution as a crime against humanity under Article 5(h) on the one hand and murder under Article 5(a) of the Statute on the other.[20562]

6019. It has also been held that cumulative convictions for persecution and other inhumane acts are permissible given that other inhumane acts require proof that the accused caused serious bodily or mental harm to the victim(s) regardless of whether the act or omission causing the harm discriminates in fact or was specifically intended as discriminatory which is required by persecutions.[20563] It has been held by the Appeals Chamber that it is thus possible to enter cumulative convictions for persecution, deportation and other inhumane acts (forcible transfer).[20564] Similarly, it has been held that cumulative convictions for the crime of extermination under Article 5(b) of the Statute and persecution as a crime against humanity under Article 5(h) of the Statute are permissible.[20565]

6020. In contrast, the crime of murder does not require any material elements to be proven over and above those required for extermination; therefore, where the elements of murder under Article 5(a) of the Statute and extermination under Article 5(b) of the Statute are established on the basis of the same underlying facts, extermination is the more specific crime, and cumulative convictions under Articles 5(a) and 5(b) are impermissible.[20566]

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20558 Indictment, para. 60(a).

20559 Indictment, para. 60(f).

20560 Indictment, para. 60(f).

20561 *Naletilić* Appeal Judgement, para. 589; *Kordić and Čerkez* Appeal Judgement, paras. 1039–1043.

20562 *Kordić and Čerkez* Appeal Judgement, paras. 1041–1043 (confirmed in *Bagosora* Appeal Judgement, para. 414; *Krajišnik* Appeal Judgement, paras. 388–391; *Naletilić and Martinović* Appeal Judgement, para. 589; *Stakić* Appeal Judgement, paras. 359–362, 367).

20563 *Kordić and Čerkez* Appeal Judgement, para. 1042.

20564 *Krajišnik* Appeal Judgement, para. 391; *Naletilić* Appeal Judgement, para. 589; *Stakić* Appeal Judgement, paras. 360, 366–367.

20565 *Bagosora* Appeal Judgement, para. 735; *Nahimana* Appeal Judgement, para. 1026 (confirming *Stakić* Appeal Judgement, paras. 364, 367); *Naletilić and Martinović* Appeal Judgement, para. 589.

20566 *Stakić* Appeal Judgement, para. 366; *Bagosora* Appeal Judgement, paras. 416 (confirmed in *Ntabakuze* Appeal Judgement, paras. 260–261), 736.

d. Cumulative convictions with respect to genocide

6021. The Appeals Chamber has held that cumulative convictions for genocide and crimes against humanity are permissible on the basis of the same acts, given that each has a materially distinct element from the other.[20567] For example, cumulative convictions for extermination under Article 5(b) and for genocide under Article 4 are permissible.[20568] The same principle applies to convictions for genocide, which requires, *inter alia*, the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, and persecution as a crime against humanity, which must have been committed as part of a widespread or systematic attack on a civilian population[20569] and with the intention to discriminate on political, racial, or religious grounds.[20570]

2. Findings

6022. The Chamber found that the Accused's individual criminal responsibility has been established pursuant to Articles 7(1) and/or 7(3)[20571] of the Statute for the following Counts:

- Count 2: Genocide (Article 4(3)(a));
- Count 3: Persecution, a crime against humanity (Article 5(h));
- Count 4: Extermination, a crime against humanity (Article 5(b));
- Count 5: Murder, a crime against humanity (Article 5(a));
- Count 6: Murder, a violation of the laws or customs of war (Article 3);
- Count 7: Deportation, a crime against humanity (Article 5(d));
- Count 8: Inhumane Acts (forcible transfer), a crime against humanity (Article 5(i));
- Count 9: Acts of violence the primary purpose of which is to spread terror among the civilian population, a violation of the laws and customs of war (Article 3);
- Count 10: Unlawful attacks on civilians, a violation of the laws or customs of war (Article 3); and

20567 *Nahimana* Appeal Judgement, paras. 1029–1030. *See also Ntagerura* Appeal Judgement, para. 426.

20568 *Simba* Appeal Judgement, para. 277; *Krstić* Appeal Judgement, paras. 219–227.

20569 *Nahimana* Appeal Judgement, para. 1032; *Krstić* Appeal Judgement, paras. 228–229.

20570 *See* paras. 497–500.

20571 *See* paras. 5849—5850 (identifying crimes in Srebrenica for which convictions have been entered pursuant to Article 7(3)). All remaining convictions will be entered pursuant to Article 7(1).

- Count 11: Taking of hostages, a violation of the laws or customs of war (Article 3).

6023. In the present case, the only crimes which are impermissibly cumulative are extermination and murder as crimes against humanity, charged pursuant to Counts 4 and 5 of the Indictment, respectively. Extermination has been found to be the more specific crime because it contains a material element—"that the killings occur on a mass scale and the perpetrator intended by his acts this result"—that murder does not.[20572] Accordingly, the Chamber will not enter a conviction for murder as a crime against humanity with respect to specific killing incidents which the Chamber found also amounted to extermination.[20573]

6024. For these overlapping incidents, murder as a crime against humanity is considered to be subsumed under extermination and no conviction with regard to these incidents will be entered under Count 5.[20574] For all remaining established killing incidents, the Chamber will enter a conviction for murder as a crime against humanity.[20575] This does not impact the conviction for murder as a violation of the laws or customs of war under Article 3 of the Statute, which is not impermissibly cumulative with murder or extermination as crimes against humanity.[20576]

## V. SENTENCING

### A. PURPOSES OF SENTENCING

6025. According to the Tribunal's case-law, retribution and deterrence are the primary objectives of sentencing.[20577] The Appeals Chamber has held that "a sentence proportional to the gravity of

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20572 *Krajišnik* Trial Judgement, para. 716 (not challenged on appeal) (relying on *Ntakirutimana and Ntakirutimana* Appeal Judgement, paras. 522, 542; *Stakić* Appeal Judgement, para. 260). *See also Stakić* Appeal Judgement, para. 366.

20573 *See* paras. 2446–2464, 5607–5621. The Chamber notes that no allegation of extermination was made by the Prosecution with regard to the killing incidents alleged in the Sarajevo JCE. *See* Indictment, paras. 61–66.

20574 Specifically, the Chamber found that extermination as a crime against humanity was committed with respect to the following incidents of the Overarching JCE: Bijeljina, Scheduled Incident A.1.1; Bratunac, Scheduled Incidents A.3.2, B.4.1; Brčko, Scheduled Incident B.5.1; Foča, Scheduled Incident B.8.1; Ključ, Scheduled Incidents A.7.2, A.7.3. B.10.1; Novi Grad, Scheduled Incident B.12.2 (Judge Morrison dissenting on the issue of the perpetrators of this Scheduled Incident, *see* Dissenting opinion of Judge Morrison, paras. 6074–6080); Prijedor, Scheduled Incidents A.10.1, A.10.6, A.10.7, A.10.9, B.15.1, B.15.2, B.15.3, B.15.4, B.15.6; Sokolac, Scheduled Incident A.13.1; Višegrad, Scheduled Incident A.14.2; Vlasenica, Scheduled Incidents A.15.2, B.18.2; Zvornik, Scheduled Incidents A.16.3, B.20.1, B.20.2, B.20.3. Additionally, the Chamber found that extermination as a crime against humanity was committed with respect to all Schedule E killing incidents within the Srebrenica JCE, except Scheduled Incident E.2.1, which was found not to have been established. *See* paras. 5221–5222, 5607; Indictment, Schedule E.

20575 *See* fn. 20573.

20576 *See* paras. 6013–6014.

20577 *Krajišnik* Appeal Judgement, para. 775; *Stakić* Appeal Judgement, para. 402; *Deronjić* Sentencing Appeal Judgement, paras. 136–137; *Čelebići* Appeal Judgement, para. 806. *See also Kordić and Čerkez* Appeal Judgement, para. 1073.

the criminal conduct will necessarily provide sufficient retribution and deterrence".[20578] Other factors, such as rehabilitation, are relevant to be considered in sentencing but should not play a predominant role.[20579]

6026. Retribution is not to be interpreted as desire for revenge or vengeance but as an expression of the outrage of the international community at the crimes committed; retribution, unlike vengeance, requires the imposition of a "just and appropriate punishment, and nothing more".[20580] In relation to deterrence, the penalty imposed by a Chamber should be adequate to dissuade a convicted person from re-offending (individual deterrence) and should also ensure that other potential perpetrators are dissuaded from committing the same or similar crimes (general deterrence).[20581]

## B. SENTENCING PRINCIPLES

### 1. Applicable law

6027. Sentencing is governed by Articles 23 and 24 of the Statute, as well as Rules 87(C) and 100 to 106 of the Rules. In determining an appropriate sentence, the Chamber is required to take into account "such factors as the gravity of the offence and the individual circumstances of the convicted person".[20582] The Chamber should also take into account, *inter alia*, any aggravating and mitigating circumstances,[20583] the general practice regarding prison sentences in the courts of the former Yugoslavia,[20584] and the extent to which any penalty imposed by a court of any State on the convicted person for the same act has already been served, as referred to in Article 10(3) of the Statute.[20585] The Chamber should also give credit to the convicted person for any time spent in detention pending surrender to the Tribunal or pending trial or appeal.[20586] While the Chamber should consider the factors listed in the Statute and Rules, it retains broad discretion to determine

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20578 *Krajišnik*, Appeal Judgement, para. 777.

20579 *Stakić* Appeal Judgement, para. 402; *Deronjić* Sentencing Appeal Judgement, para. 136; *Kordić and Čerkez* Appeal Judgement, para. 1079; *Čelebići* Appeal Judgement, paras. 805–806.

20580 *Kordić and Čerkez* Appeal Judgement, para. 1075 (citing the Supreme Court of Canada judgement *R. v. M.* (C.A.) [1996] 1 S.C.R. 500, para. 80 (emphasis in original)), cited by *Krajišnik* Appeal Judgement, para. 804. *See also Aleksovski* Appeal Judgement, para. 185.

20581 *Krajišnik*, Appeal Judgement, paras. 776, 805; *Dragan Nikolić Sentencing* Appeal Judgement, paras. 45–46; *Kordić and Čerkez* Appeal Judgement, paras. 1076–1078.

20582 Article 24(2) of the Statute.

20583 Rule 101(B)(i) and (ii) of the Rules.

20584 Article 24(1) of the Statute; Rule 101(B)(iii) of the Rules.

20585 Rule 101(B)(iv) of the Rules.

20586 Rule 101(C).

the appropriate sentence to fit the circumstances of the convicted person and the gravity of the crime.[20587]

6028. A convicted person may be sentenced for a term up to and including life imprisonment.[20588] In addition to imprisonment, the Chamber may order restitution of any property and proceeds acquired by criminal conduct to their rightful owners.[20589]

6029. Previous sentencing decisions in other cases before this Tribunal may provide guidance if they relate to the same offences committed in substantially similar circumstances;[20590] however, previous sentencing practice is only one factor among a number of others to be considered, and the Chamber will not be bound by it when determining the appropriate sentence in accordance with the gravity of the offence and the individual circumstances of the convicted person.[20591]

2. Gravity of the offence

6030. It is clearly established in the jurisprudence of the Tribunal that the primary consideration in determining an appropriate sentence is the gravity of the offence.[20592]

6031. When assessing the gravity of the offence, the Chamber must take into consideration the particular circumstances surrounding the case and the form and degree of the Accused's participation in the crime,[20593] as well as the scale and brutality of the crimes,[20594] the vulnerability of the victims,[20595] the consequences and the effect or impact of the crime upon the victims and

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20587 *Lukić and Lukić* Appeal Judgement, para. 640; *Boškoski and Tarčulovski* Appeal Judgement, para. 204; *Strugar* Appeal Judgement, para. 336; *Hadžihasanović and Kubura* Appeal Judgement, para. 302; *Limaj et al.* Appeal Judgement, para. 127; *Brđanin* Appeal Judgement, para. 500; *Galić* Appeal Judgement, para. 393.

20588 Article 24(1) of the Statute; Rule 101(A) of the Rules.

20589 Article 24(3) of the Statute.

20590 *Furundžija* Appeal Judgement, para. 250. *See also* Mrkšić *and Šljivančanin* Appeal Judgement, para. 376; *Strugar* Appeal Judgement, para. 348; *Blagojević and Jokić* Appeal Judgement, para. 333; *Stakić* Appeal Judgement, para. 381; *Momir Nikolić* Judgement on Sentencing Appeal, para. 38; *Čelebići* Appeal Judgement, paras. 719–721.

20591 *Popović et al.* Appeal Judgement, paras. 2093–2094; *Strugar* Appeal Judgement, paras. 348–349; *Blagojević and Jokić* Appeal Judgement, para. 333; *Stakić* Appeal Judgement, para. 381; *Momir Nikolić* Judgement on Sentencing Appeal, para. 38; *Krstić* Appeal Judgement, para. 248; *Čelebići* Appeal Judgement, paras. 720.

20592 *Mrkšić and Šljivančanin* Appeal Judgement, para. 375; *Galić* Appeal Judgement, para. 442; *Stakić* Appeal Judgement, para. 375; *Momir Nikolić* Judgement on Sentencing Appeal, para. 11; *Blaškić* Appeal Judgement, para. 683; *Kupreškić et al.* Appeal Judgement, para. 442; *Čelebići* Appeal Judgement, para. 731; *Aleksovski* Appeal Judgement, para. 182.

20593 *Mrkšić and Šljivančanin*, Appeal Judgement, para. 375; *Blaškić* Appeal Judgement, para. 683; *Aleksovski* Appeal Judgement, para. 182.

20594 *Lukić and Lukić* Appeal Judgement, para. 652; *Mrkšić and Šljivančanin*, Appeal Judgement, para. 400.

20595 *Mrkšić and Šljivančanin*, Appeal Judgement, para. 400; *Blaškić* Appeal Judgement, para. 683; *Kunarac et al.* Appeal Judgement, para. 352.

their relatives including the "long-term physical, psychological, and emotional suffering of the immediate victims",[20596] and the convicted person's position of authority.[20597]

6032. The gravity of an offence for which an accused is held responsible pursuant to Article 7(3) is assessed by reference to two factors: (i) the gravity of the crimes committed by the accused's subordinate, and (ii) the gravity of the accused's own conduct in failing to prevent or punish the underlying offences committed by the subordinate.[20598]

6033. Further, the Appeals Chamber has established that there is no hierarchy of crimes. Crimes against humanity are therefore not to be sentenced more harshly than violations of the laws or customs of war, in respect of the same acts or *vice versa*.[20599]

3. Aggravating and mitigating circumstances

6034. Given that neither the Statute nor the Rules exhaustively define factors which may constitute aggravating or mitigating circumstances,[20600] the Chamber has the discretion to determine which factors to take into account and the weight to be attributed to them.[20601]

6035. Aggravating circumstances must be directly related to the commission of the offence charged,[20602] and the burden of proof falls on the Prosecution to show the existence of such circumstances beyond reasonable doubt.[20603] The right of an accused to remain silent and not to testify,[20604] or the absence of a mitigating factor,[20605] does not constitute aggravating circumstances. Examples of aggravating circumstances identified in the jurisprudence of the Tribunal have included: (i) the accused's abuse of his position of authority;[20606] (ii) the length of time during

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20596 *Mrkšić and Šljivančanin*, Appeal Judgement, paras. 400, 411; *Blaškić* Appeal Judgement, para. 683. *See also Krnojelac* Appeal Judgement, para. 260.

20597 *Strugar* Appeal Judgement, para. 353; *Naletilić and Martinović* Appeal Judgement, paras. 608–613, 625–626; *Musema* Appeal Judgement, paras. 382–383.

20598 *Čelebići* Appeal Judgement, paras. 732, 741.

20599 *Kunarac et al.* Appeal Judgement, para. 171; *Furundžija* Appeal Judgement, para. 247; *Tadić* Sentencing Appeal Judgement, para. 69.

20600 *See* Rule 101(B)(i) and (ii) of the Rules. Rule 101(B)(ii) does list "substantial cooperation with the Prosecutor by the convicted person before or after conviction" as an example of mitigating circumstances.

20601 *Čelebići* Appeal Judgement, paras. 777, 780. *See also Dragomir Milošević* Appeal Judgement, para. 316; *Martić* Appeal Judgement, para. 329; *Blagojević and Jokić* Appeal Judgement, para. 328; *Hadžihasanović and Kubura* Appeal Judgement, para. 325; *Babić* Sentencing Appeal Judgement, para. 43; *Galić* Appeal Judgement, para. 414; *Blaškić* Appeal Judgement, paras. 685,696.

20602 *Deronjić* Sentencing Appeal Judgement, para. 124 (citing *Kunurac et al.* Trial Judgement, para. 850). *See also Mrkšić and Šljivančanin* Appeal Judgement, paras. 386–387; *Simba* Appeal Judgement, para. 82.

20603 *Blaškić* Appeal Judgement, para. 686; *Čelebići* Appeal Judgement, para. 763.

20604 *Blaškić* Appeal Judgement, para. 687; *Čelebići* Appeal Judgement, para. 783.

20605 *Blaškić* Appeal Judgement, para. 687.

20606 The position of authority of the accused does not *per se* constitute an aggravating factor to be taken into consideration for sentencing purposes, it is the *abuse* of such position which may be considered an aggravating

which the crime continued;[20607] (iii) premeditation and motive;[20608] (iv) the sexual, violent, and humiliating nature of the acts and the vulnerability of the victims;[20609] and (v) the status of the victims, their age and number, and the effect of the crimes upon them.[20610]

6036. Examples of mitigating circumstances identified in the jurisprudence of the Tribunal have included: (i) co-operation with the Prosecution;[20611] (ii) the admission of guilt or a guilty plea;[20612] (iii) an expression of remorse, sympathy, compassion, or sorrow for the victims of the crimes;[20613] (iv) no prior criminal record;[20614] (v) voluntary surrender;[20615] (vi) good conduct in detention;[20616] (vii) family circumstances;[20617] (viii) the character of the convicted person subsequent to the conflict;[20618] (ix) duress;[20619] (x) preventing the commission of crimes;[20620] (xi) assistance to

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factor. *Hadžihasanović and Kubura* Appeal Judgement, para. 320; *Blagojević and Jokić* Appeal Judgement, para. 324; *Galić* Appeal Judgement, para. 412; *Stakić* Appeal Judgement, para. 411.

20607 *Blaškić* Appeal Judgement, para. 686 (citing *Kunarac et al.* Appeal Judgement, para. 356).

20608 *Blaškić* Appeal Judgement, para. 686 (citing *Krstić* Trial Judgement, paras. 711–712). *See also Krstić* Appeal Judgement, para. 258; *Čelebići* Appeal Judgement, paras. 825, 833.

20609 *Blaškić* Appeal Judgement, para. 686 (citing *Kunarac et al.* Trial Judgement, para. 867). *See also Kunarac et al.* Appeal Judgement, para. 352.

20610 *Blaškić* Appeal Judgement, para. 686 (citing *Kunarac et al.* Trial Judgement, paras. 864, 866); *Kunarac et al.* Appeal Judgement, para. 355.

20611 *Babić* Sentencing Appeal Judgement para. 43; *Blaškić* Appeal Judgement, para. 696; *Jokić* Sentencing Judgement, para. 76. *See also* Rule 101(B)(ii) of the Rules.

20612 *Babić* Sentencing Appeal Judgement paras. 43, 67–68; *Blaškić* Appeal Judgement, para. 696; *Jelisić* Appeal Judgement, para. 122.

20613 *Babić* Sentencing Appeal Judgement paras. 43, 72; *Blaškić* Appeal Judgement, para. 696. *See also Strugar* Appeal Judgement, para. 366 (noting that although sympathy, compassion, or sorrow for the victims of the crimes "does not amount to remorse as such, it may nonetheless be considered a mitigating factor.").

20614 *Krajišnik* Appeal Judgement, para. 816; *Hadžihasanović and Kubura* Appeal Judgement, para. 325; *Kordić and Čerkez* Appeal Judgement, para. 1090; *Blaškić* Appeal Judgement, para. 696.

20615 *Hadžihasanović and Kubura* Appeal Judgement, para. 325; *Babić* Sentencing Appeal Judgement, paras. 43, 75; *Kordić and Čerkez* Appeal Judgement, para. 1090; *Blaškić* Appeal Judgement, para. 696; *Jokić* Sentencing Judgement, para. 82.

20616 *Krajišnik* Appeal Judgement, para. 816; *Hadžihasanović and Kubura* Appeal Judgement, para. 325; *Simić* Appeal Judgement, para. 266; *Babić* Sentencing Appeal Judgement, para. 43; *Kordić and Čerkez* Appeal Judgement, para. 1091; *Blaškić* Appeal Judgement, paras. 696.

20617 *Krajišnik* Appeal Judgement, para. 816; *Hadžihasanović and Kubura* Appeal Judgement, para. 325; *Simić* Appeal Judgement, para. 266; *Kordić and Čerkez* Appeal Judgement, para. 1090; *Blaškić* Appeal Judgement, para. 696; *Kunarac et al.* Appeal Judgement, paras. 362, 408.

20618 *Babić* Sentencing Appeal Judgement, para. 43; *Blaškić* Appeal Judgement, para. 696. *See also Jokić* Sentencing Judgement, paras. 90–91, 103.

20619 *Blaškić* Appeal Judgement, para. 696; *Erdemović* Second Sentencing Judgement, para. 17.

20620 *Blagojević and Jokić* Appeal Judgement, para. 342. *See also Kupreškić et al.* Appeal Judgement, para. 430.

victims;[20621] and (xii) age.[20622] Determining whether a fact amounts to a mitigating circumstance will be reached "on a balance of probabilities".[20623]

6037. Factors taken into account in assessing the gravity of an offence must not be considered again as separate aggravating circumstances, and *vice versa*.[20624] Evaluating both gravity and aggravating circumstances under the same heading is permissible when the Chamber clearly shows that it did not engage in double-counting, and classified each circumstance as either part of the gravity assessment or as an aggravating factor.[20625] For example for the purposes of convictions under Article 7(3) of the Statute, the Chamber must not, double-count the convicted person's "position of authority as both an element of the offence and an aggravating factor".[20626]

4. General practice regarding prison sentences in the courts of the former Yugoslavia

6038. Under Article 24(1) of the Statute, the Chamber shall have "recourse to the general practice regarding prison sentences in the courts of the former Yugoslavia."[20627] In conducting this assessment, a Trial Chamber is entitled to consider, in addition to the SFRY law in force at the time of the commission of the relevant crimes, how that law evolved subsequently.[20628] While the Statute requires the Chamber to take into account the general practice regarding prison sentences in the courts of the former Yugoslavia, "such practices only provide guidance and are not binding".[20629] However, where a Trial Chamber is to depart from the sentencing practices in the former Yugoslavia, it must give reasons for such departure and must go beyond merely reciting the relevant code provisions.[20630]

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20621 *Krajišnik* Appeal Judgement, para. 816; *Blaškić* Appeal Judgement, paras. 696. *See also Blagojević and Jokić* Trial Judgement, para. 854.

20622 *Krajišnik* Appeal Judgement, para. 816; *Simić* Appeal Judgement, para. 266; *Babić* Sentencing Appeal Judgement, para. 43; *Blaškić* Appeal Judgement, para. 696.

20623 *Mrkšić and Šljivančanin* Appeal Judgement, para. 352; *Hadžihasanović and Kubura*, Appeal Judgement, para. 302; *Zelenović* Sentencing Appeal Judgement, para. 11; *Bralo* Sentencing Appeal Judgement, para. 8. *See also Babić* Sentencing Appeal Judgement, para. 43; *Blaškić* Appeal Judgement, para. 697.

20624 *Momir Nikolić* Judgement on Sentencing Appeal, para. 58; *Deronjić* Sentencing Appeal Judgement, para. 106. *See also Limaj et al.* Appeal Judgement, para. 143.

20625 *Krajišnik* Appeal Judgement, para. 751. *See also Deronjić* Sentencing Appeal Judgement, para. 106.

20626 *Naletilić and Martinović* Appeal Judgement, para. 610.

20627 Article 24(1) of the Statute.

20628 *Krstić* Appeal Judgement, para. 261.

20629 *Krajišnik* Appeal Judgement, paras. 749, 811; *Hadžihasanović and Kubura* Appeal Judgement, para. 335, 346; *Galić* Appeal Judgement, para. 398; *Dragan Nikolić* Sentencing Appeal Judgement, para. 69; *Blaškić* Appeal Judgement, paras. 681–682; *Krstić* Appeal Judgement, paras. 260–261 (*citing Kunarac* Trial Judgement, para. 829).

20630 *Krstić* Appeal Judgement, paras. 260–261 (citing *Kunarac* Trial Judgement, para. 829). *See also Dragan Nikolić* Sentencing Appeal Judgement, para. 69; *Kordić and Čerkez* Appeal Judgement, para. 1085; *Blaškić* Appeal Judgement, para. 682.

6039. If a Trial Chamber imposes a sentence in excess of the practice of the courts in the former Yugoslavia, this does not violate the principle of *nulla poena sine lege*, because the Trial Chamber is bound to apply the law of the Tribunal and not of the former Yugoslavia,[20631] and the accused must have been aware that the crimes for which he is indicted are the most serious violations of international humanitarian law, punishable by the most severe of penalties.[20632]

6040. The sentencing law in BiH was regulated during the period of the Indictment by the Criminal Code of the Socialist Federal Republic of Yugoslavia ("SFRY Criminal Code"), adopted by the Federal Assembly on 28 September 1976, and in force since 1 July 1977, and by the Criminal Code of the Socialist Republic of Bosnia and Herzegovina ("SRBH Criminal Code") of 10 June 1977. The SFRY Criminal Code regulated general aspects of criminal law and some specific offences, including genocide and war crimes, while the SRBH Criminal Code regulated specific offences and matters not addressed by the SFRY Criminal Code.[20633]

6041. Under the SFRY Criminal Code, the range of penalties included fines, confiscation of property, imprisonment, and capital punishment.[20634] In his final brief, the Accused refers to the fact that before the adoption of the Statute of the Tribunal on 25 May 1993, the maximum penalty that could be imposed pursuant to the SFRY Criminal Code was 20 years.[20635] Indeed, Article 38(1) and (2) of the SFRY Criminal Code provided for a maximum sentence of imprisonment of 15 years, except for offences punishable with the death penalty, in which case the maximum term of imprisonment was extended to 20 years.[20636] In 1998, BiH abolished the death penalty.[20637] The maximum sentence that may currently be imposed in BiH and in the RS is 45 years for "the gravest forms of serious criminal offences perpetrated with intent".[20638]

6042. Chapter 16 of the SFRY Criminal Code outlined criminal offences against humanity and international law. Specifically, Article 141 of the SFRY Criminal Code prohibited genocide, Article 142 prohibited war crimes against the civilian population, Article 143 prohibited war crimes against the wounded and sick, and Article 144 prohibited war crimes against prisoners of war.[20639]

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20631 *Krajišnik* Appeal Judgement, para. 750; *Stakić* Appeal Judgement, para. 398. *See also Simić* Appeal Judgement, para. 264; *Čelebići* Appeal Judgement, paras. 816–817; *Tadić* Sentencing Appeal Judgement, para. 21.

20632 *Blaškić* Appeal Judgement, para. 681; *Čelebići* Appeal Judgement, paras. 816–817.

20633 *See Deronjić* Sentencing Judgement, para. 163; *Dragan Nikolić* Sentencing Judgement, para. 153.

20634 SFRY Criminal Code, Article 34.

20635 Defence Final Brief, paras. 3376–3378 (referring to this fact as a mitigating circumstance).

20636 SFRY Criminal Code, Article 38(1)–(2).

20637 *Tadić* Sentencing Judgement, para. 12.

20638 BiH Criminal Code, 2013, Article 42(2); RS Criminal Code, 2013, Article 31a(1).

20639 SFRY Criminal Code, Articles 141–144. *See also* Articles 145 (organising a group and instigating the commission of genocide and war crimes), 150 (cruel treatment of the wounded, sick, and prisoners of war), 151 (destruction of cultural and historical monuments), and 154 (racial and other discrimination).

The offences under Articles 141, 142, 143 and 144 of the SFRY Criminal Code were punishable by imprisonment for not less than five years or by the death penalty.[20640] The punishments for specific offences, such as murder, rape, and grievous bodily harm were regulated by the SRBH Criminal Code.[20641]

5. Credit for time spent in prison

6043. Pursuant to Rule 101(C), an accused is entitled to credit for the time spent in detention pending surrender to the Tribunal or pending trial.

6. Determination of sentence

6044. Under Rule 87(C), the Chamber may impose either a sentence for each finding of guilt, to be served either consecutively or concurrently, or a single sentence reflecting the totality of the criminal conduct of the accused.[20642] Due consideration must be given to each particular offence so that the gravity of an accused's conduct may be properly assessed and the single sentence, if imposed, must reflect the totality of the criminal conduct in question.[20643]

C. DISCUSSION

1. Gravity of the offence

a. Submissions

6045. In the present case, in relation to the gravity of the offence, the Prosecution identifies the scale and nature of the crimes, their systematic pattern and continuous repetition, the number of victims, and the effect of the crimes upon them.[20644] It submits:

> Under his command and oversight, [the Accused]'s subordinates and those cooperating with them expelled, killed, tortured and otherwise mistreated hundreds of thousands of Muslims and Croats; they bombarded Sarajevo with shells and bullets, killing, maiming, and terrorising its civilian population for over three and a half years. The scale and scope of these criminal campaigns is vast. [The Accused] played a key role throughout each of them. The persistence with which [the Accused] pursued his goal of a 'clean' Drina in the face of immense international pressure, culminating in arguably the biggest single

20640 SFRY Criminal Code, Articles 141–144.

20641 SRBH Criminal Code, Articles 36 (punishing murder with imprisonment of not less than five years, and in aggravated cases, not less than 10 years or the death penalty) and 88 (punishing rape with one to 10 years of imprisonment, in aggravated cases the lower limit being three years imprisonment).

20642 Rule 87(C) of the Rules.

20643 *Blaškić* Appeal Judgement, paras. 718–723; *Brđanin* Trial Judgement, para. 1149.

20644 Prosecution Final Brief, fn. 4052.

crime in Europe since WWII, is indicative of the 'form and degree' of his participation.[20645]

b. Findings

6046. The Accused has been found responsible for having committed, through his participation in four different joint criminal enterprises, a wide range of criminal acts throughout the entire period of the conflict in BiH. He has also been found responsible for having failed to punish certain crimes committed by his subordinates in the Srebrenica component. The Chamber finds that the crimes committed in this case, particularly with respect to the Municipalities, Sarajevo, and Srebrenica components, are among the most egregious of crimes in international criminal law and include extermination as a crime against humanity and genocide. The sheer scale of the crimes for which the Accused has been found responsible as well their systematic cruelty and their continued impact on the victims who have survived are evident. As described above, the Accused had a central role and made a significant contribution to the commission of these crimes. In determining the adequate sentence to be imposed on the Accused, the Chamber has given particular regard to these factors.

6047. More specifically, in the Municipalities component of the case, the Accused has been found responsible for having significantly contributed to a joint criminal enterprise the purpose of which was to permanently remove the Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory. The Chamber found that the Accused, together with the members of the Overarching JCE, intended that this objective would be achieved through the commission of the crimes of deportation, inhumane acts (forcible transfer), and persecution (through the underlying acts of unlawful detention and the imposition and maintenance of restrictive and discriminatory measures) as crimes against humanity. This common plan resulted in the uprooting of the overwhelming majority of the non-Serb population in the Municipalities and fundamentally changed the ethnic distribution in these territories. The Bosnian Muslim and Bosnian Croat populations of BiH were also subjected to atrocious crimes which the Chamber found were foreseeable to the Accused in carrying out the common plan of the Overarching JCE. Thousands of civilians were the victims of persecution, murder, and extermination and continue to suffer from the impact of these crimes to this day. These crimes were committed during or following the take-over of the Municipalities by Serb Forces and in the dozens of detentions facilities in which non-Serbs were unlawfully detained. The Chamber further found that as RS President and Supreme Commander of the VRS, the Accused was at the apex of power and played an integral role in this enterprise by promoting an

[20645] Prosecution Final Brief, para. 1121.

ideology of ethnic separation, using a rhetoric that amplified historical ethnic grievances and promoting propaganda to that effect. He also established the institutions used to carry out the objective of the common plan, and created a climate of impunity for criminal acts committed against non-Serbs.

6048. In the Sarajevo component, the Accused has been found responsible for having significantly contributed to a joint criminal enterprise of sniping and shelling, the purpose of which was to spread terror among the civilian population of Sarajevo. For three and a half years, the civilians of Sarajevo lived in the extreme fear of being targeted by sniper and mortar fire and the Chamber found that this in fact subjected them to terror. The Chamber also found that shelling occurred on an almost daily basis throughout the duration of the siege. No place in the city was safe for the civilian population, including their own homes. The civilians of Sarajevo were shot while fetching water, walking in the city, and when using public transport. Children were sniped while playing in front of their houses, walking with their parents or walking home from school, and even when cycling. Hospitals were not spared; civilians were the subject of sniper and mortar fire while receiving treatment and medical staff exposed themselves to the same danger in order to provide medical care to the citizens of Sarajevo. The Chamber found that terror was used intentionally as the SRK wanted to show to the civilian residents of Sarajevo that nobody was safe and that they were helpless. The shelling and sniping campaign ultimately resulted in a large number of civilian casualties. The Chamber found that the Accused's contribution to the Sarajevo JCE was so instrumental that without his support the SRK attacks on civilians could not have in fact occurred.

6049. In the Srebrenica component, the Chamber found the Accused responsible for having significantly contributed to a joint criminal enterprise to eliminate the Bosnian Muslims in Srebrenica by forcibly removing the women, children, and elderly men and killing the men and boys. In this component of the case, the Chamber found the Accused responsible for forcible transfer, persecution, murder, extermination, and genocide. The implementation of the common plan of the Srebrenica JCE resulted in the killing of at least 5,115 Bosnian Muslim men and the forcible transfer of 30,000 Bosnian Muslim women, children, and elderly men, from Srebrenica to Bosnian Muslim-held territory. The Accused was also found responsible as a superior for having failed to punish the killings which occurred prior to the evening of 13 July 1995. In earlier sections of this Judgement, the Chamber described in harrowing detail the systematic brutality with which these men and boys were killed as well as the mental and physical suffering they endured in the period leading up to their execution. As for the women, children, and elderly men who were the subject of the forcible transfer operation, in addition to them being uprooted, the Chamber stressed the serious mental trauma caused by their sudden separation at Potočari from their male relatives

who were taken away to await an unknown fate. In relation to the gravity of the Accused's conduct in relation to the killings after 13 July, the Chamber found that he was the sole person in the RS with the power to prevent the Bosnian Serb Forces from moving the Bosnian Muslim males to Zvornik to be killed. Instead, he ordered their transfer to Zvornik, where they were ultimately killed. In doing so, the Accused agreed to and enabled the implementation of a systematic, organised, and large scale murder operation.

6050. In the Hostages component, the Chamber found the Accused responsible for having significantly contributed to the common purpose to take UN personnel hostage. The Chamber recalls that the mandate of the UN peace-keepers and monitors who were subjected to the crime of hostage-taking for which the Accused was found responsible was to establish and preserve peace between the parties to the conflict and provide assistance to the civilian population. As such, and in order to fulfil their mandate, the UNPROFOR and UNMOs should have be afforded the highest protection. Instead, they were used as a bargaining tool to obtain the cessation of NATO air-strikes, and the Accused was the driving force behind this entreprise.

2. Aggravating circumstances

6051. In addition to the factors identified as relevant to assessing the gravity of the offences for which the Accused is found responsible, the Prosecution submits that abuse of authority may be considered as an aggravating circumstance.[20646] As an example of such alleged sustained and massive abuse, the Prosecution refers to the fact that while the Accused was more able than any other individual in the RS to stop the course of his subordinates' violent actions, he did not stop them but instead provided strategic supervision and issued specific directives in furtherance of these actions, rewarded perpetrators, lied to internationals, and covered up crimes.[20647]

6052. In its findings on the Accused's responsibility in relation to each of the components of the case, the Chamber gave particular regard to the Accused's unique position at the apex of power in the RS and his *de jure* authority over the VRS, MUP and other political organs, which he exercised in fact. The essential role the Accused played in the commission of the crimes in each of the components was a reflection of his position and the manner in which he used that position to further his objectives. The Chamber recalls that it also found the Accused responsible as a superior for having failed to punish the killings which took place before the evening of 13 July 1995 in Srebrenica. These factors have been abundantly discussed in the Chamber's findings on the

20646 Prosecution Final Brief, para. 1120, fn. 4051.
20647 Prosecution Final Brief, para. 1120.

Accused's responsibility and taken into consideration in relation to the gravity of the crimes for which he has been found responsible. The Chamber shall therefore not assess them further as a separate aggravating circumstance.

3. Mitigating circumstances

a. Submissions

6053. The Accused refers to the following mitigating circumstances: (i) the agreement which the Accused submits he entered into with Richard Holbrooke in July 1996 according to which he would not be prosecuted if he resigned from public office;[20648] (ii) the unprecedented number of disclosure violations by the Prosecution;[20649] (iii) his conduct during the war, including through the provision of assistance to victims or detainees and his prevention of the commission of crimes;[20650] (iv) his lack of training and preparation for war and the difficulties he faced in exercising command;[20651] (v) his personal and family circumstances, including his marital status; character, lack of prior criminal conviction, and age;[20652] (vi) his conduct at the Tribunal, including his good behaviour during the proceedings and at the UNDU, his expression of regret or sympathy to the victims of the crimes charged in the Indictment;[20653] and (vii) the length of his detention during the proceedings.[20654]

b. Findings

*i. The Holbrooke Agreement*

6054. The Chamber first turns to the evidence presented by the Accused with regard to an agreement he claims to have entered into with Richard Holbrooke in July 1996 whereby he resigned from public and party office and withdrew from public life with the understanding that he would not be prosecuted at the Tribunal ("Holbrooke Agreement").

20648 Defence Final Brief, paras. 3379–3406 (contending that this agreement pertains to both his character and acts and conduct subsequent to the conflict as well as to a remedy for a violation of his rights).

20649 Defence Final Brief, paras. 3407–3411 (submitting that such reduction in sentence should be granted as a remedy for the violation of his rights).

20650 Defence Final Brief, paras. 3412–3416.

20651 Defence Final Brief, para. 3417.

20652 Defence Final Brief, paras. 3419–3423.

20653 Defence Final Brief, paras. 3424–3425, 3427–3428.

20654 Defence Final Brief, para. 3426.

6055. Witnesses testified that they were present at a meeting between the Accused and Holbrooke when such an agreement was entered into.[20655] The Chamber admitted additional evidence tendered by the Accused in support of the existence of this agreement.[20656]

6056. The Chamber admitted a one-page statement signed by the Accused, Krajišnik, Plavšić, and Aleksa Buha, reaffirming their commitment to fulfill the Dayton Agreement; in the statement, reference is made to the fact that "on July 19, 1996, Dr. Radovan Karadžić has relinquished the office of President of the [RS] and has relinquished all powers associated therewith". The statement further provides that the Accused "states that he shall withdraw immediately and permanently from all political activities. He will not appear in public, or on radio or television or other media or means of communication, or participate in any way in the elections." Finally, as of 19 July 1996, the Accused "relinquishes the office of President of the SDS and all the functions, powers and responsibilities of the President of the SDS shall be frozen until the SDS chooses a new President".[20657] Defence witnesses testified that the part of the agreement which contained the undertaking by Holbrooke that the Accused would not be prosecuted by the Tribunal was made orally and not put in writing.[20658]

6057. For the purpose of sentencing, the Chamber is only concerned with the established fact that the Accused indeed resigned from all public and party offices as of 19 July 1996 and that he refrained from making public appearances from then on. The reason, or reasons, behind his decision to step down and withdraw from public life are not relevant. What is relevant is the fact that his decision had a positive influence on the establishment of peace and stability in BiH and the region in the wake of the Dayton Agreement. The Chamber therefore considers the Accused's decision to resign from public and party offices in July 1996 to be a mitigating factor in determining the sentence to be imposed.

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20655 Momčilo Krajišnik, T. 43383–43387 (13 November 2013), T. 43933–43934 (20 November 2013); D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 47–48. *See also* KDZ456, T. 21785–21786 (23 November 2011) (closed session).

20656 D3682 (Witness statement of Gordan Milinić dated 8 June 2013), para. 23; D4313 (Witness statement of Gojko Kličković dated 7 February 2014), paras. 14–15; D4423 (Declaration of John Petrie, 16 May 2011); D4436 (Statement of Aleksa Buha, 21 April 2009), pp. 1–2; D4425 (Statement of Radomir Lukić, 16 April 2009), pp. 1–2; D4426 (Excerpt from Charles Ingrao's book); D4431 (Article from Press TV Teheran of interview with Mohammad Sacirbey, 1 August 2008); D4432 (Statement of David Binder, 17 April 2009); D4433 (Statement of Obrad Kesic, 18 April 2009); D4434 (Statement of Victor Ben-Cnaan, 11 June 2009), pp. 1–2; D4435 (Statement of Puniša Lučić, undated); D4427 (Statement of Ljiljana Zelen-Karadžić, 21 April 2009); D4428 (Statement of Sonja Karadžić-Jovičević, 21 April 2009); D4429 (Statement of Branislav Jovičević, 21 April 2009); D4430 (Statement of Dragan Drašković, 21 April 2009).

20657 D4424 (Written agreement between Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, and Aleksa Buha, 18 July 1996).

20658 D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 48; Momčilo Krajišnik, T. 43383–43384 (13 November 2013).

*ii. The Accused's conduct during the proceedings and at the UNDU*

6058. The Chamber notes the Accused's good conduct both during the proceedings before the Chamber and during the course of his detention at the UNDU.[20659] As such, the Chamber has considered this factor in its determination of the appropriate sentence.

6059. With regard to the Accused's submission that his expression of regret or sympathy to the victims of the crimes charged in the Indictment should have a mitigating effect on the sentence to be imposed, the Chamber notes that in a few instances, the Accused expressed his regret to a witness on the stand for the crimes the witness had suffered.[20660] In his Final Brief, the Accused stated the following:

> President Karadžić expresses his deep regret and sympathy to the victims of the crimes charged in his indictment and to their families. Regardless of the issue of his individual criminal responsibility for those crimes, he understands that as President of Republika Srpska, he bears moral responsibility for any crimes committed by citizens and forces of Republika Srpska. He knows that any expression of regret or sympathy is inadequate to compensate for the suffering that took place during the war. Nevertheless, he offers his heartlfet expression of regret and sympathy to the victims and their families.[20661]

6060. The Chamber recalls that although sympathy for the victims of the crimes does not amount to remorse as such, it may nonetheless be considered a mitigating factor.[20662] The Chamber has given due consideration to these expressions of regret in determining the appropriate sentence to be imposed.

*iii. The Accused's personal circumstances*

6061. The Accused was born on 19 June 1945 and is therefore 70 years old at the time of issuance of this Judgement. The Chamber has given due regard to the Accused's age in determining the appropriate sentence.

6062. The Chamber has also had regard to the Accused's lack of prior criminal conviction.

*iv. Other mitigating circumstances identified by the Accused*

6063. The Chamber does not consider the number of disclosure violations by the Prosecution to be a mitigating circumstance. The Prosecution's disclosure practice does not have any bearing on the appropriate sentence to be imposed to the Accused in light of the gravity of the crimes and his

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20659 D4422 (UNDU behaviour report of Radovan Karadžić, 21 January 2014).

20660 Hearing, T. 8757 (1 November 2010); Hearing, T. 12097 (17 February 2011).

20661 Defence Final Brief, para. 3428.

20662 *See Strugar* Appeal Judgement, para. 366.

involvement in their commission. Furthermore, the Chamber took all measures to protect the Accused's fair trial rights and suspended proceedings on multiple occasions, to allow him to review and incorporate large batches of newly disclosed material into his preparations. While the Prosecution's disclosure violations continued, to a great extent, the Chamber found that while the violations reflected badly on the Prosecution, the Accused did not suffer any prejudice.

6064. In light of all of the Chamber's findings as to the gravity of the crimes for which the Accused has been found responsible and the Accused's central involvement in these crimes, the Chamber does not consider his conduct during the war to be mitigating in any way. Similarly, in light of the Chamber's findings as to the Accused's authority over the Bosnian Serb Forces and Bosnian Serb Political and Governmental Organs, the Chamber does not consider that the Accused's alleged lack of training and preparation for war is mitigating.

6065. The Chamber recalls that Rule 101(C) of the Rules entitles an accused to credit for the time spent in detention pending surrender to the Tribunal or pending trial. As such, the length of the Accused's detention is not a mitigating factor; rather, time already spent in detention will be duly deducted from the sentence to be imposed by the Chamber.

4. Sentences in related cases at the Tribunal

6066. The Accused argues that the Chamber should take into consideration the imposition of sentences in related cases to ensure consistency in its judgements and refers specifically to the sentence of 11 years imposed on Plavšić and the sentence of 20 years imposed on Krajišnik.[20663]

6067. With regard to Plavšić, the Chamber notes that her sentence was imposed following her guilty plea and the dismissal of the remaining counts by the Prosecution. As such, the sentence imposed on Plavšić is of no guidance to the Chamber. The Chamber notes, in relation to Krajišnik, that the case against him was similar to that against the Accused in so far as it pertained to the Municipalities component of this case. It did not involve any of the charges related to the Srebrenica, Sarajevo, and Hostages components of this case. The guidance provided by the sentence imposed on Krajišnik in determining the sentence against the Accused is therefore limited to the Municipalities component of the case.

[20663] Defence Final Brief, para. 3429.

5. General practice regarding prison sentences in the courts of the former Yugoslavia

6068. In determining the appropriate sentence for the Accused, and pursuant to Article 24(1) of the Statute, the Chamber has taken into account the general practice regarding prison sentences in the courts of BiH at the time of the commission of the crimes in relation to which the Accused was found responsible, and the manner in which it has developed.

6. Credit for time spent in prison

6069. The Chamber notes that the Accused was arrested on 21 July 2008 and taken into the custody of the Tribunal on 30 July 2008. Accordingly, he has been in custody for 2,804 days. Pursuant to Rule to Rule 101(C), he is entitled to credit for that period.

## D. CONCLUSION

6070. Therefore, for all of the foregoing reasons, in particular given the scope and scale of the serious crimes for which the Accused was found responsible and his central involvement in the commission of these crimes, the Chamber decides that the imposition of a single sentence of 40 years is warranted.

## VI. DISPOSITION

6071. For all of the foregoing reasons, pursuant to Articles 23, 24, and 27 of the Tribunal's Statute and Rules 98 *ter*, 101, 102, and 103 of the Tribunal's Rules of Procedure and Evidence, the Chamber finds the Accused, Radovan Karadžić:

- **NOT GUILTY** of **COUNT 1**: genocide.
- **GUILTY** of the following counts:

  **COUNT 2**: genocide;

  **COUNT 3**: persecution, a crime against humanity;

  **COUNT 4**: extermination, a crime against humanity;

  **COUNT 5**: murder, a crime against humanity;

  **COUNT 6**: murder, a violation of the laws or customs of war;

  **COUNT 7:** deportation, a crime against humanity;

  **COUNT 8**: inhumane acts–forcible transfer, a crime against humanity;

  **COUNT 9**: terror, a violation of the laws or customs of war;

  **COUNT 10**: unlawful attacks on civilians, a violation of the laws or customs of war; and

  **COUNT 11**: hostage-taking, a violation of the laws or customs of war.

6072. The Chamber hereby sentences the Accused, Radovan Karadžić, to a single sentence of 40 years of imprisonment. The Accused has been in custody since 21 July 2008; and, pursuant to Rule 101(C) of the Rules, he is entitled to credit for time spent in detention thus far.

6073. Pursuant to Rule 103(C) of the Rules, the Accused shall remain in the custody of the Tribunal pending the finalisation of arrangements for his transfer to the state where he shall serve his sentence.

Judge Howard Morrison and Judge Melville Baird append partially dissenting opinions to this Judgement.

Done in four volumes in English and French, the English text being authoritative.

Judge O-Gon Kwon
Presiding

Judge Howard Morrison

Judge Melville Baird

Dated this twenty-fourth day of March 2016
At The Hague
The Netherlands

**[Seal of the Tribunal]**

# VII. DISSENTING OPINIONS

## A. DISSENTING OPINION OF JUDGE MORRISON

6074. In relation to Schedule Incident B.12.2 in Novi Grad municipality, the Majority found that it was satisfied beyond reasonable doubt that on 14 June 1992, Bosnian Serb Forces, including Žuti, other guards, and paramilitaries, attacked a bus filled with Bosnian Muslim male detainees with grenades and automatic weapons, and killed 47 Bosnian Muslim men.[20664] I agree with the Majority that there was indeed an attack on the bus on 14 June 1992 during which 47 Bosnian Muslim men were killed. However, I have not been able to reach a determinative conclusion as to the identity of the perpetrators. Therefore, I respectfully disagree with the Majority's finding on this Schedule Incident for the following reasons.

6075. First, there is conflicting evidence on the issue of the identity of the alleged perpetrators of the killings. While there is evidence indicating that Serb Forces conducted the attack, the evidence is not consistent in identifying which unit among these forces was responsible. For example, KDZ041 testified that he heard that the main organisers of the attack on the bus were Boro Radić,[20665] Dragan Ikanović, and Ratko Adžić.[20666] Further, Eset Muračević, a Bosnian Muslim who was imprisoned in Vogošća municipality in the second half of 1992, stated that he had heard from a fellow detainee that a Serb prison guard by the name Predrag Žarković, alias Božur, was "[a]mong the group of Chetniks" who carried out the attack on the bus.[20667] For his part, KDZ601, [REDACTED], testified [REDACTED], he heard [REDACTED] that Branislav Gavrilović from Vučija Luka and his unit had attacked the bus with *Zoljas*.[20668]

6076. There is also evidence suggesting that Muslim forces carried out the attack on the bus by mistake. In a conversation intercepted on 15 June 1992—one day after the attack on the bus—

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20664 *See* para. 2231.

20665 According to KDZ020, Boro Radić was a common criminal from Vogošća who had the support of the SDS and was eventually integrated into the VRS and given the rank of colonel. P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 72 (under seal); KDZ020, T. 12524 (28 February 2011).

20666 KDZ041, T. 12075 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 50, 61 (under seal).

20667 P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 20, 25, 60.

20668 P3299 (Record of interview with KDZ601, 18 April 2005), pp. 38–42 (under seal); KDZ601, T. 18590–18592 (13 September 2011). There is evidence that Branislav Gavrilović was known and referred to by the municipal authorities of Ilidža as the commander of all SAO Romanija volunteer units. P2302 (Approval of the War Board of Commissioners of Ilidža Municipality, 9 July 1992); Neđeljko Prstojević, T. 12988 (8 March 2011). Witness Velimir Dunjić stated that the unit of Branislav Gavrilović was in the zone of responsibility of the Igman Brigade and that after a while, it put itself under the Igman Brigade command. D2451 (Witness statement of Velimir Dunjić dated 12 November 2012), para. 13.

Mirko Krajišnik informed his brother, Momčilo Krajišnik, that Muslims had intercepted the bus, and mistaking its occupants for Serbs, opened fire on it, killing all the prisoners and heavily wounding two Serb guards.[20669] The Majority agrees with this.[20670] I also take note that six days prior to the attack on the bus, Momčilo Krajišnik repeatedly instructed two persons in Rajlovac, a certain Mijatović and Ljubiša Vladušić, the future president of the RS Refugee and Humanitarian Aid Committee,[20671] not to do anything to the "captured men".[20672] Again, the Majority agrees with this.[20673]

6077. I have found no direct evidence that Žuti and the other guards attacked the bus as alleged by the Prosecution. KDZ041 for instance testified that he was unable to actually see what was taking place outside of the bus or who was attacking it.[20674] The Majority found that "notwithstanding his inability to see during and immediately after the attack, KDZ041 heard what was happening around him".[20675] In the circumstances, I cannot agree with this assessment and find it difficult to accept KDZ041's evidence that he heard the escort cars drive off after the attack on the bus had ended. In this regard, I note that the attack on the bus lasted 15 minutes, involved the use of machineguns, hand grenades, and Zoljas, and resulted in KDZ041 himself being wounded in the arm. In these extremely traumatic circumstances, it would have been difficult for KDZ041 to accurately interpret what was happening outside of the bus.

6078. I also find it peculiar that Žuti and the other guards decided to kill the detainees by attacking the bus on or near the confrontation line, thereby risking a number of survivors[20676] and also injuring themselves.[20677] In other words, if their intention was to kill the detainees as alleged by the Prosecution, then Žuti and the guards could have easily done so by executing them in a secluded area, where they could also make sure that they themselves were not injured and that there were no

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20669 D1088 (Intercept of conversation between Momčilo Krajišnik and Mirko Krajišnik, 15 June 1992), pp. 1, 5–6. I note that in an intercepted conversation on 20 June 1992, Mirko Krajišnik informed two Bosnian Muslims, Ćamil and Šemso, that 284 prisoners from the cisterns near the Rajlovac Barracks had been exchanged whereas 50 additional prisoners had been sent home. During the same conversation, Mirko Krajišnik referred to the group of 50 prisoners and told Šemso "[y]ou heard that there were some casualties among them" to which Šemso replied "Yes, I did." D1089 (Intercept of conversation between Ćamil and Mirko Krajišnik, 20 June 1992), pp. 1–2.

20670 *See* para. 2220.

20671 Soniboj Škiljević, T. 36957 (10 April 2013);

20672 P2334 (Intercept of conversation between Momčilo Krajišnik, Mijatović and Ljubiša Vladušić, 8 June 1992), pp. 1–4.

20673 *See* para. 2221.

20674 *See* P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 53 (under seal); KDZ041, T. 12074, 12118 (17 February 2011).

20675 *See* para. 2228.

20676 I note the high number of survivors in this incident; 10 men survived the original attack on the bus, although two of them succumbed to their injuries later.

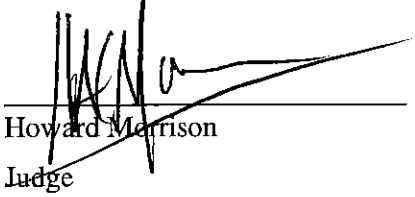
20677 I note that according to the evidence, two Serb guards were wounded during the attack on the bus.

survivors. In addition, it seems unlikely that Serb Forces would deliberately and unecessarily destroy one of their own vehicles. Many instances of executions have involved the victims being deliberately taken from vehicles and executed nearby. There appears to be no obvious reason why that procedure could not have been followed in this case.

6079. Further, immediately following the incident, the Bosnian Muslim TO appeared to be in control of the territory on which the bus was attacked.[20678] The Bosnian Muslim TO members not only removed all the bodies from the scene—which would have taken some time—but also filmed the bus. Finally, prior to this incident, Momčilo Krajišnik gave instructions to the Serbs in Rajlovac that nothing should happen to the Bosnian Muslim men detained there. Thus, bearing all those factors in mind, I consider it possible, as recounted by Mirko Krajišnik in the telephone conversation with his brother,[20679] that the bus strayed into the Bosnian Muslim side of the confrontation line and was mistakenly attacked by the Bosnian Muslim TO. While Mirko Krajišnik may have lied to his brother about the fate of the men on the bus because of his brother's earlier instructions not to harm them, I am unable—in light of the totality of the evidence before the Chamber—to affirmatively conclude that this was the case.

6080. I am therefore unable to conclude, beyond reasonable doubt, that Serb Forces attacked the bus on 14 June 1992 in the incident that resulted in the death of 47 Bosnian Muslim men, and I am therefore of the view that the Accused must be acquitted in this regard.

Done in English and French, the English text being authoritative.



Howard Morrison
Judge

Dated this twenty-fourth day of March 2016
At The Hague
The Netherlands

**[Seal of the Tribunal]**

20678 *See* para. 2229.
20679 *See* para. 2220.

B. DISSENTING OPINION OF JUDGE BAIRD

6081. In this matter the majority was satisfied beyond reasonable doubt that the shell that struck the Markale market on 5 February 1994 was fired from SRK held territory by SRK soldiers. I respectfully disagree with this finding.

6082. In his Final brief at paragraph 2056, the Accused submitted that the UN investigators had stated that in extracting the tail fin assembly from the crater, the FreBat 4 team (unavoidably) disturbed the integrity of the crater for any purpose which followed. At paragraph 2069, the Accused stated that the UN Investigative Team collectively and officially concluded that by the time the team had conducted its analyses, six days had elapsed since the explosion: it was reasonable to suspect that the crater had been thoroughly excavated by the local authorities during that period, hence the angles measured on 11 February were not beyond suspicion. They concluded that the results measured on 11 February were not sufficiently accurate to be used as a basis for a finding. At paragraph 2073 the Accused stated that the UN Investigative Team concluded that there was insufficient physical evidence to prove that one party or another had fired the mortar bomb. And at paragraph 2075, the Accused demonstrated that the findings of the UN Investigative Team were endorsed by Colonel Gauthier as he testified as a Defence witness in 2012. As far as I am aware the accuracy of these submissions was never challenged, neither was it made the subject of negative comment by the Chamber. Indeed, in some instances, the pertinent evidence was actually received by the Chamber.

6083. As I see it, this is powerful language employed by the UN Investigative Team. They are in effect saying that there is reasonable doubt that the shell was fired by the Bosnian Serb Forces, and one must not lose sight of the fact that this is a report of Prosecution witnesses. The Prosecution witness Zečević however, was of opinion that the shell could only have been fired from the Bosnian Serb positions.

6084. What I was presented with therefore, was clear and indisputable conflict in the evidence of the Prosecution witnesses. And this conflict went to the root of the Prosecution case.

6085. In this situation I am of the view that the majority should have been driven to resolve this conflict in favour of the Accused.

6086. At paragraph 4247, the majority stated that while the Chamber heard evidence to the effect that measurements and estimates of the angle of descent were unreliable in this incident due to the

crater having been disturbed, it was also struck by the fact that all but one of the estimated angle ranges were relatively close to each other and in fact overlapped.

6087. Defence witnesses apart, it is the witnesses for the Prosecution whose evidence the majority considered, and which evidence demonstrated that the measurements and estimates of the angle of descent were unreliable due to the disturbance of the crater. There is no clear indication from the majority whether they were accepting the evidence that the measurements and estimates of the angle of descent were unreliable, or whether they were rejecting the evidence on this question. To my mind there was consensus among the UN Investigators *who attended the scene*, that once the Frebat 4 battalion had removed the tail fin without taking measurements it was not possible to calculate the angle of descent.

6088. In the face of this evidence – evidence which I might add was pointedly favourable to the Accused – I am hard pressed to see why the majority should go on to be 'struck' by the relative closeness of the estimated angle ranges, bar one, and by their overlap.

6089. In a criminal matter where the burden is on the Prosecution to prove the guilt of the Accused beyond the reasonable doubt, this evidence should have been enough to cause reasonable doubt to intrude on the minds of the majority.

6090. Of some significance is the fact that the majority stated at paragraph 4248, that they could not be sure that the speed of the shell as determined by Zečević was 'absolutely accurate', particularly in light of Allsop's evidence. Irrespective of the language used, the majority is rejecting the evidence of Zečević in this regard, in favour of that of Allsop.

6091. It should be noted that the evidence of Zečević was that any inaccuracy in the measurement of the depth of the crater would have affected the calculations of the impact velocity of the shell and that it was more likely that the depth of the crater was not measured properly in this case, given the disturbance to the crater during the investigations that took place on 5 and 6 February 1994.

6092. I come now to the question of the 'common feature' at paragraph 4248. The majority noticed a 'common feature' in the evidence of Zečević, Higgs, Allsop and Subotić, that is to say, that a mortar bomb fired at one of the higher charges would typically result in the stabiliser penetrating the ground and embedding therein. The majority noted that Higgs referred to 'two highest charges in this respect', Zečević to charges four, five and six, and Subotić to charge three or higher. The majority considered that in the case at hand, the stabiliser was found embedded in the ground with its top at a depth of around nine centimetres from the surface. In the final analysis,

they concluded that the shell was fired on a charge higher than one or two and therefore from SRK positions.

6093. Without going into the validity or otherwise of their reasoning, my concern is that the Accused was never given an opportunity to address this question as a discrete issue. It was never presented to the Accused for him to comment one way or another thereon. As a result the question was never fully ventilated before the Chamber as a contentious issue. The majority however made a seminal conclusion based on this question, and this in turn, played a crucial role in their decision that the shell had been fired by the Bosnian Serb side. This was unfortunate. It must be borne in mind that we are not within the realm of exact science and it would have been only fair to the Accused for him to be put on notice so that some input from him could have been forthcoming. A decision given under these circumstances therefore, would be flawed as offending against a basic principle of natural justice.

6094. I will add that even if the mortar had been fired on the higher charges, the origin of fire could only have been determined if the proper angle of descent had been calculated and I ingeminate the evidence above quoted that all the Investigators *who attended the scene* were unanimous that it was not possible to properly calculate the angle of descent once the integrity of the crater had been disturbed.

6095. The majority noted at paragraph 4249, that while Gauthier suggested that the ABiH could have used mobile mortars, they were not convinced that it would have been possible for the ABiH to fire at the market area from a mobile mortar without being seen, given the densely populated area in the direction of fire and given the proximity of the residential are of Sedrenik to the ABiH positions in Grdonj. In this particular case, this was flagrant speculation, made in an evidential void, and could form no proper basis for the rejection of evidence that could have introduced reasonable doubt in the minds of the majority. The majority also considered that there was an absence of any evidence as to the sighting of mobile mortars on that date, or shell fire noise coming from within the city. I do not think that this is the proper case in which the absence of the evidence can contribute to the presence of proof beyond reasonable doubt.

1. KW586

6096. In paragraph 4252, the majority rejected the evidence of the witness that the Bosnian Muslim side had deliberately targeted Markale so as to achieve international condemnation of the Bosnian Serb and thus further its own political agenda, on the ground that the witness was lacking

in credibility in relation to this evidence for a number of reasons. I will deal with these reasons *seriatim*.

6097. As a preface however, I must state that I do not think that the majority would dispute the fact that the witness answered the questions put to him under cross examination – which came from all directions – with a spontaneity and readiness that was quite impressive. Indeed, on occasions he actually corrected the Prosecution.

6098. The first reason identified in paragraph 4252 by the majority is that: "The majority found it unlikely that someone in KW586's position would have been privy to such high level meetings where such sensitive matters were discussed". This is speculation run riot. There is not an atom of evidence to support this conclusion. And this is not a matter of which the majority could properly have taken judicial notice. What is more, the witness gave an explanation that the Prosecution failed to contradict or neutralize. I see no good reason therefore, for the witness to be regarded as lacking in credibility.

6099. The second reason in paragraph 4252 is that: "KW586 exhibited a high degree of animosity towards the current political leadership in BiH, which obviously played a part in his coming forward with his evidence". The witness did in fact, employ intemperate language in referring to the current political leadership in BiH. He explained that he came forward because after the war, he saw what he considered to be injustice – 'if one who is liable is held to account, then another one should be held to account as well'.[20680] Whether there was merit in his reasoning or not, whether this was misguided reasoning or not, this was the reason he decided to come forward. And I cannot conceive how he could be regarded as lacking in credibility for his reasoning.

6100. The third reason listed in paragraph 4252 is: "There were also inconsistencies between his testimony in court and his witness statement, such as his evidence about the level of involvement of members of the Pakistani UNPROFOR contingent in the Markale incident and the involvement of Halilović, who the witness acknowledged had been removed from his position by Izetbegović at that time".

6101. An examination of the evidence of the witness in this respect might be helpful:.

> Q. Well, you said in your statement why they needed that UNPROFOR team. You said that they had some kind of agreements with them that they wouldn't register the firing of missiles from our positions, so UNPROFOR was part of the conspiracy you're alleging in your own words?

[20680] KW-586, T. 47206 (17 February 2014).

> A. I never said that, and if it's written somewhere then it needs to be corrected. I never said that the UNPROFOR was part of the conspiracy; UNPROFOR wasn't. It's just that one crew, I don't know whether they were a bit careless or less attentive, but nobody ever said that UNPROFOR was part of the conspiracy.[20681]

6102. I can see no inconsistency in his reply. The Prosecutor began her question by stating that the witness had said in his statement why they needed the UNPROFOR *'team'*, but in ending the question she dropped the word *'team'* and put to the witness: "[...] so *UNPROFOR* was part of the conspiracy you're alleging in your own words?" The witness then protested that he never said that UNPROFOR was part of the conspiracy; UNPROFOR was not, it was just that one 'crew'. He commented that the way the Prosecutor had put it, it sounded like the whole UNPROFOR conspired against the Bosnian Serbs. 'It was just one crew, two or three men'[20682].

6103. I failed to see any inconsistency in this evidence. In paragraph 4252, the majority also considered the reference of the witness to Halilović as a reason for holding that the witness was inconsistent with his witness statement. The Prosecutor put to the witness that his evidence of conspiracy was fictional because at the time he said the discussions were going on, Halilovic had been ostracised and dismissed from the army. The witness admitted that Halilović had been ostracised and advanced reasons for his ostracism. He then went on to explain that although Itzetbegović had removed him 'under pressure'; he had not dismissed him from the army. And he would attend meetings whenever he was in Sarajevo. The Prosecutor did not specifically challenge this evidence and introduced no evidence to contradict the witness.[20683]

6104. It cannot be fair to the witness therefore to say that he was inconsistent with his witness statement. I must also emphasize that in the course of cross examination, the Prosecutor sought to contradict the witness by referring to comments he made during an interview with the Prosecution a few days earlier.[20684] The Prosecutor however, failed to put in evidence any written material that tended to contradict what the witness had said in the interview or to call *viva voce* evidence to that effect. The Prosecutor therefore, was bound by the answers of the witness and the witness could not be considered to have been contradicted.

6105. The fourth reason identified by the majority in paragraph 4252 is: "Essentially, KW586's evidence implies a conspiracy of a large scale. However, in the majority's view, such conspiracy is not supported by any other evidence on the record". In this particular situation, I harbour the view that the fact that the evidence of conspiracy is not supported by any other evidence could not be a

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20681 KW586 T.47222 (17 February 2014).
20682 KW586 T.47224 (17 February 2014).
20683 KW586, T. 47225–47226 (17 February 2014).

valid ground for the majority to hold that the witness lacked credibility. The evidence of conspiracy was presented by the Accused as a crucial and integral part of his case and the Defence is under no obligation to call corroborative evidence to support the evidence of any Defence witness. The fact therefore, that there is no other evidence supporting the evidence of conspiracy cannot be reason for the witness to be considered as lacking in credibility.

6106. The fifth reason identified by the majority is: "Finally, if true, it would have meant that the ABiH was able to make a successful hit on Markale market in only its second attempt. Recalling the evidence the Accused led on the low likelihood of such an intentional hit, the Chamber finds this to be impossible". 'Likelihood' is synonymous with 'probability'. And this is not, by any means, a proper instance in which 'improbability' could have been equated with 'impossibility'. I can see no good reason therefore for deeming the witness to be lacking in credibility in this respect.

6107. In the final analysis I espouse the view that the reasoning the majority advanced for holding the witness to be lacking in credibility was itself deficient in substantiality and was unable to stand up to scrutiny.

6108. The majority also identified 'other evidence' which they considered indicated that the shell was fired from the SRK side. At paragraph 4249 they referred to the evidence that the SRK's 7th battalion of the 1st Romanija Infantry Brigade had 120 mm mortars in the area of Mrkovići, which was north-northeast of Markale, whereas the evidence before the Chamber was consistent that the ABiH had no mortars in the area of Grdonj. They added that Gengo testified that the ABiH would open fire mostly from the area of Jajce Barracks and Koševo, rather than Grdonj. I experienced profound difficulty in seeing how this evidence could have convinced the majority to hold that *beyond reasonable doubt* the shell was fired from the Bosnian Serb side.

6109. Also at paragraph 4249, the majority seemed to have accepted the evidence of Gauthier that he could not recall any ABiH mortar positions in the established directions of fire. This could not possibly have amounted to proof *beyond reasonable doubt*. It is noteworthy that Gauthier, having given the above evidence, went on to state that the ABiH could have used mobile mortars. The majority however, rejected this evidence on what I considered to be speculative grounds (*ante*).

6110. At paragraph 4250, the majority referred to the evidence that the SRK would open fire on the area of Stari Grad from the SRK positions above Sedrenik. They also considered the testimony of Hamill regarding Cvetković's admission that the SRK fired a large number of mortar rounds into

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[20684] KW586, T. 47212–47213 (17 February 2014).

Stari Grad prior to the incident in Markale, and the UNMO's report on the morning of 5 February, prior to the Markale incident, that the city centre had been shelled on the night of 4 or 5 February.

6111. I experienced even greater difficulty in comprehending how the majority could have considered that this evidence established *beyond reasonable doubt* that the shell was fired from the Bosnian Serb side.

2. KW570

6112. I refer to an area of the evidence of KW570 which I consider apropos to the issue under consideration. The witness testified that at the meeting on 8 February between General Rose and the leadership of the Bosnian Muslim Military in Sarajevo, Rose stated that evidence was emerging that the market place shelling might have been carried out by their side. The witness testified that there was a complete silence after Rose's statement; thereafter, the Bosnian Military leadership claimed that they had taped a conversation involving the Bosnian Serbs to the effect that they had confessed to the 'atrocity'.[20685] The witness further stated that the Bosnian government never produced any such tape or evidence to demonstrate that the Bosnian Serbs had fired the mortar.[20686] The production of this alleged tape would have put a firm and definitive end to this matter and would have been incontrovertible attestation to the guilt of the Bosnian Serb side. The tape however, was never produced and nothing further was said about it.This left one with the abiding impression that their story was an egregious lie. This conduct on the part of the Bosnian Military Leadership led inexorably to the conclusion that, at the least, there was reasonable doubt that the shell had been fired by the Bosnian Serb side.

6113. To all appearances, the majority made no specific comment on this area of the evidence of this witness. What they did say at paragraph 4252 was that while they accept the 'general evidence' given by KDZ185, KW570 and Milovanović that the Bosnian Moslim side tried to gain sympathy from the international community and would provoke attacks by the SRK with that goal in mind, it was of 'general nature' and did not, as such, cast doubt on the majority's finding that the shell came from SRK positions.

6114. *In uno flatu* therefore, the majority seemed to be saying that they accepted the evidence of KW570 but dismissed it as being 'of general nature'. And because it was of 'general nature' (as such) it did not cast doubt on their finding that the shell came from the SRK positions.

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[20685] D2770 (Witness statement of KW570 dated 21 November 2012) (under seal), para. 11.

[20686] D2770 (Witness statement of KW570 dated 21 November 2012) (under seal), para. 12.

6115. The majority failed to clarify what they meant by 'general nature'. And this was vital because it was due to the fact that the evidence was consigned to the category of 'general nature' that it did not succeed in casting doubt on their finding.

6116. Further, it is reasonable to assume that when the majority accepted the evidence of KW570, they accepted his narrative of the taped conversation. In this situation it would have been extremely helpful for the majority to give full reasons why in the face of accepting the evidence of the taped conversation, they were not prepared to address it but were merely disposed to gather it under the amorphous heading of 'general nature'. It is not insignificant that KW570 was a member of UNPROFOR at the time of the incident and he was also a Defence witness. The evidence he gave had the potential for casting doubt that the Bosnian Serb side was responsible for firing the shell. And this evidence formed an integral part of the Defence case.

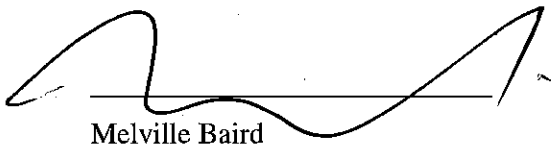
6117. The Accused was therefore, entitled to some exposure to the minds of the majority for their dismissal of this evidence, other than the cryptic 'of general nature'.

3. Conclusion

6118. I am therefore, of the view that when all the factors I have identified above are collocated, the resulting edifice is of such, that I can hold that there is reasonable doubt that the Bosnian Muslim side fired the mortar bomb on the Markale Market.

6119. In the circumstances I am of opinion that the Accused must be acquitted of this charge.

Done in English and French, the English text being authoritative.



Melville Baird
Judge

Dated this twenty-fourth day of March 2016
At The Hague
The Netherlands

**[Seal of the Tribunal]**

# VIII. ANNEXES

## A. PROCEDURAL HISTORY

### 1. Pre-trial proceedings

#### a. From confirmation of the Indictment to the Accused's plea

6120. On 25 July 1995, an indictment was confirmed against the Accused and Ratko Mladić, charging them for crimes allegedly committed in BiH between April 1992 and July 1995.[20687] On 16 November 1995, a second indictment against these accused, charging them for crimes alleged to have taken place in Srebrenica in July 1995, was also confirmed.[20688]

6121. Due to the failure to execute their warrants of arrest and to serve the indictments upon them,[20689] a hearing was subsequently held under Rule 61 of the Rules, and the two indictments were joined on 11 July 1996.[20690]

6122. In 2000, the Prosecution sought to amend the joined indictment insofar as it pertained to the Accused, which was then confirmed.[20691] In 2002, a similar process was undertaken with regard to Mladić.[20692] The cases against the two accused were ultimately severed in 2009.[20693]

6123. The Accused was arrested on 21 July 2008 in Belgrade and transferred to The Hague on 30 July 2008. His initial appearance was held the following day.[20694] Shortly thereafter, the Prosecution requested leave to make certain amendments to the indictment.[20695] On 16 February 2009, the Chamber issued a decision granting the Prosecution's motion in large part,[20696] and, on 27 February 2009, the Prosecution filed its Third Amended Indictment, which remains the operative "Indictment".[20697]

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20687 *Prosecutor v. Karadžić and Mladić*, Case No. IT-95-5-I, Review of the Indictment, 25 July 1995.

20688 *Prosecutor v. Karadžić and Mladić*, Case No. IT-95-18-I, Review of the Indictment, 16 November 1995.

20689 *Prosecutor v. Karadžić and Mladić*, Case No. IT-95-18-I, Warrant for Arrest Order for Surrender [Karadžić], 16 November 1995; *Prosecutor v. Karadžić and Mladić*, Case No. IT-95-18-I, Warrant for Arrest Order for Surrender [Mladić], 16 November 1995.

20690 *Prosecutor v. Karadžić and Mladić*, Case Nos. IT-95-5-R61 and IT-95-18-R61, Rule 61 Hearing, T. 918–993 (11 July 1996).

20691 *Prosecutor v. Karadžić*, Case No. IT-95-5/18-I, Order Granting Leave to Amend the Indictment and Confirming the Amended Indictment, 31 May 2000.

20692 *Prosecutor v. Mladić*, Case No. IT-95-5/18-I, Order Granting Leave to File an Amended Indictment and Confirming the Amended Indictment, 8 November 2002.

20693 Order Severing Ratko Mladić, 15 October 2009.

20694 Initial Appearance, T. 1–28 (31 July 2008).

20695 Motion to Amend the First Amended Indictment, 22 September 2008.

20696 Decision on Prosecution Motion to Amend the First Amended Indictment, 16 February 2009.

20697 Third Amended Indictment, 27 February 2009.

6124. On 3 March 2009, during the Accused's further initial appearance, and upon his failure to enter a plea, the pre-trial Judge entered pleas of not guilty to all eleven counts of the Indictment on behalf of the Accused, pursuant to Rule 62(iv) of the Rules.[20698]

b. Self-representation

6125. From his transfer to The Hague, the Accused decided to represent himself at all stages of the proceedings. The Registry provided financial support for the assignment of a set number of support staff, ultimately assigning the Accused a team of four legal associates, two case managers, and two investigators.[20699] Furthermore, as discussed in detail below, after the Accused's refusal to appear before the Chamber for the commencement of trial, an appointed counsel was selected to prepare to represent the Accused's interests, should the Chamber order counsel to do so.[20700]

c. Language

6126. The Accused initially maintained that his level of English was not sufficient to understand complex legal proceedings and requested that all documents be presented to him in BCS. In a 25 September 2008 decision, the Chamber denied the Accused's requests that all court transcripts be translated into BCS.[20701] On 26 March 2009, the Chamber granted a Prosecution motion for a determination that the Accused understands English for the purpose of the Rules.[20702]

d. Challenges to jurisdiction and to the form of the Indictment

6127. From the beginning, the Accused maintained that the Tribunal lacked the authority to prosecute him due to the alleged agreement that he entered into with U.S. Ambassador Richard Holbrooke in July 1996, who promised him immunity in return for his withdrawal from public life in BiH ("Holbrooke Agreement").[20703] Throughout the pre-trial phase of the case, the Chamber

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20698 Further Initial Appearance, T. 133–134 (3 March 2009).

20699 *See* Registrar's Submission Pursuant to Rule 33(B) regarding Radovan Karadžić's Motion for Adequate Facilities and Equality of Arms, 2 December 2008; Decision on Accused Motion for Adequate Facilities and Equality of Arms: Legal Associates, 28 January 2009; Decision on Accused Request for Judicial Review of the Registry Decision on the Assignment of Mr. Marko Sladojević as Legal Associate, 20 April 2009.

20700 *See* para. 6133.

20701 Decision on the Accused's Request that All Materials, Including Transcripts, Be Disclosed to Him in Serbian and Cyrillic Script, 25 September 2008.

20702 Decision on Prosecution Motion Seeking Determination that the Accused Understands English for the Purposes of the Statute and the Rules of Procedure and Evidence, 26 March 2009. The Appeals Chamber subsequently upheld the Chamber's decision. Decision on Interlocutory Appeal of the Trial Chamber's Decision on Prosecution Motion Seeking Determination that the Accused Understands English, 4 June 2009.

20703 Official Submission Concerning My First Appearance and My Immunity Agreement with the USA, 6 August 2008.

issued a number of decisions in connection thereto.[20704] On 8 July 2009, the Chamber denied the Accused's motion seeking dismissal of the Indictment for lack of personal jurisdiction on the basis of the Holbrooke Agreement.[20705]

6128. The Chamber issued a decision disposing of six preliminary motions filed by the Accused—which he characterised as challenges to jurisdiction—, granting one of them in part.[20706] The Accused filed a direct appeal against the Chamber's decision that three of his motions did not raise genuine issues of jurisdiction; the Chamber also granted both the Accused and the Prosecution leave to appeal its decision insofar as it related, respectively, to the crime of hostage-taking, and to the correct *mens rea* standard for the third form of JCE liability; the Appeals Chamber ultimately confirmed the Chamber's findings appealed by the Accused and found that the Chamber had erred in law in relation to the portion appealed by the Prosecution.[20707] The Chamber also issued a decision denying two motions filed by the Accused challenging the form of the Indictment.[20708]

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20704 *See* Decision on Accused Motion for Inspection and Disclosure, 9 October 2008; Decision on Accused's Second Motion for Inspection and Disclosure: Immunity Issue, 17 December 2008; Decision on Accused's Application for Certification to Appeal Decision on Inspection and Disclosure, 19 January 2009; Order Pursuant to Rules 54 and 70, 5 March 2009; Decision on Accused Motion for Interview of Defence Witness and Third Motion for Disclosure, 9 April 2009; Decision on Motion for Further Explanation from the Prosecution Concerning General Wesley Clark, 5 June 2009; Order Pursuant to Rules 54 and 70, 18 June 2009; Decision on Motion for Subpoena to Douglas Lute and John Feeley, 8 July 2009. *See also* Decision on Appellant Radovan Karadžić's Appeal Concerning Holbrooke Agreement Disclosure, 6 April 2009.

20705 Decision on the Accused's Holbrooke Agreement Motion, 8 July 2009. The Chamber granted leave to appeal its decision, and the Appeals Chamber subsequently upheld the Chamber's decision in October 2009. Decision on Accused's Application for Certification to Appeal Decision on Holbrooke Agreement Motion, 17 July 2009; Decision on Karadžić's Appeal of Trial Chamber's Decision on Alleged Holbrooke Agreement, 12 October 2009. On 26 February 2014, the Chamber granted the Accused's request to admit into evidence a number of documents which relate to the issue of the Holbrooke Agreement for the limited purpose of sentencing deliberations. Decision on Admission of Information Relating to Sentencing, 26 February 2014.

20706 Decision on Six Preliminary Motions Challenging Jurisdiction, 28 April 2009. *See also* Preliminary Motion to Dismiss Paragraph 60 (k) for Lack of Jurisdiction, 10 March 2009; Preliminary Motion to Dismiss Joint Criminal Enterprise III – Foreseeability, 16 March 2009; Preliminary Motion to Dismiss Count 11 for Lack of Jurisdiction, 18 March 2009; Preliminary Motion on Lack of Jurisdiction Concerning Omission Liability, 25 March 2009; Preliminary Motion to Dismiss JCE III – Special Intent Crimes, 27 March 2009; Preliminary Motion on Lack of Jurisdiction: Superior Responsibility, 30 March 2009.

20707 Decision on Radovan Karadžić's Motions Challenging Jurisdiction (Omission Liability, JCE III–Special Intent Crimes, Superior Responsibility), 25 June 2009; Decision on Prosecution's Motion Appealing Trial Chamber's Decision on JCE III Foreseeability, 25 June 2009; Decision on Appeal of Trial Chamber's Decision on Preliminary Motion to Dismiss Count 11 of the Indictment, 9 July 2009.

20708 Decision on Two Motions Alleging Defects in the Form of the Indictment, 12 May 2009. *See also* Preliminary Motion Alleging Defect in Form of Indictment – Multiple Joint Criminal Enterprises, 19 March 2009; Preliminary Motion Alleging Defect in Form of the Indictment - Joint Criminal Enterprise Members and Non-Member Participants, 20 March 2009. After the close of his Defence case, the Chamber denied a motion by the Accused in which he argued that parts of the Indictment were vague and defective and failed to properly inform him of the nature and scope of the charges against him and requested an order precluding considerations of those allegations by the Chamber in its deliberations or, in the alternative, that the Indictment be amended and that he be allowed to re-open his case to defend against the newly specified allegations. Decision on Accused's Motion for Relief from Defects in the Indictment, 30 September 2014.

e. Motions to disqualify

6129. In May 2009, the Accused filed a motion requesting that Judge Picard be disqualified from these proceedings because of her former position as President of the Human Rights Chamber of BiH, and other related factors.[20709] Four months later, following the re-composition of the pre-trial bench,[20710] the Accused filed a motion seeking the disqualification of Judge Baird, on the basis of the provisions of Article 13 of the Statute.[20711] Both motions were denied by the panels of three judges ultimately appointed to determine each of them.[20712]

f. Applications under Rule 73 *bis* of the Rules

6130. In July 2009, the Chamber issued an order directing the Prosecution to file a written submission on the issue of the application of Rule 73 *bis*.[20713] The Prosecution filed its first Rule 73 *bis* submission on 31 August 2009.[20714] Having been invited by the Chamber to propose further reductions to its case,[20715] the Prosecution filed a second submission on 18 September 2009. in which it opposed any further reductions[20716] During the pre-trial conference held on 6 October 2009, the Chamber rendered an oral decision on the application of Rule 73 *bis* (C) and (D), reducing the number of crime sites and incidents and allocating the Prosecution 300 hours for the presentation of its case.[20717]

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20709 Motion to Disqualify Judge Picard, 1 May 2009.

20710 *See* Order Designating Pre-Trial Judge, 2 September 2009; Order Regarding Composition of a Bench of the Trial Chamber, 4 September 2009.

20711 Motion to Recuse Judge Melville Baird, 22 September 2009.

20712 Decision on Motion to Disqualify Judge Picard and Report to the Vice-President Pursuant to Rule 15(B)(ii), 22 July 2009; Decision on Motion to Recuse Judge Baird and Report to Judge Güney, 20 October 2009. *See also* Decision on Motion to Disqualify Judge Picard, 18 May 2009; Decision on Appeal from Decision on Motion to Disqualify Judge Picard, 26 June 2009; Report by Presiding Judge to President on Motion to Recuse Judge Baird, 25 September 2009; Order Assigning a Motion to a Judge, 25 September 2009; Decision on Radovan Karadžić's Motion to Recuse Judge Melville Baird, 30 September 2009; Decision on Motion for Leave to File a Reply, 9 October 2009. On 31 July 2014, the Chamber denied the Accused's "Motion to Disqualify Judges Kwon, Morrison, Baird & Lattanzi" filed on 17 July 2014 in which he argued that the Judges of the Chamber should be disqualified as their four-year terms of office had expired and they had not been re-elected by the General Assembly. The Chamber found that the motion raised an issue of jurisdiction rather than disqualification under Rule 15 of the Rules and held on the contrary that the terms of office of the Judges of the Chamber had been appropriately extended. Decision on Accused's Motion to Disqualify Judges Kwon, Morrison, Baird, and Lattanzi, 31 July 2014.

20713 Order to the Prosecution under Rule 73 *bis* (D), 22 July 2009; Status Conference, T. 330–336 (1 July 2009). The deadline was extended at the Status Conference of 23 July 2009 to 31 August 2009. Status Conference, T. 386–388, 390 (23 July 2009).

20714 Prosecution Rule 73 *bis* Submission.

20715 Status Conference, T. 450–454 (8 September 2009).

20716 Prosecution Second Submission Pursuant to Rule 73 *bis* (D), 18 September 2009. On 30 September 2009, the Accused filed a written response without making any specific proposals or submissions. Response to Prosecution's Second Rule 73 *bis* Submission, 30 September 2009.

20717 Pre-Trial Conference, T. 465–468 (6 October 2009). *See also* Decision on the Application of Rule 73 *bis*, 8 October 2009 (ordering the Prosecution to file a marked-up version of the Indictment in accordance with that decision by 19 October 2009). The Chamber notes its "Decision on Motion for Withdrawal of Charges" issued

2. Trial proceedings

a. Delay of commencement of trial proceedings

6131. The pre-trial Judge declared the case ready for trial during a status conference held on 20 August 2009. During a further status conference held on 9 September 2009, and following a submission by the Accused requesting ten additional months to prepare his defence, the Chamber set the date for commencement of trial at 19 October 2009, and a pre-trial conference was held on 6 October 2009. The Accused appealed the Chamber's decision on the commencement of trial, and the Appeals Chamber subsequently determined that the trial should proceed with a delay of one week.[20718] The Chamber subsequently issued an order setting the date for the commencement of trial at 26 October 2009.[20719]

6132. On 8 October 2009, the Chamber issued an order adopting a set of detailed guidelines on the manner in which it expected the trial proceedings to be conducted.[20720] The Chamber also issued a number of orders and decisions in anticipation of the imminent commencement of the case.[20721]

6133. The Chamber held its first hearing on 26 October 2009 in the absence of the Accused who maintained that he was inadequately prepared.[20722] The Prosecution gave its opening statement on 27 October and 2 November 2009.[20723] After several warnings to the Accused, the Chamber issued a decision on 5 November 2009, ordering the Registrar to appoint counsel to begin preparing to represent the Accused at trial, should the Chamber order him to do so, and adjourning the trial until 1 March 2010 to allow the appointed counsel sufficient preparation time.[20724] On 19 November

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on 13 October 2014, in which it denied the Accused's motion requesting the Prosecution to withdraw the charges in relation to which it was instructed not to lead evidence as per the 8 October 2009 decision. After the close of the Defence case, the Prosecution notified the Chamber that it would withdraw Scheduled Incident A.5.1 (Foča Municipality) and Scheduled Detention Facility C.25.4 (Vlasenica Municipality) from the Indictment. Notice of Withdrawal of Incident A.5.1., 18 August 2014; Notice of Withdrawal of Incident C.25.4, 22 August 2014.

20718 Decision on Radovan Karadžić's Appeal of the Decision on Commencement of Trial, 13 October 2009.

20719 Scheduling Order for the Commencement of Trial, 14 October 2009.

20720 Order on the Procedure for the Conduct of Trial, 8 October 2009. The Chamber issued a follow-up order following a request from the Prosecution seeking clarification on certain aspects of the guidelines. Order on Prosecution Request for Clarification and Proposal Concerning Guidelines for the Conduct of Trial, 20 October 2009.

20721 *See inter alia* Order on Prosecution's Notification of Order of Witnesses, 12 October 2009.

20722 During that hearing, the Presiding Judge read a letter sent by the Accused a few days earlier explaining his reasons for his refusal to appear in court. After hearing from the Prosecution on the Accused's absence, the Chamber adjourned the hearing until the following day. Hearing, T. 502–509 (26 October 2009).

20723 Prosecution's opening statement, T. 513–610 (27 October 2009); T. 612–672 (2 November 2009).

20724 Decision on Appointment of Counsel and Order on Further Trial Proceedings, 5 November 2009.

2009, the Registrar selected Richard Harvey as "counsel to prepare to represent the interests of the Accused at trial".[20725]

6134. On 1 February 2010, the Accused filed a motion requesting a further postponement of the trial.[20726] The Chamber denied the motion and ordered the Accused's opening statement to be heard on 1 and 2 March 2010, following which the trial proceedings would continue on 3 March 2010 with the hearing of evidence.[20727] The Accused gave his opening statements on 1 and 2 March, as scheduled. However, on 1 March he filed a motion for certification to appeal the Chamber's decision on the postponement of trial, which the Chamber granted.[20728] On 31 March, the Appeals Chamber issued a decision dismissing the Accused's appeal in its entirety.[20729]

6135. On 13 April 2010, the Chamber designated Harvey as standby counsel.[20730] On 15 April, through a follow-up written decision, the Chamber set out the specific functions to be carried out by the standby counsel during the proceedings.[20731]

b. Prosecution case

6136. Following the dismissal of the Accused's appeal on the commencement of the trial, as discussed above, the Chamber ordered that the presentation of evidence in the case should begin on 13 April 2010.[20732] The Prosecution's first witness began his testimony on that day.[20733] During the Prosecution case, a total of 195 Prosecution witnesses and one Chamber's witness testified:[20734]

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20725 During the adjournment period, the Chamber denied the Accused's motion opposing the Registrar's appointment of Mr. Harvey, and granted his request to appeal the Chamber's decision upholding such appointment (which was eventually upheld by the Appeals Chamber). Decision on the Accused's Motion to Vacate Appointment of Richard Harvey, 23 December 2009; Decision on Accused's Application for Certification to Appeal the Trial Chamber's Decision on Motion to Vacate Appointment of Richard Harvey, 13 January 2010; *Prosecutor v. Radovan Karadžić*, Case No. IT-05-5/18-AR73.6, Decision on Radovan Karadžić's Appeal from Decision on Motion to Vacate Appointment of Richard Harvey, 12 February 2010.

20726 Motion for Postponement of Trial, 1 February 2010.

20727 Decision on the Accused's Motion for Postponement of Trial, 26 February 2010.

20728 The Chamber granted the Accused leave to appeal the Chamber's decision, and stayed the effect of its decision on postponement until the Appeals Chamber resolved the matter. Oral Ruling, T. 993–995 (2 March 2010).

20729 Decision on Appeal from Decision on Motion for Further Postponement of Trial, 31 March 2010.

20730 Oral Ruling, T. 998–999 (13 April 2010).

20731 Decision on Designation of Standby Counsel, 15 April 2010. On 21 June 2012, after the close of the Prosecution's case, the Chamber issued a decision stating that the role of the standby counsel should remain unchanged during the Defence case. Decision on Continuation of Standby Counsel Assignment, 21 June 2012.

20732 Scheduling Order, 1 April 2010.

20733 Ahmet Zulić, T. 1004 (13 April 2010).

20734 The Chamber issued a subpoena ordering Momčilo Mandić to testify as a Prosecution witness. Mandić appeared before the Chamber on 30 June 2010; however, upon appearing before the Chamber he requested to testify as a Chamber's witness and not as a witness for the Prosecution. The Chamber ultimately granted Mandić's request. Hearing, T. 4403–4412 (30 June 2010). *See* Decision on Prosecution's Urgent Motion to Subpoena Momčilo Mandić with Appendices A-D, confidential, 16 June 2010.

19 of these testified as *viva voce* witnesses and the remainder pursuant to Rule 92 *ter* of the Rules. The last Prosecution witness testified on 4 May 2012.[20735]

6137. Additionally, the Chamber issued 16 decisions disposing of the Prosecution's motions for the admission of evidence of 232 witnesses pursuant to Rule 92 *bis*, and 22 witnesses pursuant to Rule 92 *quater* of the Rules.[20736] The Chamber ultimately admitted the written evidence of 142 witnesses pursuant to either of these two Rules.

6138. On 26 April 2012, the Chamber issued an order stating that the Prosecution case shall be considered closed on the day that the Chamber issues its decision on the last pending evidence-related motion filed by the Prosecution.[20737] The Prosecution case was thus closed on 25 May 2012, following the Chamber's decision on the last pending evidence-related motion filed by the Prosecution.[20738]

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20735 KDZ071, T. 28508–28562 (4 May 2012).

20736 Decision on Third Prosecution's Motion for Admission of Evidence of Statements and Transcripts of Evidence In Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis* (Witnesses for Sarajevo Municipality), 15 October 2009; Decision on Prosecution Motion for Admission of Testimony of Witness KDZ198 and Associated Exhibits Pursuant to Rule 92 *quater*, 20 August 2009; Decision on Prosecution's Motion for Admission of Evidence of KDZ290 (Mirsad Kučanin) Pursuant to Rule 92 *quater*, 25 September 2009; Decision on Prosecution Motion for Admission of Testimony of Witness KDZ446 and Associated Exhibits Pursuant to Rule 92 *quater*, 25 September 2009; Decision on Prosecution's Sixth Motion for Admission of Statements In Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*: Hostage Witnesses, 2 November 2009; Decision on Prosecution's Motion for Admission of Evidence of Eight Experts Pursuant to Rules 92 *bis* and 94 *bis*, 9 November 2009; Decision on Prosecution's First Motion for Admission of Statements and Transcripts of Evidence In Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis* (Witnesses for Eleven Municipalities), 10 November 2009; Public Redacted Version of "Decision on Prosecution's Fifth Motion for Admission of Statements In Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis* (Srebrenica Witnesses)" Issued on 21 December 2009, 6 March 2012; Decision on Prosecution's Seventh Motion for Admission of Transcripts of Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*: Delayed Disclosure Witnesses, 21 December 2009; Further Decision on Prosecution's First Rule 92 *bis* Motion (Witnesses for Eleven Municipalities), 9 February 2010; Decision on Prosecution's Fourth Motion for Admission of Statements and Transcripts of Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*–Sarajevo Siege Witnesses, 5 March 2010; Decision on Prosecution's Second Motion for Admission of Statements and Transcripts of Evidence In Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis* (Witnesses ARK Municipalities), 18 March 2010; Decision on Prosecution's Motion for Admission of the Evidence of KDZ172 (Milan Babić) Pursuant to Rule 92 *quater*, 13 April 2010; Decision on Prosecution's Motion for Admission of the Evidence of Milenko Lazić Pursuant to Rule 92 *quater* and for Leave to Add Exhibits to Rule 65 *ter* Exhibit List, 9 January 2012; Decision on Prosecution's Second Motion for Admission of Slobodan Stojković's Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*, 22 March 2012; Decision on Prosecution Motion for Admission of Milan Tupajić's Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*, 24 May 2012.

20737 Scheduling Order on Close of the Prosecution Case, Rule 98 *bis* Submissions, and Start of the Defence Case, 26 April 2012.

20738 Further Order on Close of Prosecution Case, 1 June 2012.

c. Judgement of acquittal pursuant to Rule 98 *bis*

6139. Following the parties' Rule 98 *bis* oral submissions on 12 and 13 June 2012,[20739] on 28 June 2012, the Chamber delivered its oral ruling on the Accused's motion for a judgement of acquittal, pursuant to Rule 98 *bis* of the Rules. The Chamber dismissed the Accused's motion on ten counts of the Indictment but granted his motion in relation to Count 1.

6140. On 25 July 2012, the Accused filed an appeal in relation to Count 11 before the Appeals Chamber.[20740] On 11 December 2012, the Appeals Chamber issued its decision in relation to Count 11, dismissing the Accused's appeal.[20741] On 24 September 2012, the Prosecution filed its appeal in relation to Count 1 before the Appeals Chamber.[20742] On 11 July 2013, the Appeals Chamber reversed the Chamber's acquittal of the Accused for genocide under Count 1 and reinstated the charges against the Accused.[20743]

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20739 Accused's Rule 98 *bis* Submission, T. 28569–28626 (11 June 2012); Prosecution's Response to Rule 98 *bis* Submission, T. 28628–28728 (13 June 2012). *See also* Scheduling Order on Close of the Prosecution Case, Rule 98 *bis* Submissions, and Start of the Defence Case, 26 April 2012; Further Scheduling Order on Rule 98 *bis* Submissions, 18 May 2012.

20740 Appeal from Denial of Judgement of Acquittal for Hostage Taking, 25 July 2012. *See also* Prosecution Response to Appeal from Denial of Judgement of Acquittal for Hostage Taking, 6 August 2012; Reply Brief: Appeal from Denial of Judgement of Acquittal for Hostage Taking, 10 August 2012. By way of background, the Chamber notes that on 5 July 2012, the Accused filed an application for certification to appeal the Judgement of Acquittal in relation to Count 11. Application for Certification to Appeal Denial of Motion for Judgement of Acquittal on Count Eleven, 5 July 2012. The Chamber granted the application on 18 July 2012. Decision on Accused's Application for Certification to Appeal Denial of Motion for Judgement of Acquittal under Rule 98 *bis* (Count 11), 18 July 2012.

20741 Decision on Appeal from Denial of Judgement of Acquittal for Hostage-Taking, 11 December 2012.

20742 Notice of Filing Public Redacted Version of Prosecution Rule 98 *bis* Appeal Brief, 25 September 2012; Notice of Filing Public Redacted Version of Respondent's Brief, 5 November 2012. *See also* Prosecution Notice of Appeal of Judgement of Acquittal under Rule 98 *bis*, 22 July 2012. On 28 September 2012, the Accused filed a motion to strike the Prosecution's appeal brief which was followed by a response from the Prosecution on 8 October 2012, and a further reply from the Accused on that same date. On 9 November 2012, the Appeals Chamber issued a decision granting the Accused's motion, and ordering the Prosecution to file a *corrigendum* to its Appeals Brief. The Prosecution filed such *corrigendum* on 19 November 2012, and a reply to the Accused's response a day later. *See* Motion to Strike Prosecution's Brief, 27 September 2012; Response to Motion to Strike Prosecution's Rule 98 *bis* Appeal Brief, 5 October 2012; Reply to Motion to Strike Prosecution's Brief, 5 October 2012; Decision on Motion to Strike Prosecution's Brief, 9 November 2012; *Corrigendum* to Prosecution Rule 98 *bis* Appeal Brief, 19 November 2012; Notice of Filing Redacted Public Version of Prosecution Reply Brief for Rule 98 *bis* Appeal, 20 November 2012. By way of background, the Chamber notes that on 3 July 2012, the Prosecution filed a request for certification to appeal the Chamber's Judgement of Acquittal on Count 1 of the Indictment. Prosecution Request for Certification to Appeal Judgement of Acquittal Under Rule 98 *bis*, 3 July 2012. The Chamber issued a decision stating that certification was not required before the Judgement of Acquittal could be appealed, but declaring nevertheless that the requirements for certification to appeal under Rule 73(C) were met with respect to the Prosecution's request; Decision on Prosecution Request for Certification to Appeal Judgement of Acquittal under Rule 98 *bis*, 13 July 2012.

20743 *Prosecutor v. Karadžić*, Case No. IT-95-5/18-AR98*bis*.1, Judgement, 11 July 2013 ("Appeal Judgement on Count 1"). The Appeals Chamber subsequently denied the Accused's request to clarify a portion of its judgement, *Prosecutor v. Karadžić*, Case No. IT-95-5/18-AR98*bis*.1, Decision on Motion for Clarification, 1 August 2013. *See also Prosecutor v. Karadžić*, Case. No. IT-95-5/18-AR98*bis*.1, Motion for Clarification, 22 July 2013.

d. Defence case

6141. On 26 April 2012, the Chamber ordered that the Accused shall make his opening statement on 16 October 2012, should he so wish, and call his first witness immediately thereafter.[20744] On 19 September 2012, the Chamber issued a decision pursuant to Rule 73(B) of the Rules granting the Accused 300 hours for the presentation of his case.[20745] The Accused made his opening statement on 16 October 2012.[20746] The first Defence witness began his testimony on that same date.[20747]

6142. On 16 July 2013, following the issuance of the Appeal on Count 1, as explained above, the Accused filed a motion requesting the Chamber to order that Count 1 be severed from the Indictment pursuant to Rule 54 or, alternatively, direct the Prosecution to proceed on all counts of the Indictment except Count 1 pursuant to Rule 73 *bis* (E).[20748] On 24 July 2013, the Accused filed another motion requesting the Chamber to suspend the case for four months to enable him to prepare his defence for Count 1.[20749] On 2 August 2013, the Chamber disposed of the motions, denying the Accused's request for severance, but suspending the proceedings until 28 October 2013 in order to give the Accused time to adjust his preparations to include a defence on Count 1.[20750] On 7 August 2013, the Accused simultaneously filed an application before the Chamber for certification to appeal the Chamber's decision, as well as an appeal before the Appeals Chamber.[20751] The Chamber issued a decision stating that certification was not required in the present case, but declaring nevertheless that the requirements for certification to appeal under Rule

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20744 Scheduling Order on Close of the Prosecution Case, Rule 98 *bis* Submissions, and Start of the Defence Case, 26 April 2012.

20745 Decision on Time Allocated to the Accused for the Presentation of his Case, 19 September 2012. On 5 October 2012, the Chamber issued a decision granting the Accused's request for certification to appeal the Chamber's decision on allocation of time; Decision on Application for Certification to Appeal Decision on Time for Defence Case, 5 October 2012. *See also* Application for Certification to Appeal Decision on Time for Defence Case, 24 September 2012. On 12 October 2012, the Accused filed his appeal before the Appeals Chamber; Appeal from Decision on Duration of Defence Case, 12 October 2012. *See also* Prosecution Response to Appeal from Decision on Duration of Defence Case, 22 October 2012; Reply Brief: Appeal from Decision on Duration of Defence Case, 25 October 2012; Prosecution Request for Sur-Reply and Proposed Sur-Reply in Appeal from Decision on Duration of Defence Case, 29 October 2012. On 29 January 2013, the Appeals Chamber issued a decision denying the Accused's request and upholding the Chamber's decision; Decision on Appeal from Decision on Duration of Defence Case, 29 January 2013.

20746 Accused's opening statement, T. 28849–28881 (16 October 2012).

20747 Andrey Demurenko, T. 28881 (16 October 2012).

20748 Motion to Sever Count One, 16 July 2013.

20749 Motion for Suspension of Defence Case, 24 July 2013.

20750 Decision on Accused's Motions for Severance of Count 1 and Suspension of Defence Case, 2 August 2013.

20751 Application for Certification to Appeal Decision on Remand of Count One, 7 August 2013; *Prosecutor v. Karadžić*, Case No. IT-95-5/18-AR98*bis*.1, Appeal of Decision on Remand of Count One, 7 August 2013. *See also* Prosecution Response to Karadžić's Application for Certification to Appeal Decision on Remand of Count One, 9 August 2013.

73(C) were met.[20752] On 12 September 2013, the Appeals Chamber issued a decision dismissing the Accused's appeal in its entirety.[20753]

6143. On 28 August 2013, the Chamber issued a decision denying the Accused's request to dismiss the Indictment based on the fact that the Security Council did not have the authority to establish the MICT, that there is therefore no legal entity to which he could appeal in the event he is convicted, and thus his fundamental right to appeal had been abridged.[20754]

6144. On 29 October 2013, in light of the Accused's request to recall witnesses to give testimony relevant to Count 1, and for additional time in which to present his case, the Chamber issued a decision granting the Accused 25 additional hours for the presentation of his case.[20755]

6145. During the Defence case, a total of 238 witnesses testified for the Accused: 24 testified as *viva voce* witnesses and the remainder testified pursuant to Rule 92 *ter* of the Rules. The Accused informed the Chamber that he would testify as a witness in his own case in August 2012 and maintained this position for most of the Defence case.[20756] Subsequently, the Accused requested to testify in a narrative form, which the Chamber denied.[20757] By the end of the Defence case, the Accused, referring to his "dilemmas and quandaries", informed the Chamber that he had ultimately decided not to testify.[20758] The last Defence witness testified on 20 February 2014.[20759]

6146. Additionally, the Chamber admitted the evidence of three Defence witnesses pursuant to Rule 92 *bis* of the Rules, and of seven witnesses pursuant to Rule 92 *quater*.[20760]

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20752 Decision on Accused's Application for Certification to Appeal Decision on Remand of Count One, 3 September 2013.

20753 *Prosecutor v. Karadžić*, Case No. IT-95-5/18-AR98*bis*.1, Decision on Appeal of Decision on Remand of Count One, 12 September 2013.

20754 Decision on Accused's Motion to Dismiss the Indictment, 28 August 2013.

20755 Decision on Accused's Request for Additional Time to Present his Defence Case and on Motion to Recall Defence Witnesses, 29 October 2013. *See also* Motion to Recall Defence Witnesses, 16 October 2013.

20756 Defence Submission Pursuant to Rule 65 *ter* and Related Motions, 27 August 2012; Annex "A" to Rule 65 *ter* Submission: Defence Witness List, confidential, 27 August 2012, p. 65. *See also inter alia* Defence Supplemental Submission Pursuant to Rule 65 *ter*, confidential, 7 November 2013, Annex J, p. 18; Defence Witnesses for February 2014, 20 January 2014, Annex "A".

20757 Oral ruling, T. 45933–45935 (27 January 2014). *See* Hearing, T. 45187–45188 (16 December 2013); Prosecution Submission on Form of Karadžić's Testimony, 8 January 2014.

20758 Hearing, T. 47541 (20 February 2014). On 15 October 2014, the Chamber dismissed the "Motion to Treat Unsworn Statement as Evidence" filed on 25 September 2014, wherein the Accused requested that the Chamber give the statement which he made on 16 October 2012 pursuant to Rule 84 *bis* the same consideration in its deliberations as it would give statements admitted pursuant to Rule 92 *quater*. Decision on Motion to Treat Unsworn Statement as Evidence, 15 October 2014.

20759 Momčilo Gruban, T. 47422–47463 (19 February 2014); T. 47464–47534 (20 February 2014).

20760 Decision on Accused's Motion for Admission of Statement of Srđo Srdić Pursuant to Rule 92 *quater*, 21 September 2012; Decision on Motion to Admit Statement of Nada Stojanović pursuant to Rule 92 *quater*, confidential, 27 September 2012; Decision on Accused's Motion for Admission of Statement of Vlado Lizdek

6147. The Defence case was considered closed on 1 May 2014, following the Chamber's decision on the last pending evidence-related motion filed by the Accused.[20761]

e. Re-opening/rebuttal/rejoinder

6148. On 20 March 2014, the Chamber issued a decision denying the Prosecution's motion to re-open its case in order to introduce the evidence of five witnesses in relation to the Tomašica gravesite discovered in September 2013 in Prijedor municipality.[20762] Further, on 21 March 2014, the Chamber denied the Prosecution's request to allow it to tender the evidence of 14 rebuttal witnesses.[20763]

6149. The Accused also filed motions to re-open his Defence case in order to tender in evidence newly discovered material or to secure the attendance of an additional witness; the Chamber ruled on all of them in writing.[20764]

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Pursuant to Rule 92 *quater*, 10 October 2012; Decision on Accused's Motion to Admit Evidence of Velibor Ostojić Pursuant to Rule 92 *quater*; 23 October 2012; Decision on Accused's Motion for Admission of Evidence of Milorad Krnojelac Pursuant to Rule 92 *quater*, 6 December 2012; Decision on Accused's Motion for Admission of Evidence of Radislav Krstić Pursuant to Rule 92 *quater*, 26 November 2013; Decision on Accused's Motion to Admit Testimony of Witness KW582 Pursuant to Rule 92 *quater*, 3 February 2014; Decision on Accused's Motion to Admit Testimony of Pero Rendić Pursuant to Rule 92 *bis*, 6 February 2014; Decision on Accused's Motion to Admit the Testimony of Branko Basara Pursuant to Rule 92 *bis*, 19 February 2014; Decision on Accused's Motion to Admit Testimony of Borivoje Jakovljević Pursuant to Rule 92 *quater*, 25 February 2014; Decision on Accused's Motions for Admission of Evidence Pursuant to Rule 92 *bis*, 18 March 2014; Decision on Motion for Reconsideration of Decision Denying Admission of Dušan Đenadija's Statement Pursuant to Rule 92 *bis*, 1 May 2014.

20761 Further Order on Closure of Defence Case, 2 May 2014. *See* Order Regarding the Close of the Defence Case, 20 February 2014.

20762 Decision on Prosecution Motion to Re-open its Case and Prosecution Motion for Protective Measures for Witness KDZ614, 20 March 2014. *See* Prosecution Motion to Re-open its Case with Public Appendix A and Confidential Appendix B, 4 March 2014; Prosecution's Motion for Protective Measures for Witness KDZ614, 4 March 2014; Response to Prosecution's Motion to Re-open its Case, 18 March 2014.

20763 Decision on Prosecution's Motion to Admit Evidence in Rebuttal, 21 March 2014. *See* Prosecution Motion to Admit Evidence in Rebuttal, 4 March 2014; Response to Motion for Rebuttal Evidence and 90th Disclosure Violation Motion, 17 March 2014; Prosecution Request to Reply to Karadžić's Response to the Prosecution's Motion for Rebuttal Evidence, 21 March 2014. *See also* Hearing, T. 47078 (14 February 2014); Oral ruling, T. 47544 (3 March 2014); Urgent Prosecution Motion to Exceed Word Limit in Motion to Admit Rebuttal Evidence, 28 February 2014.

20764 Decision on Accused's First Motion to Re-open Defence Case, 12 September 2014; Decision on Accused's Second Motion to Re-open Defence Case, 30 October 2014; Decision on Accused's Third Motion to Re-open Defence Case, 17 December 2014; Decision on Application for Certification to Appeal Denial of Third Motion to Re-open Defence Case, 15 January 2015 (wherein the Chamber denied the Accused's application for leave to appeal the decision on his third motion to re-open his Defence case); Decision on Accused's Fourth Motion to Re-open Defence Case, 24 February 2015; Decision on Accused's Sixth Motion to Re-open Defence Case, confidential, 3 March 2015; Decision on the Accused's Fifth Motion to Re-open Defence Case (Zimmerman Cable), 9 March 2015; Decision on Accused's Seventh Motion to Re-open Defence Case, 20 April 2015; Decision on Accused's Sixth *bis* Motion to re-open Defence Case, confidential, 7 May 2015; Decision on Accused's Ninth Motion to Re-open Defence Case, 9 July 2015; Decision on Accused's Tenth Motion to Re-open Defence Case, 9 July 2015.

f. Final briefs and closing arguments

6150. Having heard from the parties as to the time they would need to file their final trial briefs,[20765] the Chamber ordered them on 21 March 2014, to file their briefs by no later than 29 August 2014, adding that the briefs shall not exceed 300,000 words, including any appendices.[20766] On 29 August 2014, the parties filed their final briefs.[20767]

6151. On 7 April 2014, the Chamber issued a decision setting the schedule for the presentation of closing arguments, and ordering that the presentation of closing arguments shall commence on 29 September 2014.[20768] The Chamber also granted the Prosecution and the Accused up to ten hours each to present their closing arguments, and 1.5 hours each to present their rebuttal and rejoinder arguments, respectively.[20769] The Chamber heard the parties' closing arguments between 29 September and 7 October 2014.

3. Various rulings

6152. Throughout the various phases of the case, the Chamber issued approximately 1,100 written decisions, orders and invitations, as well as more than 350 oral decisions. The summary below gives an illustration of some of the most significant issues the Chamber has dealt with during the course of these proceedings.

a. Disclosure

6153. Given the unprecedented size of the case, disclosure to the Accused has been voluminous throughout the case. The Chamber did its outmost to protect the Accused's fair trial rights. To ensure that the Accused's preparations for trial were not affected, the Chamber decided to suspend the proceedings on multiple occasions, for a total period of more than four months during the Prosecution case, to allow him time to review and incorporate large batches of newly disclosed

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20765 The Accused requested the Chamber to set a deadline for the filing of closing briefs 12 months after the testimony of the last Defence witness; Submission on Schedule for Filing of Closing Briefs, 26 February 2014, while the Prosecution requested the Chamber leave to submit a final brief not exceeding 375,000 words on or before 17 September 2014; Prosecution Motion for Variation of the Word Limit for its Final Trial Brief and Submission on Timing of Filing of Final Trial Briefs with Appendix A, 3 March 2014. *See also* Hearing, T. 47543 (20 February 2014).

20766 Order on Filing of Trial Briefs, 21 March 2014.

20767 Prosecution's Final Trial Brief, confidential, 29 August 2014; Defence Final Trial Brief, confidential, 29 August 2014. Both parties subsequently filed public redacted versions of their final briefs, *see* Notice of Filing Public Redacted Version of Prosecution Final Trial Brief, 24 September 2014; Notice of Filing Public Redacted Version of Prosecution Final Trial Brief Appendices A to D, 13 October 2014; Defence Final Trial Brief, public redacted version, 29 September 2014.

20768 Order on Closing Arguments, 7 April 2014, p. 3.

20769 Order on Closing Arguments, 7 April 2014, p. 3.

material into his preparations.[20770] In addition to the suspension of proceedings, the testimony of some Prosecution witnesses had to be postponed or delayed when witness specific material was disclosed in violation of the Prosecution's disclosure obligations.[20771]

6154. During the Prosecution phase of the case, the Accused filed more than 70 motions requesting the Chamber to find the Prosecution in violation of its disclosure obligations under the Rules. The Chamber issued either written or oral decisions disposing of each of them[20772] and found *inter alia* that, while the number of disclosure violations reflected badly on the Prosecution, the Accused had not been prejudiced.[20773] The Accused also filed a motion requesting a new trial

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20770 Decision on Accused's Motion for Suspension of Proceedings, 18 August 2010; Hearing, T. 6593–6594 (13 September 2010); Decision on Accused's Seventeenth Motion for Finding of Disclosure Violation and for Remedial Measures, 29 September 2010; Hearing, T. 8907–8908 (3 November 2010); Decision on Accused's Twenty-Second, Twenty-Fourth and Twenty-Sixth Disclosure Violation Motions, 11 November 2010; Hearing, T. 11474–11476 (10 February 2011); Decision on Accused's Motion for Fourth Suspension of Proceedings, 16 February 2011; Decision on Accused's Motion for Fifth Suspension of Proceedings, 17 March 2011; Decision on Accused's Forty-Seventh Motion for Finding of Disclosure Violation and for Further Suspension of Proceedings, 10 May 2011.

20771 *See* Decision on Accused's Third, Fourth, Fifth and Sixth Motions for Finding of Disclosure Violation and for Remedial Measures, 20 July 2010; Decision on Accused's Eighteenth to Twenty-First Disclosure Violation Motions, 2 November 2010; Decision on Accused's Twenty-Ninth Disclosure Violation Motion, 11 January 2011; Decision on Accused's Forty-Ninth and Fiftieth Disclosure Violation Motions, 30 June 2011.

20772 *See* Decision on Accused's Second Motion for Finding Disclosure Violation and for Remedial Measures, 17 June 2010; Decision on Accused's Third, Fourth, Fifth, and Sixth Motions for Finding of Disclosure Violations and for Remedial Measures, 20 July 2010; Decision on Accused's Seventh and Eighth Motions for Finding of Disclosure Violations and for Remedial Measures, 18 August 2010; Decision on Accused's Ninth and Tenth Motions for Finding of Disclosure Violations and for Remedial Measures, 26 August 2010; Decision on Accused's Eleventh to Fifteenth Motions for Finding of Disclosure Violation and for Remedial Measures, 24 September 2010; Decision on Accused's Seventeenth Motion for Finding of Disclosure Violation and for Remedial Measures, 29 September 2010; Decision on Accused's Sixteenth Motion for Finding of Disclosure Violation and for Remedial Measures, 5 October 2010; Decision on Accused's Eighteenth to Twenty-First Disclosure Violation Motions, 2 November 2010; Decision on Accused's Twenty-Second, Twenty-Fourth and Twenty-Sixth Disclosure Violation Motions, 11 November 2010; Decision on Accused's Twenty-Seventh Disclosure Violation Motion, 17 November 2010; Decision on Accused's Seventeenth *bis* and Twenty-Eighth Disclosure Violation Motions, 16 December 2010; Decision on Accused's Twenty-Ninth Disclosure Violation Motion, 11 January 2011; Decision on Accused's Thirtieth and Thirty-First Disclosure Violation Motions, 3 February 2011; Decision on Accused's Thirty-Second, Thirty-Third, Thirty-Fifth and Thirty-Sixth Disclosure Violation Motions, 24 February 2011; Decision on Accused's Thirty-Seventh to Forty-Second Disclosure Violation Motions With Partially Dissenting Opinion of Judge Kwon, 29 March 2011; Decision on Accused's Forty-Third to Forty-Fifth Disclosure Violation Motions, 8 April 2011; Decision on Accused's Forty-Sixth Disclosure Violation Motion, 20 April 2011; Decision on Accused's Forty-Seventh Motion for Finding of Disclosure Violation and for Further Suspension of Proceedings, 10 May 2011; Decision on Accused's Forty-Eighth Disclosure Violation Motion, 30 May 2011; Decision on Accused's Forty-Ninth and Fiftieth Disclosure Violation Motions, 30 June 2011; Decision on Accused's Fifty-First and Fifty-Second Disclosure Violation Motions, 7 July 2011; Decision on Accused's Fifty-Third and Fifty-Fourth Disclosure Violation Motions, 22 July 2011; Decision on Accused's Fifty-Fifth Disclosure Violation Motion, 19 August 2011; Oral Ruling on 56th Disclosure Violation Motion, T. 17484 (19 August 2011); Oral Ruling on 58th Disclosure Violation Motion, T. 18638 (8 September 2011); Decision on Accused's Fifty-Ninth Disclosure Violation Motion, 14 October 2011; Decision on Accused's Sixtieth, Sixty-First, Sixty-Third, and Sixty-Fourth Disclosure Violation Motions, 22 November 2011; Decision on Accused's Sixty-Fifth Disclosure Violation Motion, 12 January 2012; Decision on Accused's Sixty-Sixth Disclosure Violation Motion, 8 February 2012; Public Redacted Version of "Decision on Accused's Sixty-Seventh and Sixty-Eighth Disclosure Violation Motions" Issued on 1 March 2012, 1 March 2012; Oral Ruling on 69th Disclosure Violation Motion, T. 26316–26317 (15 March 2012); Oral Ruling on 70th Disclosure Violation Motion, T. 27902–27903 (23 April 2012).

20773 *See* Decision on Accused's Eighteenth to Twenty-First Disclosure Violation Motions, 2 November 2010; Decision on Accused's Twenty-Second, Twenty-Fourth and Twenty-Sixth Disclosure Violation Motions,

based on the cumulative prejudice he had suffered from such violations. The Chamber issued its decision disposing of the motion in September 2012, and denying the Accused's request.[20774]

6155. The Accused continued filing disclosure violation motions during the Defence case and the Chamber disposed, either orally or in writing, of all of them, finding, for the most part that the Prosecution had violated its disclosure obligations under the Rules with respect to the late disclosure of certain documents, but concluding that the Accused was not prejudiced by such violations having reviewed the underlying documents in light of other material available to the Accused and other evidence received in the case.[20775]

6156. After the completion of the Defence case, the Accused continued to file disclosure violations and the Chamber disposed in writing of all of them, finding that the Prosecution had violated its disclosure obligations under the Rules with respect to the late disclosure of certain documents, but concluding for the most part that the Accused was not prejudiced by such violations, having reviewed the underlying documents in light of other material available to the Accused and other evidence received in the case.[20776] The Accused also filed a second motion requesting a new trial again based on the cumulative prejudice he had suffered from such

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11 November 2010; Decision on Accused's Twenty-Seventh Disclosure Violation Motion, 17 November 2010; Decision on Accused's Twenty-Ninth Disclosure Violation Motion, 11 January 2011; Decision on Accused's Forty-Ninth and Fiftieth Disclosure Violation Motions, 30 June 2011.

20774 Decision on Accused's Motion for New Trial for Disclosure Violations, 3 September 2012.

20775 *See* Decision on Accused's Seventy-First Disclosure Violation Motion, 1 June 2012; Decision on Accused's Seventy-Second Disclosure Violation Motion, 27 June 2012; Decision on Accused's Seventy-Third Disclosure Violation Motion, 21 August 2012; Decision on Accused's Seventy-Fourth Disclosure Violation Motion, 6 November 2012; Oral Ruling on 75th Disclosure Violation Motion, T. 32151–32152 (17 January 2013); Oral Ruling on 76th Disclosure Violation Motion, T. 32881–32883 (29 January 2013); Decision on Accused's Seventy-Seventh and Seventy-Eighth Disclosure Violation Motions, 11 March 2013; Oral Ruling on 79th Disclosure Violation Motion, T. 38096–38098 (9 May 2013); Decision on Accused's Eightieth and Eighty-First Disclosure Violation Motions, 9 July 2013; Decision on Accused's Eighty-Second Disclosure Violation Motion, 7 November 2013; Decision on Accused's Eighty-Third Motion for Finding of Disclosure Violation, 21 November 2013; Decision on Accused's Eighty-Fourth Disclosure Violation Motion, 16 January 2014; Decision on Accused's Eighty-Fifth Disclosure Violation Motion, 21 January 2014; Decision on Accused's Eighty-Seventh Disclosure Violation Motion, 10 March 2014; Oral Ruling on 86th Disclosure Violation Motion, T. 47545–47546 (3 March 2014); Decision on Accused's Eighty-Eighth Disclosure Violation Motion, 18 March 2014; Decision on Accused's Eighty-Ninth and Ninetieth Disclosure Violation Motions, 16 April 2014; Decision on Accused's Ninety-First Disclosure Violation Motion, 7 May 2014.

20776 Decision on Accused's Ninety-Second Disclosure Violation Motion, 10 June 2014; Public Redacted Version of "Decision on Accused's Ninety-Third Disclosure Violation Motion" Issued on 13 October 2014, 20 March 2015; Decision on Accused's Ninety-Fourth Disclosure Violation Motion, 13 October 2014; Decision on Accused's Ninety-Fifth Disclosure Violation Motion, 5 December 2014; Decision on Accused's Ninety-Sixth Disclosure Violation Motion, 21 January 2015; Decision on Accused's Ninety-Eighth and Ninety-Ninth Disclosure Violation Motions, 8 June 2015; Decision on Accused's One-Hundredth Disclosure Violation Motion, 13 July 2015; Decision on Accused's 101st Disclosure Violation Motion, 20 July 2015; Decision on Accused's 102nd and 103rd Disclosure Violation Motion, 4 November 2015; Decision on Accused's 104th and 105th Disclosure Violation Motions, 18 February 2016; Decision on Accused's 106th Disclosure Violation Motion, 4 March 2016; Decision on Accused's 107th Disclosure Violation Motion, 14 March 2016. The Chamber notes that the Accused withdrew his 97th Motion for Disclosure Violation. *See* Withdrawal of 97th Motion for Finding of Disclosure Violation and for Remedial Measures, 9 March 2015.

violations. The Chamber issued its decision disposing of the motion in August 2014, and denying the Accused's request.[20777]

6157. The Chamber also issued decisions disposing of Prosecution's motions alleging disclosure violations by the Accused due to his failure to provide adequate 65 *ter* summaries.[20778]

b. Binding orders

6158. Throughout the proceedings, the Chamber issued more than 60 invitations in relation to the approximately 40 motions filed by the Accused requesting the Chamber to issue binding orders compelling the governments of various states and several international organisations to produce categories of documents that he intended to use during his trial.[20779]

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20777 Decision on Accused's Second Motion for New Trial for Disclosure Violations, 14 August 2014.

20778 Decision on Prosecution's Motion for Relief for Defence Disclosure Violations, 26 March 2013; Decision on Prosecution Motion for Relief for Defence Disclosure Violations – Srebrenica Witnesses, 11 April 2013.

20779 *See* Invitation to the United States of America, 18 June 2009; Invitation to the Kingdom of Norway, 9 July 2009; Invitation to the Kingdom of Belgium, 21 July 2009; Invitation to the North Atlantic Treaty Organisation, 23 July 2009; Invitation to the Italian Republic, 5 August 2009; Invitation to the Republic of Austria, 5 August 2009; Invitation to the People's Republic of Bangladesh, 6 August 2009; Invitation to the Republic of Malta, 6 August 2009; Invitation to Malaysia, 10 August 2009; Invitation to the Islamic Republic of Pakistan, 11 August 2009; Invitation to the Federal Republic of Germany, 14 August 2009; Invitation to the Republic of Poland, 14 August 2009; Invitation to the Arab Republic of Egypt, 17 August 2009; Invitation to the Hashemite Kingdom of Jordan, 17 August 2009; Invitation to the French Republic, 25 August 2009; Invitation to the Republic of Turkey, 25 August 2009; Invitation to the Islamic Republic of Iran, 31 August 2009; Invitation to Bosnia and Herzegovina, 2 September 2009; Second Invitation to the Republic of Malta, 2 September 2009; Invitation to the Kingdom of Denmark, 4 September 2009; Invitation to the Kingdom of Sweden, 7 September 2009; Invitation to the Republic of Croatia, 15 September 2009; Invitation to the Kingdom of The Netherlands, 15 September 2009; Invitation to the United Kingdom of Great Britain and Northern Ireland, 15 September 2009; Invitation to the United States of America, 15 September 2009; Second Invitation to the Islamic Republic of Pakistan, 23 September 2009; Invitation to the Republic of Greece, 30 September 2009; Second Invitation to the Arab Republic of Egypt, 6 October 2009; Second Invitation to the Kingdom of Norway, 7 October 2009; Second Invitation to the French Republic, 13 October 2009; Second Invitation to the Government of Bosnia and Herzegovina, 13 October 2009; Third Invitation to the Islamic Republic of Pakistan, 13 October 2009; Second Invitation to the Kingdom of the Netherlands, 2 November 2009; Second Invitation to the Republic of Poland, 10 November 2009; Invitation to Bosnia and Herzegovina, 1 March 2010; Invitation to Republic of Croatia, 1 March 2010; Invitation to the Kingdom of The Netherlands, 30 March 2010; Invitation to Canada, 18 August 2010; Invitation to the Kingdom of Belgium, 20 August 2010; Invitation to the Kingdom of Denmark, 3 September 2010; Invitation to France, 8 September 2010; Second Invitation to Canada, 29 September 2010; Invitation to European Union, 27 October 2010; Invitation to United Nations, 2 November 2010; Invitation to the Bolivarian Republic of Venezuela, 2 November 2010; Invitation to the United Nations and the North Atlantic Treaty Organisation, 2 December 2010; Second Invitation to the Bolivarian Republic of Venezuela, 9 December 2010; Third Invitation to Canada, 9 December 2010; Invitation to the Islamic Republic of Iran, 16 December 2010; Invitation to the United States of America, 17 December 2010; Invitation to the Government of Bosnia and Herzegovina, 13 January 2011; Invitation to the Kingdom of Saudi Arabia, 25 January 2011; Invitation to the United Arab Emirates, 25 January 2011; Invitation to the United States of America, 27 January 2011; Second Invitation to European Union, 31 January 2011; Third Invitation to the Bolivarian Republic of Venezuela, 31 January 2011; Second Invitation to Republic of France, 8 February 2011; Invitation to Bosnia and Herzegovina, 10 February 2011; Invitation to the Bolivarian Republic of Venezuela and the United Nations, 17 August 2011; Invitation to the Government of Croatia Regarding Interview of Miroslav Tuđman, 14 September 2011; Invitation to the Kingdom of Spain, 22 September 2011; Invitation to the United Kingdom of Great Britain and Northern Ireland, 17 November 2011; Invitation to France, 27 January 2012; Invitation to Germany Regarding the Accused's Motion to Report Germany to United Nations Security Council, 30 January 2012; Invitation to The United Kingdom of Great Britain and Northern Ireland, 10 February 2012; Invitation to

6159. As an attempt to give an opportunity to states to be heard, and to resolve some of the pending motions, the Chamber held hearings with states' representatives in 2010, 2011, and 2013.[20780] The information obtained through these hearings assisted the Chamber in the process of determining some of the motions. The Chamber ultimately issued decisions on 11 of the Accused's motions for binding orders, granting four of them,[20781] rejecting one without prejudice,[20782] and denying the Accused's requests on six occasions.[20783] The remaining motions for binding orders were withdrawn by the Accused as a result of the voluntary co-operation by various states and organisations with the Accused.[20784]

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France, 29 March 2012; Invitation to Bosnia and Herzegovina, 17 April 2012; Second Invitation to Germany Regarding the Accused's Motion to Report Germany to United Nations Security Council, 18 April 2012; Invitation to The United States of America, 10 July 2012; Invitation to France, 27 September 2013; Invitation to the Kingdom of The Netherlands, 18 October 2013; Invitation to The United States of America, 30 October 2013.

20780 *See* Order Scheduling a Hearing Pursuant to Rule 54 *bis*, 29 January 2010; Order Scheduling a Hearing Pursuant to Rule 54 *bis* (Bosnia and Herzegovina), 7 September 2010; Order to Bosnia and Herzegovina in Preparation for the Hearing pursuant to Rule 54 *bis*, 6 October 2010; Scheduling Order Relating to Rule 54 *bis* Hearing (Bosnia and Herzegovina), 13 October 2010; Invitation to Bosnia and Herzegovina Following Rule 54 *bis* Hearing, 19 October 2010; Order Scheduling a Hearing Pursuant to Rule 54 *bis* (Bolivarian Republic of Venezuela), 22 March 2011; Scheduling Order Relating to Rule 54 *bis* Hearing (Bolivarian Republic of Venezuela), 9 May 2011; Invitation to the Bolivarian Republic of Venezuela Following Rule 54 *bis* Hearing, 13 May 2011; Scheduling Order for Rule 4 Hearing, confidential, 18 February 2013.

20781 Decision on the Accused's Application for Binding Order Pursuant to Rule 54 *bis* (Austria), 15 October 2009; Decision on the Accused's Application for Binding Order Pursuant to Rule 54 *bis* (Federal Republic of Germany), 19 May 2010; Decision on the Accused's Binding Order Motion (The French Republic), 30 June 2010; Decision on the Accused's Third Motion for Binding Order (Bosnia and Herzegovina), 6 May 2011.

20782 Decision on the Accused's Application for Binding Order Pursuant to Rule 54*bis* (United States of America), 12 October 2009.

20783 Decision on the Accused's Motion for Binding Order (The Islamic Republic of Iran), 9 June 2010; Decision on the Accused's Motion for Binding Order (United Nations and NATO), 11 February 2011; Decision on the Accused's Third Motion for Binding Order (United States of America), 17 February 2011; Decision on the Accused's Second Motion for Binding Order (The Islamic Republic of Iran) and Motion for Subpoena to Interview General Director Sadeghi, 10 May 2011; Decision on the Accused's Motion for Binding Order (The Kingdom of Saudi Arabia), 30 June 2011; Decision on Accused's Fifth Motion for Binding Order (United States of America), 22 August 2012.

20784 *See* Withdrawal of Motion for Binding Order to NATO, 10 August 2009; Withdrawal of Motion for Binding Order to Bangladesh, 24 August 2009; Withdrawal of Motion for Binding Order to Jordan, 4 September 2009; Withdrawal of Motion for Binding Order: Government of Malaysia, 28 September 2009; Withdrawal of Motion for Binding Order: Government of Sweden, 30 September 2009; Withdrawal of Motion for Binding Order: Government of United Kingdom, 14 October 2009; Withdrawal of Motion for Binding Order: Government of Denmark, 21 October 2009; Withdrawal of Motion for Binding Order: Government of Egypt, 2 November 2009; Withdrawal of Motion for Binding Order: Government of Greece, 2 November 2009; Withdrawal of Motion for Binding Order: Government of Turkey, 2 November 2009; Withdrawal of Motion for Binding Order: Government of Austria, 4 November 2009; Withdrawal of Motion for Binding Order: Government of Belgium, 30 November 2009; Withdrawal of Motion for Binding Order: Government of Norway, 30 November 2009; Withdrawal of Motion for Binding Order: Government of Poland, 1 December 2009; Withdrawal of Motion for Binding Order: Government of Netherlands, 13 April 2010; Withdrawal of Second Motion for Binding Order: Government of Belgium, 10 September 2010; Withdrawal of Motion for Binding Order: Government of Canada, 6 January 2011; Withdrawal of Motion for Binding Order: European Union, 24 February 2011; Withdrawal of Second Motion for Binding Order: Government of Denmark, 5 April 2011; Withdrawal of Second Motion for Binding Order: Government of Bosnia, 11 April 2011; Withdrawal of Fourth Motion for Binding Order: United States of America, 2 May 2011; Withdrawal of Motion for Binding Order: United Arab Emirates, 18 May 2011; Withdrawal of Motion for Binding Order: Government of Bosnia, 27 September 2011; Withdrawal of Motion

6160. The Accused's wish to challenge the conclusions reached by the ICMP and Prosecution witness Thomas Parsons, as to the identification through DNA analysis of Srebrenica victims, was the subject of considerable discussion throughout the pre-trial phase of the case, and involved ongoing communication between the Prosecution, the Accused's legal adviser, the Accused's expert, and the ICMP. Given the complexity of the topic, the discussion also required the involvement of the Chamber, which issued a number of decisions on the matter.[20785] In 2012, the Accused filed a binding order motion requesting that the Chamber issue an order compelling the ICMP to make available to him a number of DNA case files for testing by his DNA expert.[20786] The Chamber denied the binding order motion on 4 March 2013 after receiving additional information from the parties.[20787] On 16 April 2013, the Chamber denied a motion filed by the Accused requesting the Chamber to exclude all evidence of the results of DNA analysis entered into evidence on behalf of the Prosecution.[20788]

c. Subpoenas

6161. Throughout the proceedings, the Accused filed a number of motions requesting the Chamber to issue subpoenas compelling various former or current state officials to be interviewed by his Defence team, and the Chamber issued various invitations to a number of the states involved in these matters.[20789] The Chamber granted the Accused's request on five occasions, issuing

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for Binding Order: United Nations, 21 March 2012; Withdrawal of Motion for Binding Order: Government of Venezuela, 21 March 2012.

20785 Order on Selection of Cases for DNA Analysis, 19 March 2010; Decision in Relation to Selection of Cases for DNA Analysis, 23 September 2011; Decision on the Accused's Motion to Unseal ICMP Exhibits, 25 April 2012; Decision on Prosecution's Motion for Partial Reconsideration or Clarification of the Chamber's Decision on the Accused's Motion to Unseal ICMP Exhibits, 5 September 2012. *See* Interim Decision on Prosecution's Motion for Partial Reconsideration or Clarification on the Chamber's Decision on the Accused's Motion to Unseal ICMP Exhibits, 11 July 2012; Interim Order on the Accused's Motion for Binding Order to International Commission for Missing Persons, 19 July 2012.

20786 Motion for Binding Order to International Commission for Missing Persons, 15 May 2012. *See also* Prosecution's Response to Accused's Motion for Binding Order to International Commission for Missing Persons, 29 May 2012; Reply Brief: Motion for Binding Order to International Commission for Missing Persons, 11 June 2012; Prosecution's Sur-Reply to Accused Reply Brief: Motion for Binding Order to International Commission for Missing Persons, 11 June 2012.

20787 Decision on the Accused's Motion for Binding Order to International Commission for Missing Persons, 4 March 2013. *See also* Submission on Motion for Binding Order to International Commission on Missing Persons, 13 December 2012; Prosecution's Submission on Applicability of Rule 54 and Rule 54 *bis* to ICMP and on Karadžić's Supplemental Submission, 20 December 2012.

20788 Decision on the Accused's Motion to Exclude DNA Evidence, 16 April 2013. *See also* Motion to Exclude DNA Evidence, 11 March 2013; Prosecution's Response to Motion to Exclude DNA Evidence, 25 March 2013.

20789 *See* Invitation to Croatia Regarding Motion for Subpoena of Miroslav Tuđman, 8 September 2010; Invitation to France Regarding Motion for Subpoena of Colonel Guy de Haynin de Bry, 17 November 2010; Invitation to Germany Regarding Motion for Subpoena of Christoph Von Bezold, 8 April 2011; Invitation to the Government of Croatia Regarding Interview of Miroslav Tuđman, 14 September 2011; Invitation to Croatia Regarding Interview of Vladimir Zagorec, 25 January 2012; Invitation to Greece Regarding Motion for Subpoena of President Karolos Papoulias, 27 January 2012; Invitation to Norway Regarding Motion for Subpoena of Thorvald Stoltenberg, 1 May 2012; Invitation to The United States of America, 20 July 2012; Invitation to Malaysia, 13 June 2013.

subpoenas for four individuals ordering each of them to submit to an interview by the Accused's legal adviser, and issuing an order to a State to facilitate an interview with another individual.[20790] The Accused himself withdrew some of his motions[20791] and the Chamber denied the remainder.[20792]

6162. The Prosecution filed a number of motions requesting the Chamber to issue subpoenas to various individuals who had refused to testify in this case. The Chamber granted the Prosecution's requests and issued subpoenas to six individuals, namely Momčilo Mandić, Berko Zečević, Milan Tupajić, KDZ310, KDZ379, and KDZ532, to appear before the Chamber.[20793] Following the Chamber's orders, KDZ310, KDZ379, and KDZ532 appeared before the Chamber and testified as Prosecution witnesses; as discussed above, Momčilo Mandić also testified but as a Chamber's witness.[20794] Milan Tupajić continued to refuse to testify, and the Chamber held contempt proceedings against him, as described in detail below.[20795] While Berko Zečević also continued to refuse to testify, following his arrest and subsequent transfer to the Tribunal, he testified voluntarily before the Chamber, as described in detail below.[20796]

6163. Similarly, the Accused also filed various motions requesting the Chamber to issue subpoenas to various individuals to appear for testimony in his Defence case, and the Chamber issued a number of invitations to a number of the states involved in these matters.[20797] As a result

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20790 Decision on Accused's Motion for Subpoena to Interview: General Sead Delić and Brigadier Refik Brđanović, 5 July 2011; Order to the Government of Bosnia and Herzegovina Concerning Subpoena, 5 July 2011; Subpoena, 5 July 2011; Decision on the Accused's Motion for Subpoena to Interview Miroslav Tuđman, 14 July 2011; Order to the Government of Croatia Concerning Subpoena, 14 July 2011; Subpoena, 14 July 2011; Decision on the Accused's Motion for Subpoena to Interview Christoph Von Bezold, 1 December 2011; Order to the Government of the Federal Republic of Germany Concerning Subpoena, 1 December 2011; Subpoena, 1 December 2011; Decision on Accused's Motion for Subpoena to Interview Vladimir Zagorec, 12 March 2012; Order to the Government of Croatia Concerning Subpoena, 12 March 2012; Subpoena, 12 March 2012; Order to France, 4 May 2012. *See also* Decision on Accused's Motion for Withdrawal of Order to France, 13 June 2012.

20791 *See inter alia* Withdrawal of Motion for Subpoena to Interview Yasushi Akashi, 27 September 2012.

20792 *See inter alia* Decision on Motion to Subpoena Prosecution Witness Ronald Eimers for Interview, 29 March 2010; Decision on Accused's Motion to Compel Interview: General Sir Rupert Smith, 25 January 2011; Decision on Accused's Motion to Compel Interviews: Sarajevo 92 *bis* Witnesses, 21 March 2011; Decision on Accused's Motion to Compel Interview: Griffiths Evans, 20 April 2011; Decision on Motion for Subpoena to Interview Edin Garaplija, 15 November 2012; Decision on Motion for Subpoena to Interview President Karolos Papoulias, 20 March 2012.

20793 Decision on Prosecution's Urgent Motion to Subpoena Momčilo Mandić with Appendices A-D, confidential, 16 June 2010; Decision on Prosecution's Motion to Subpoena KDZ310, confidential, 14 September 2010; Decision on Prosecution's Motion to Subpoena Berko Zečević, confidential, 20 January 2011, made public on 15 February 2011; Decision on Prosecution's Motion to Subpoena Witness, confidential, 24 August 2011; Decision on Prosecution's Motion to Subpoena Milan Tupajić, 23 September 2011; Decision on Prosecution's Motion to Subpoena Witness KDZ532, confidential, 19 October 2011.

20794 *See* para. 6136, fn. 20734.

20795 *See* para. 6173.

20796 *See* para. 6173.

20797 *See* Invitation to Japan and the United Nations Regarding Motion for Subpoena of Yasushi Akashi, 23 August 2012; Invitation to Greece Regarding Motion to Subpoena President Karolos Papoulias, 23 August 2012; Invitation Regarding Motion to Subpoena Ambassador Jose Cutileiro, 25 September 2012; Invitation to the

of the Chamber's efforts, at least one individual reconsidered his view and agreed to appear voluntarily before the Chamber. The Chamber ultimately issued 18 decisions denying the Accused's requests.[20798] The Chamber issued subpoenas to appear before it to 12 individuals who had refused to testify as Defence witnesses, namely Radislav Krstić, Edin Garaplija, Jose Cutileiro, Slavko Puhalić, Milenko Živanović, Zdravko Tolimir, Ljubiša Beara, Radivoje Miletić, Svetozar Andrić, John Zametica, Ratko Mladić, and Mićo Stanišić.[20799]

6164. Following the Chamber's orders, Garaplija, Cutileiro, Puhalić, Živanović, Andrić, Zametica, and Stanišić appeared before the Chamber and testified as Defence witnesses. Radislav Krstić continued to refuse to testify, and the Chamber held contempt proceedings against him, as described in detail below.[20800] On 4 June 2013, the Chamber granted Tolimir's request to suspend

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United States of America, 17 December 2012; Invitation to the Government of Bosnia and Herzegovina, 6 June 2013; Second Invitation to the Government of Bosnia and Herzegovina, 28 June 2013; Invitation to the Government of Bosnia and Herzegovina, 12 December 2013; Invitation to The United States of America, 21 January 2014. *See also* Invitation to Australia, 25 February 2013.

20798 *See* Decision on the Accused's Second Motion for Subpoena to Interview President Bill Clinton, 21 August 2012; Decision on Accused's Motion to Subpoena President Karolos Papoulias, 23 October 2012; Decision on Accused's Motion to Subpoena Prime Minister Milan Panić, 13 December 2012; Decision on Accused's Motion to Subpoena Ranko Mijić, 11 January 2013; Decision on Accused's Motion to Subpoena Naser Orić, 11 January 2013; Decision on Accused's Motion to Subpoena Ambassador Hall, 16 January 2013; Decision on Accused's Motion to Subpoena Dragoš Milanković, 18 January 2013; Decision on Accused's Motion to Subpoena Slavko Budimir, 22 January 2013; Decision on Accused's Motion to Subpoena Miloš Tomović, 28 January 2013; Decision on Accused's Motion to Subpoena Fikret Abdić, 26 February 2013; Decision on Accused's Second Motion to Subpoena Naser Orić, 4 April 2013; Decision on Accused's Motion to Subpoena Hasan Čengić, 6 May 2013; Decision on Accused's Motion to Subpoena Thomas Karremans, 29 May 2013; Decision on Accused's Motion to Subpoena Nikola Tomašević, 11 December 2013; Decision on Accused's Motion to Subpoena Dragan Kalinić, 18 December 2013; Decision on Accused's Motion to Subpoena Srđan Forca, 18 December 2013; Public Redacted Version of "Decision on Accused's Motion to Subpoena Witness KW540" Issued on 3 February 2014, 4 March 2015; Decision on Accused's Motion for Subpoena to Norman Schindler, 19 February 2014.

20799 *See* Public Redacted Version of "Decision on Accused's Motion to Subpoena Radislav Krstić" issued on 23 October 2012; Decision on Second Motion for Subpoena: Edin Garaplija, 18 December 2012; Order to the Government of Bosnia and Herzegovina Concerning Subpoena *Ad Testificandum*, 18 December 2012; Subpoena *Ad Testificandum*, 18 December 2012; Decision on Accused's Motion to Subpoena Ambassador José Cutileiro, 19 December 2012; Order to the Government of the Portuguese Republic Concerning Subpoena, 19 December 2012; Subpoena *Ad Testificandum*, 19 December 2012; Decision on Accused's Motion to Subpoena Slavko Puhalić, 20 March 2013; Subpoena *Ad Testificandum*, 20 March 2013; Order to the Government of Bosnia and Herzegovina Concerning Subpoena *Ad Testificandum*, 20 March 2013; Decision on Accused's Motion to Subpoena Milenko Živanović, 23 April 2013; Subpoena *Ad Testificandum*, 23 April 2013; Order to the Government of the Republic of Serbia Concerning Subpoena *Ad Testificandum*, 23 April 2013; Decision on Accused's Motion to Subpoena Zdravko Tolimir, 9 May 2013; Subpoena *Ad Testificandum*, 9 May 2013; Decision on Accused's Motion to Subpoena Ljubiša Beara, 9 May 2013; Subpoena *Ad Testificandum*, 9 May 2013; Decision on Accused's Motion to Subpoena Radivoje Miletić, 9 May 2013; Subpoena *Ad Testificandum*, 9 May 2013; Decision on Accused's Motion to Subpoena Svetozar Andrić, 28 May 2013; Subpoena *Ad Testificandum*, 28 May 2013; Order to the Government of the Republic of Serbia Concerning Subpoena *Ad Testificandum*, 28 May 2013; Decision on Accused's Motion to Subpoena John Zametica, 27 August 2013; Subpoena *Ad Testificandum*, 27 August 2013; Order to the Government of the Republic of Austria Concerning Subpoena *Ad Testificandum*, 27 August 2013; Decision on Accused's Motion to Subpoena Ratko Mladić, 11 December 2013; Subpoena *Ad Testificandum*, 11 December 2013; Decision on Accused's Motion to Subpoena Mićo Stanišić, 13 December 2013; Subpoena *Ad Testificandum*, 13 December 2013. *See also* Decision on Motion for Subpoena: Edin Garaplija, 26 November 2012; Oral Ruling, T. 40841–40842 (5 July 2013); Addendum to Subpoena *Ad Testificandum* Issued 20 March 2013, 28 August 2013.

20800 *See* para.6174.

the subpoena against him and granted him leave to appeal the decision compelling him to testify in the present case.[20801] On 2 July 2013, the Chamber issued an oral order granting the Accused's request to postpone the testimony of Beara and Miletić until such time as the Appeals Chamber issued its decision on Tolimir's appeal.[20802] On 13 November 2013, the Appeals Chamber issued a decision denying Tolimir's appeal.[20803] Tolimir and Beara testified as Defence witnesses in December 2013 and January 2014.[20804] Mladić appeared before the Chamber on 28 January 2014 after the Chamber denied his request to appeal the decision compelling him to testify, as well as his and the Prosecution's motions for reconsideration of the Chamber's denial to appeal the subpoena.[20805] Despite appearing before the Chamber, Mladić continued to invoke his right not to testify and the Chamber chose not to compel him to answer the questions put to him by the Accused.[20806] Finally, following a request from Miletić himself to postpone his testimony, the Chamber *proprio motu* vacated its decision to subpoena Miletić, as well as the subpoena issued against him.[20807]

d. Judicial notice

6165. In 2008 and 2009, the Prosecution filed five large motions for judicial notice of adjudicated facts pursuant to Rule 94(B), covering in total more than 3,000 facts.[20808] The Chamber issued five decisions taking judicial notice of approximately 2,400 of the facts proposed.[20809]

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20801 Decision on Tolimir Request for Certification to Appeal Subpoena Decision, 4 June 2013. *See also* Request to the Trial Chamber to Suspend the Subpoena to Allow Tolimir to File an Appeal Against the Decision on the Accused's Motion to Subpoena Zdravko Tolimir and Against the Subpoena", 15 May 2013.

20802 *See* T. 40639–40640 (2 July 2013) for parties' submissions. *See* T. 40717 (2 July 2013) for the Chamber's oral ruling.

20803 Decision on Appeal Against the Decision on the Accused's Motion to Subpoena Zdravko Tolimir, 13 November 2013.

20804 Zdravko Tolimir, T. 45059–45067 (12 December 2013); Ljubiša Beara, T. 45198–45212 (17 December 2013); T. 45794–45806 (22 January 2014).

20805 Ratko Mladić, T. 46047–46055 (28 January 2014); Decision on Mladić Request for Certification to Appeal Subpoena Decision, 23 December 2013; Decisions on Urgent Motions for Reconsideration of Decision Denying Mladić Request for Certification to Appeal Subpoena Decision, 22 January 2014. *See also* Motion of Ratko Mladić for Certification to Appeal Decisions of 11 December 2013 by Karadžić Chamber, 18 December 2013; Mladić Urgent Motion for Reconsideration of Decision on Motion for Certification to Appeal, 14 January 2014; Urgent Prosecution Motion for Reconsideration of Decision on Mladić Request for Certification to Appeal Subpoena Decision, 15 January 2014.

20806 Ratko Mladić, T. 46039–46055 (28 January 2014).

20807 Public Redacted Version of "Decision on Request by Radivoje Miletić to Postpone Date of Testimony" Issued on 13 February 2014, 14 February 2014. *See also* Request of Radivoje Miletić to Postpone His Court Appearance, confidential, 4 February 2014; Response to General Miletić's Request for Postponement of Subpoena, 6 February 2014.

20808 First Prosecution Motion for Judicial Notice of Adjudicated Facts, 27 October 2008; Second Prosecution Motion for Judicial Notice of Adjudicated Facts and *Corrigendum* to First Prosecution Motion for Judicial Notice of Adjudicated Facts, 17 March 2009; Third Prosecution Motion for Judicial Notice of Adjudicated Facts, 7 April 2009; Fourth Prosecution Motion for Judicial Notice of Adjudicated Facts, 26 August 2009; Fifth Prosecution Motion for Judicial Notice of Adjudicated Facts, 15 December 2009. *See also* Submission of Renumbered

6166. In early 2010, the Prosecution filed a motion pursuant to Rule 94(B), for the judicial notice of the authenticity of hundreds of documents that were admitted into evidence in previous trials, including a large number of intercepts, relating to the Sarajevo component of the case. In March 2010, the Chamber denied the Prosecution's motion with respect to a large number of documents tendered by the Prosecution, and denied without prejudice the admission of various intercepts.[20810] In February 2011, the Chamber granted in part the motion filed by the Prosecution resubmitting its request to the Chamber to take judicial notice of the authenticity of various intercepts relating to the Sarajevo component of the case.[20811] The Accused applied for certification to appeal the Chamber's decision, but it was denied.[20812]

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Appendix to Fifth Prosecution Motion for Judicial Notice of Adjudicated Facts, 2 February 2010; *Corrigendum* to Fifth Prosecution Motion for Judicial Notice of Adjudicated Facts with Appendix A", 9 February 2010.

20809 Decision on First Prosecution Motion for Judicial Notice of Adjudicated Facts, 5 June 2009; Decision on Third Prosecution Motion for Judicial Notice of Adjudicated Facts, 9 July 2009; Decision on Second Prosecution Motion for Judicial Notice of Adjudicated Facts, 9 October 2009; Decision on Fourth Prosecution Motion for Judicial Notice of Adjudicated Facts, 14 June 2010; Decision on Fifth Prosecution Motion for Judicial Notice of Adjudicated Facts, 14 June 2010; *Corrigendum* to the Trial Chamber's Decision on First Prosecution Motion for Judicial Notice of Adjudicated Facts, 24 June 2013. Furthermore, on 14 June 2010, the Chamber rendered a decision denying two motions for reconsideration filed by the Accused, requesting the Chamber to reconsider its findings in the three adjudicated facts decisions issued during the pre-trial phase of the case based upon findings by other Trial Chambers which had allegedly applied a different standard than this Chamber; Decision on Accused's Motions for Reconsideration of Decisions on Judicial Notice of Adjudicated Facts, 14 June 2010; *see* Motion for Reconsideration of Decisions on Judicial Notice of Adjudicated Facts, 4 March 2010; Second Motion for Reconsideration of Decision on Judicial Notice of Adjudicated Facts, 26 April 2010. Similarly, in 2012, the Chamber rendered a decision denying three motion filed by the Accused requesting the Chamber to reconsider its decisions on adjudicated facts based on the approach taken on a number of adjudicated facts decisions issued by the *Mladić* Chamber; Decision on Three Accused's Motions for Reconsideration of Decisions of Judicial Notice of Adjudicated Facts, 4 May 2012; *see* Third Motion for Reconsideration of Decision on Judicial Notice of Adjudicated Facts, 12 March 2012; Fourth Motion for Reconsideration of Decision on Judicial Notice of Adjudicated Facts, 26 March 2012; Fifth Motion for Reconsideration of Decision on Judicial Notice of Adjudicated Facts, 17 April 2012. In its "Notice of Withdrawal of Incident A.5.1" of 18 August 2014, the Prosecution notified that Chamber that it no longer intended to rely on Adjudicated Facts 758 and 759.

20810 Decision on the Prosecution's First Motion for Judicial Notice of Documentary Evidence Related to the Sarajevo Component, 31 March 2010. *See also* Decision on Motion for Extension of Time to File Response to Prosecution Motion for Judicial Notice of Documents, 30 October 2009; Decision on the Accused's Response to Prosecution Motion for Judicial Notice of Documents and Motion for Further Extension of Time, 24 December 2009; Order Regarding the Prosecution's Request for Leave to Reply to Karadžić's Response to Prosecution Motion for Judicial Notice of Documents, 30 December 2009; Decision on Prosecution Request for Leave to Reply to "Second Supplemental Response to Motion for Judicial Notice of Documents", 15 March 2010.

20811 Decision on the Prosecution's Motion for Judicial Notice of Intercepts Related to the Sarajevo Component and Request for Leave to Add One Document to the Rule 65 *ter* Exhibit List, 4 February 2011. Following the amendment to Rule 94(B) of the Rules during the plenary session held on 8 December 2010, the Chamber focused its analysis in the decision on whether to take judicial notice of the authenticity of documentary evidence which had been admitted in prior proceedings, and not in the admission into evidence of the documents.

20812 Decision on Accused's Motion for Certification to Appeal Decision on Judicial Notice of the Authenticity of Intercepts, 17 February 2011.

6167. On 21 January 2014, the Chamber issued a decision denying the Accused's motion requesting the Chamber to take judicial notice of 26 facts relating to Count 1, also pursuant to Rule 94(B) of the Rules.[20813]

e. Protective measures

6168. During 2008 and the first half of 2009, the Chamber issued a number of decisions on protective measures.[20814] On 24 July 2009, the Chamber issued a confidential decision which included a chart setting out all the protective measures in place for witnesses appearing on the Prosecution's Rule 65 *ter* witness list at that date (totalling 161 of 541 witnesses).[20815] Following further submissions from the parties, the chart was finalised and appended to an order issued on 14 August 2009.[20816]

6169. Throughout the case, the Chamber continued to issue a large number of decisions granting, varying, rescinding, augmenting, or noting protective measures for Prosecution witnesses.[20817] As a result of the various decisions issued by the Chamber, and in order to keep the record of protective measures in place as accurate and up-to-date as possible, the Chamber produced and updated nine charts on protective measures in place for Prosecution witnesses.[20818]

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20813 Decision on Accused's Motion for Judicial Notice of Adjudicated Facts Related to Count One, 21 January 2014.

20814 *See* Preliminary Order on Prosecution Motion for Protective Measures for Witnesses, 26 September 2008; Decision on Protective Measures for Witnesses, 30 October 2008; Decision on Motion for and Notifications of Protective Measures, 26 May 2009; Decision on Prosecution's Motion for Delayed Disclosure for KDZ456, KDZ493, KDZ531, and KDZ532 and Variation of Protective Measures for KDZ489, 5 June 2009; Decision on Prosecution's Motion for Protective Measures for Witnesses KDZ182, KDZ185, KDZ304, and KDZ450 Pursuant to Rule 70, 2 July 2009.

20815 Decision on Protective Measures, confidential, 24 July 2009.

20816 Order on Chart of Protective Measures for Witnesses, 14 August 2009.

20817 *See* Decision on Prosecution's Motion for Rescission of Protective Measures (KDZ546), 29 October 2009; Decision on Prosecution's Motion for Rescission of Protective Measures of KDZ263, 26 February 2010; Decision on Accused's Motion for Modification of Protective Measures: Witnesses KDZ490 and KDZ492, 25 March 2010; Decision on Prosecution's Motion for Rescission of Protective Measures for KDZ323, 22 June 2010; Decision on Video-Conference Link and Request for Protective Measures for KDZ595, 18 August 2010; Reasons for Trial Chamber's Decision on Defence Request for Certification to Appeal: Modification of Protective Measures for KDZ088, 14 September 2010; Decision on Prosecution Motion for Protective Measures for Witness Bogdan Vidović, 21 September 2010; Decision on the Accused's Application for Certification to Appeal Decision on Reconsideration of Protective Measures (KDZ531), 16 August 2011; Decision on Prosecution Motions for Protective Measures for Witnesses KDZ601 and KDZ605, 19 August 2011; Public Redacted Version of "Decision on Accused's Motion to Recall KDZ080 and for Rescission of Protective Measures" Issued on 3 July 2013,12 March 2015; Decision on Accused's Motion to Rescind Protective Measures for Prosecution Witnesses KDZ033 and KDZ523, confidential, 5 February 2014; Decision on Prosecution Motion to Re-open its Case and Prosecution Motion for Protective Measures for Witness KDZ614, 20 March 2013.

20818 Second Order on Chart of Protective Measures for Witnesses, 24 August 2010; Third Order on Chart of Protective Measures for Witnesses, 23 November 2010; Fourth Order on Chart of Protective Measures for Witnesses, 22 August 2011; Fifth Order on Chart of Protective Measures for Witnesses, 6 October 2011; Sixth Order on Chart of Protective Measures for Witnesses, 24 January 2012; Decision on Protective Measures for Witnesses, 2 March 2012; Eight Order on Chart of Protective Measures for Prosecution Witnesses, 18 January 2013; Ninth Order on Chart of Protective Measures for Prosecution Witnesses, 12 December 2013.

6170. The Chamber was also seised of a large number of motions filed by the Accused for the granting of protective measures to Defence witnesses and issued 19 decisions on the matter.[20819] The Chamber continued with its practice and created a comprehensive chart, which was attached to an explanatory order.[20820] The chart was updated as necessary.[20821]

f. Access to confidential material

6171. The Accused was granted access to confidential material in ongoing cases as well as in more than 30 completed cases.[20822] The Chamber also issued a number of decisions on motions filed by accused in other proceedings requesting access to confidential materials in the case.[20823]

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20819 Order in Relation to Accused's Notice of Request of Protective Measures for Witnesses, 2 October 2012; Addendum to Order in Relation to Accused's Notice of Request of Protective Measures for Witnesses Issued on 8 October 2012, 9 October 2012; Decision on Motion for Protective Measures for Witness KW456, 12 October 2012; Decision on Motion for Consideration of Protective Measures for Witness KW341, 17 October 2012; Decision on Motion for Protective Measures for Witness KW285, 17 October 2012; Decision on Accused's Motions for Protective Measures for Witnesses KW289, KW299, KW378, and KW543, 1 October 2012; Decision on Accused's Motion for Video Link Testimony and Consideration of Protective Measures for Witness KW533, 9 November 2012; Decision on Accused's Motion for Protective Measures for Witness KW194, 12 November 2012; Decision on Accused's Motion for Rescission of Protective Measures for KW60, 14 November 2012; Decision on Accused's Motion for Protective Measures for Miladin Trifunović, 15 November 2012; Decision on Accused's Motion for Video Link Testimony for Witnesses Janko Ivanović and Ilija Miščević, 21 November 2012; Decision on Accused's Motion for Protective Measures for Witness KW492, 23 November 2012; Decision on Accused's Motion for Protective Measures for Witness KW007, 19 December 2012; Decision on Accused's Motion for Protective Measures for Witness KW402, 8 January 2013; Decision on Accused's Motion for Protective Measures for Witness KW466, 25 January 2013; Decision on Accused's Motion for Protective Measures for Witness KW392, 14 February 2013; Decision on Accused's Motion for Protective Measures for Witness KW012, confidential, 24 June 2013; Decision on Accused's Motion for Protective Measures for Witness KW428, 9 July 2013; Decision on Accused's Motion for Protective Measures for Witness KW586, confidential, 19 November 2013; Decision on Accused's Second Motion for Protective Measures for Witness KW586, confidential, 17 January 2014.

20820 Order on Chart of Protective Measures for Defence Witnesses, 18 January 2013.

20821 Second Order on Chart of Protective Measures for Defence Witnesses, 12 December 2013, Third Order on Chart of Protective Measures for Defence Witnesses, 19 May 2014.

20822 Decision on Motion for Access to Confidential Materials in Completed Cases, 5 June 2009; Decision on Motion to Modify Decision Re Access by Karadžić to Confidential Materials in Completed Cases, 3 July 2009; Decision on the Accused's Motion for Access to *Ex Parte* Filings in the Slobodan Milošević Case (Srebrenica Intercepts), 28 February 2011; Decision on the Accused's Motion for Access to Confidential Material from the Dragomir Milošević Case, 14 July 2011; Decision on Accused's Motion for Access to Exhibits in *Orić* Case, 18 November 2011; Decision on Prosecution Motion to Modify the Decision Granting the Accused Access to Confidential Materials in the *Vasiljević* Case, 8 March 2012; Order for Access to Audio Recordings from *Brđanin* Case, 25 September 2013.

20823 Decision on Momčilo Perišić's Motion for Access to Confidential Materials in the *Radovan Karadžić* Case, 14 October 2008; Decision on Accused Application for Certification to Appeal Trial Chamber's Decision on Momčilo Perišić's Motion for Access to Confidential Materials in the *Radovan Karadžić* Case, 13 November 2008; Decision on Supplement to Momčilo Perišić's Motion for Access to Confidential Materials in the *Radovan Karadžić* Case, 13 November 2008; Decision on Jovica Stanišić's Motion for Access to Confidential Materials in the *Karadžić* Case, 20 May 2009; Decision on General Miletić's Request for Access to Confidential Information in the *Karadžić* Case, 31 March 2010; Decision on Mićo Stanišić's and Stojan Župljanin's Requests for Access to Confidential Information in the *Karadžić* Case, 7 March 2011; Decision on Zdravko Tolimir's Motion for Disclosure of Confidential Materials from the *Karadžić* Case, 12 January 2012; Decision on Defence Request for Access to Confidential Materials from *Karadžić* Case, 8 November 2012; Decision on Gvero Defence Request for Access to Confidential Materials from the *Karadžić* Case, 6 February 2013.

g. Exhibit-related issues

6172. Throughout the case, the Chamber was seised of, and issued decisions on, a number of bar table motions filed by the parties covering hundreds of items.[20824] At the end of the Prosecution's case, the Chamber issued 11 decisions admitting approximately 750 documents.[20825] Similarly, at the end of the Defence case, the Chamber issued six decisions admitting approximately 415 documents.[20826]

4. Contempt proceeding

6173. As stated above, at the request of the Prosecution the Chamber issued subpoenas ordering two individuals in the Prosecution's Rule 65 *ter* witness list, namely Berko Zečević and Milan Tupajić, to appear and testify before the Chamber.[20827] Following the individuals' continued

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20824 Decision on Prosecution Bar Table Motion for the Admission of Bosnian Serb Assembly Records, 22 July 2010; Decision on Second Prosecution Bar Table Motion for the Admission of Bosnian Serb Assembly Records, 5 October 2010; Decision on Prosecution's Motion for Admission of an Exhibit from the Bar Table Following Major Thomas's Testimony, 28 October 2010; Decision on Motion for Admission of Evidence from Bar Table: General Michael Rose, 29 October 2010; Decision on Second Motion for Admission of Evidence from Bar Table: General Michael Rose, 17 December 2010; Decision on the Accused's Motion to Admit Document Relevant to Incident G4 from the Bar Table, 3 June 2011; Decision on Prosecution's Motion for the Admission of 68 Sarajevo Romanija Corps Documents from the Bar Table, 16 June 2011; Decision on the Prosecution's Bar Table Motion Relating to Witness Dorothea Hanson, 27 June 2011; Decision on Accused's Motion to Admit Document Relevant to Incident G7 from the Bar Table, 6 July 2011; Decision on Prosecution Bar Table Motion for the Admission of Records of Bosnian Serb Organs, 18 July 2011; Decision on Accused's Motion to Admit Documents Relevant to Witnesses KDZ490 and KDZ492 from the Bar Table, 9 January 2012; Decision on Prosecution's Motion for Admission of Evidence from the Bar Table and for Leave to Add Exhibits to the Rule 65 *ter* Exhibit List, 21 February 2012; Decision on the Accused's Bar Table Motion (Sarajevo Intercepts), 9 October 2012; Decision on Accused's Motion for Admission of Documents from Bar Table: General Miletić Documents, 27 February 2014.

20825 Decision on Prosecution's Motion for Admission of Evidence from the Bar Table (Hostages), 1 May 2012; Decision on Prosecution's Bar Table Motion for the Admission of Documents Related to the Sarajevo Component, 11 May 2012; Corrigendum to Decision on Prosecution's Bar Table Motion for the Admission of Documents Related to the Sarajevo Component, 14 May 2012; Decision on Prosecution's First Bar Table Motion for the Admission of Intercepts, 14 May 2012; Decision on Prosecution's Motion for the Admission of Evidence from the Bar Table (Srebrenica), 22 May 2012; Decision on Prosecution's Motion for the Admission of Two Intercepts from the Bar Table, 22 May 2012; Corrigendum to Decision on Prosecution's Motion for the Admission of Evidence from the Bar Table (Srebrenica), 24 May 2012; Decision on Prosecution's Third Bar Table Motion for the Admission of Intercepts (Srebrenica), 24 May 2012; Decision on Prosecution's Motion for the Admission of Documents from the Bar Table (Municipalities), 25 May 2012; Decision on Prosecution's Second Bar Table Motion for the Admission of Intercepts, 25 May 2012; Corrigendum to Decision on Prosecution's Third Bar Table Motion for the Admission of Intercepts (Srebrenica), 29 May 2012.

20826 Decision on Accused's Motion for Admission of Documents from Bar Table: General Miletić Documents, 27 February 2014; Decision on Accused's Bar Table Motion: Disclosure Violation Documents, 19 March 2014; Decision on Accused's Bar Table Motion (Karadžić Statements), 2 April 2014; Decision on Accused's Bar Table Motion (Sarajevo Component Documents), 7 April 2014; Decision on Accused's Bar Table Motion for Admission of Intercepts, 7 April 2014; Decision on Accused's Bar Table Motion: Municipality Component Documents, 14 April 2014.

20827 Decision on Prosecution's Motion to Subpoena Berko Zečević, confidential, 20 January 2011 (made public on 15 February 2011); Subpoena Ad Testificandum, confidential, 20 January 2011 (made public on 15 February 2011); Order to the Government of Bosnia and Herzegovina Concerning Subpoena, confidential, 20 January 2011 (made public on 15 February 2011); Subpoena Ad Testificandum, confidential, 23 September 2011; Second Subpoena Ad Testificandum, confidential, 3 November 2011; Order to the Government of Bosnia and

refusal to comply with the subpoenas and appear before the Chamber, the Chamber ordered that the witnesses be prosecuted for contempt of the Tribunal, therefore issuing a warrant for arrest for each of them.[20828] Following the arrest and subsequent transfer of Zečević to the Tribunal, he decided to voluntarily testify before the Chamber as a Prosecution witness.[20829] However, Milan Tupajić continued to refuse to comply with the subpoena so the Chamber conducted contempt proceedings against him, finding him guilty of contempt and sentencing him to two months of imprisonment, which he served at the Tribunal's Detention Unit.[20830]

6174. Following Radislav Krstić's continued refusal to testify as a Defence witness after being ordered by the Chamber to do so, and the preparation of a detailed medical report on the witness's health, the Chamber issued an order in lieu of indictment initiating contempt proceedings against him on 27 March 2013.[20831] On 18 July 2013, the Chamber issued its Judgement and found by majority, Judge Kwon dissenting, that Krstić was not guilty of contempt.[20832]

5. Site visits

6175. During the Prosecution phase of the case, the Chamber conducted two visits aimed at allowing the Chamber to become more familiar with the topography of certain key locations and thus assist its determination of the charges in the Indictment. In May 2011, the Judges visited various locations in and around Sarajevo.[20833] In June 2012, the Judges visited locations in and around Srebrenica.[20834] In both cases, a delegation which included, amongst others, a representative of the Prosecution and of the Accused, accompanied the Judges.

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Herzegovina Concerning Second Subpoena Ad Testificandum, confidential, 3 November 2011; Decision on Prosecution's Motion to Subpoena Milan Tupajić, 23 September 2011.

20828 Order in Lieu of Indictment, confidential, 4 February 2011 (made public on 15 February 2011); Warrant of Arrest and Order for Surrender, confidential, 4 February 2011 (made public on 15 February 2011); Order in Lieu of Indictment, confidential, 30 November 2011 (made public on 14 December 2011); Warrant of Arrest and Order for Surrender, confidential, 30 November 2011 (made public on 14 December 2011).

20829 Following the filing by the Prosecution of a motion to withdraw the order in lieu of the indictment, the Chamber issued a decision suspending the contempt proceedings; Decision on Motion for Withdrawal of Order In Lieu of Indictment, 18 February 2011.

20830 *See* Public Redacted Version of "Judgement on Allegations of Contempt" Issued on 24 February 2012.

20831 Order in Lieu of Indictment, 27 March 2013. *See* Oral ruling, T. 33422–32423 (7 February 2013); Oral ruling, T. 35416–35417 (13 March 2013); Deputy Registrar's Notification Concerning the Appointment of an Independent Medical Expert, confidential, 14 February 2013; Krstić's Request for Reconsideration of the Order dated 13 March 2013, confidential, 19 March 2013; Oral ruling, T. 35748–35749 (21 March 2013).

20832 *See* Public Redacted Version of Judgement Issued on 18 July 2013.

20833 Order on Submissions for a Site Visit, 15 November 2010; Decision on Site Visit, 28 January 2011; Order Lifting Confidentiality of Decision on Site Visit and Related Pleadings, 24 May 2011.

20834 Decision on Second Site Visit, 10 February 2012; Order Lifting Confidentiality of Decision on Second Site Visit and Related Pleadings, 4 July 2012.

## B. GLOSSARY AND TABLE OF AUTHORITIES

### 1. Glossary

| Abbreviation | Full citation |
|---|---|
| **ABiH** | Army of the Republic of Bosnia and Herzegovina (*Armija Bosne i Hercegovine*) |
| **Accused** | Radovan Karadžić |
| **Additional Protocol I** | Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 |
| **Additional Protocol II** | Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977 |
| **Adjudicated Fact** | Adjudicated fact which judicial notice was taken by decisions of the Trial Chamber on 5 June 2009, 9 July 2009, 9 October 2009, and 14 June 2010 |
| **a.k.a** | Also known as |
| **APC** | Armoured Personnel Carrier |
| **ARK** | Autonomous Region of Krajina (*Autonomna Regija Krajina*) |
| **art.** | Article |
| **BiH** | Republic of Bosnia and Herzegovina |
| **BCS** | Acronym commonly used at the Tribunal to describe the Bosnian-Croatian-Serbian language |
| **BiHCMP** | Bosnian Federal Commission on Missing Persons or Bosnian Commission on Missing Persons |
| **BiHIMP** | Bosnia and Herzegovina Institute for Missing Persons |
| **BritBat** | British Battalion of UNPROFOR |
| **BVP** | Armoured Infantry Combat Vehicle |
| **CanBat** | Canadian Battalion of UNPROFOR |
| **CJB** | Public Security Centre (regional level) (*Centar Javne Bezbjednosti*) |

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|---|---|
| **COHA** | Cessation of Hostilities Agreement of 23 December 1994 |
| **Common Article 3** | Common Article 3 of the Geneva Conventions of 1949 |
| **Convention Against Torture** | Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984) |
| **Croatia** | Republic of Croatia |
| **CSB** | Security Services Centre (*Centar Službi Bezbjednosti*) |
| **CSCE** | Conference on Security and Co-operation in Europe |
| **D** | Defence exhibit admitted into evidence |
| **Defence Pre-Trial Brief** | *The Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-PT, Karadžić Pre-Trial Brief, 29 June 2009 |
| **Defence Final Brief** | *The Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Defence Final Trial Brief, confidential, 29 August 2014. A public redacted version was filed on 29 September 2014. |
| **DMZ** | Demilitarised zone |
| **DutchBat** | Dutch Battalion of UNPROFOR |
| **EC** | European Community |
| **ECHR** | European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950 |
| **ECMM** | European Community Monitoring Mission |
| **EgyptBat** | Egyptian Battalion of UNPROFOR |
| **EU** | European Union |
| **Federal SUP** | SUP of the FRY, whose seat was in Belgrade |
| **fn.** | Footnote |
| **FreBat** | French Battalion of UNPROFOR |
| **FRY** | Federal Republic of Yugoslavia |
| **Geneva Convention I** | Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, August 12, 1949, 75 UNTS 31 |

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| **Geneva Convention II** | Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, August 12, 1949, 75 UNTS 85 |
| **Geneva Convention III** | Convention Relative to the Treatment of Prisoners of War. Geneva, August 12, 1949, 75 UNTS 135 |
| **Geneva Convention IV** | Relative to the Protection of Civilian Persons in Time of War. Geneva, August 12, 1949, 75 UNTS 2 |
| **Genocide Convention** | Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948 |
| **Hague Regulations** | Hague Convention (IV) respecting the Laws and Customs of War on Land, and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907 |
| **HDZ** | Croatian Democratic Party (*Hrvatska Demokratska Zajednica*) |
| **HQ** | Headquarters |
| **HV** | Croatian Army (*Hrvatska Vojska*) |
| **HVO** | Croatian Defence Council (*Hrvatsko Vijeće Obrane*) |
| **ICC** | International Criminal Court |
| **ICCPR** | International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171 |
| **ICC Statute** | (Rome) Statute of the International Criminal Court, 17 July 1998, UN Doc. A/CONF.183/9 |
| **ICFY** | International Conference on the former Yugoslavia (superseded the European Community Conference on Yugoslavia (ECCY) in August 1992) |
| **ICJ** | International Court of Justice |
| **ICMP** | International Commission on Missing Persons |
| **ICRC** | International Committee of the Red Cross |
| **ICTR** | International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 |

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|---|---|
| **ICTR Rules** | Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda, July 5, 1995, as amended |
| **ICTR Statute** | Statute of the International Criminal Tribunal for Rwanda, *in* Security Council Resolution 955, UN SCOR, 49th Year, Res. And Dec., at 15, UN Doc. S/INF/50 (1994) |
| **IKM** | Forward command post (*istureno komandno mjesto*) |
| **ILC** | International Law Commission |
| **IMT** | International Military Tribunal sitting at Nuremberg, Germany |
| **Indictment** | *The Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-PT, Third Amended Indictment, 27 February 2009 |
| **JCE** | Joint Criminal Enterprise |
| **JNA** | Yugoslav People's Army (*Jugoslavenska Narodna Armija*) |
| **KDZ** | Counter Sabotage Protection Department of Bosnian Muslim Ministry of Interior (*Kontradiverziona Zaštita*) |
| **Lima** | UNMO position monitoring SRK forces |
| **L UNMO** | UNMO team at Lukavica barracks, south of Sarajevo |
| **Markale I** | Shelling of Markale Market on 5 February 1994 (Scheduled Incident G8) |
| **Markale II** | Shelling of Markale Market on 28 August 1995 (Scheduled Incident G19) |
| **MBO** | Muslim Bosniak Organisation (*Muslimanska Bošnkačka Organizacija*) |
| **MP** | Military Police |
| **MSF** | *Médecins Sans Frontières* |
| **MUP** | Ministry of Internal Affairs (*Ministarstvo Unutrašnjih Poslova*) |
| **NATO** | North Atlantic Treaty Organization |
| **NGO** | Non-governmental organisation |

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|---|---|
| **Nuremberg Charter** | Charter of the International Military Tribunal for the Prosecution and Punishment of the German Major War Criminals, Berlin, 6 October 1945 |
| **Nuremberg Principles** | Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgement of the Tribunal, unanimously adopted by the International Law Commission, 1950, UNGAOR, 5th Session, Supp. No. 12, UN Doc. A/1316 |
| **OP** | UNPROFOR Observation Post |
| **P** | Prosecution Exhibit Admitted into Evidence |
| **p. / pp.** | Page/pages |
| **para. / paras.** | Paragraph/paragraphs |
| **PJP** | Special Police Forces |
| **POW** | Prisoner of war |
| **Prosecution** | Office of the Prosecutor |
| **Prosecution Pre-Trial Brief** | *The Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-PT, Prosecutor's Final Pre-trial Brief, 18 May 2009 |
| **Prosecution Final Brief** | *The Prosecutor v. Radovan Karadžić*, Case No. IT-95-18-T, Prosecution's Submission on Final Trial Brief, confidential with confidential appendices, 29 August 2014. A public version was filed on 13 October 2014. |
| **RDB** | State Security Sector (*Resor Državne Bezbjednosti*) |
| **RJB** | Public Security Sector (*Resor Javne Bezbjednosti*) |
| **RS** | *Republika Srpska* (before 12 August 1992, named Serbian Republic of Bosnia and Herzegovina (SerBiH)) |
| **RSK** | Republic of Serbian Krajina *(Republika Srpska Krajina)* |
| **Rules** | Rules of Procedure and Evidence of the International Criminal Tribunal for the Former Yugoslavia, 14 March 1994, as amended |
| **RusBat** | Russian Battalion of UNPROFOR |
| **SAO** | Serbian Autonomous Region (*Srpska Autonomna Oblast*) |
| **SBP** | Special Police Brigade |

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|---|---|
| **Scheduled incidents** | Sniping and shelling incidents alleged to have occurred in Sarajevo during the time-period related to the Indictment contained in the schedules to the Indictment |
| **SDA** | Party of Democratic Action (*Stranka Demokratske Akcije*) |
| **SDB** | State Security Service (*Služba Državne Bezbjednosti*) |
| **SDC** | Supreme Defence Council *(Vrhovni Savet Odbrane*) |
| **SDS** | Serbian Democratic Party (*Srpska Demokratska Stranka*) in BiH |
| **SDP** | Social Democratic Party (*Socijaldemokratska Partija*) of BiH |
| **SerBiH** | Serbian Republic of Bosnia and Herzegovina, renamed Republika Srpska on 12 August 1992 |
| **SFOR** | Multinational Stabilisation Force |
| **SFRY** | Socialist Federal Republic of Yugoslavia |
| **SJB** | Public Security Station (local level) (*Stanica Javne Bezbjednosti)* |
| **SMO** | Senior Military Observer |
| **SNB** | National Security Council (*Savjet za Nacionalnu Bezbjednost*) |
| **SNSC** | Serbian National Security Council (*Srpski Savjet za Nacionalnu Bezbjednost*) |
| **SOS** | Serbian Defence Forces, paramilitary formation (*Srpske Odbrambene Snage*) |
| **SPO** | Serbian Movement of Renewal (*Sprski Pokret Obnove*) |
| **SPS** | Socialist Party of Serbia (*Socijalistička Partija Srbije*) |
| **SRBiH** | Socialist Republic of Bosnia and Herzegovina (1945-1992) |
| **SRK** | Sarajevo-Romanija Corps of the VRS *(Sarajevo-Romanija Korpus)* |
| **SRNA** | Bosnian Serb Press Agency |
| **SRS** | Serbian Radical Party (*Srpska Radikalna Stranka*) |
| **Statute** | Statute of the International Criminal Tribunal for the Former Yugoslavia established by Security Council Resolution 827 (1993) |

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| **Strategic Goals** | A list of six goals presented by the Accused at the 16th Session of SerBiH Assembly on 12 May 1992 |
| **SUP** | Secretariat for Internal Affairs (*Sekretarijat za Unutrašnje Poslove*) |
| **T.** | Trial Transcript |
| **TEZ** | Total Exclusion Zone |
| **TO** | Territorial Defence (*Teritorijalna Odbrana*) |
| **Tribunal** | International Criminal Tribunal for the former Yugoslavia |
| **UK** | The United Kingdom of Great Britain and Northern Ireland |
| **UkrBat** | Ukraine Battalion of UNPROFOR |
| **UN** | United Nations |
| **UNHCR** | United Nations High Commissioner for Refugees |
| **UNPROFOR** | United Nations Protection Forces |
| **UNMO** | United Nations Military Observers |
| **UNTS** | United Nations Treaty Series |
| **UN Special Representative** | United Nations Special Representative to the Former Yugoslavia |
| **USA** | United States of America |
| **Variant A/B Instructions** | Document issued by the Main Board of the SDS on 19 December 1991 entitled "Instructions for the Organisation and Activity of Organs of Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances" |
| **VJ** | Army of the Federal Republic of Yugoslavia (this came into existence after the JNA in BiH became the VRS) (*Vojska Jugoslavije*) |
| **VRS** | Army of *Republika Srpska* (*Vojska Republike Srpske*) |
| **WCP** | Weapons Collection Point |
| **ZOBK** | Association of Municipalities of the Bosnian Krajina (*Zajednica opština Bosanske Krajine*) |
| **ZOBK Assembly** | Association of the Bosnian Krajina Municipalities Assembly |
| **ZOBL** | Banja Luka Community of Municipalities (*Zajednica opština Banja Luke*) |

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| **1st Krajina Corps** | First Krajina Corps of the VRS |
| **7 Lima UNMO** | UNMO team stationed in Pale |
| **28th Division** | Military unit of the ABiH |
| **26 April 1992 Instructions** | Document issued by the Bosnian Serb Government under Prime Minister Đerić on 26 April 1992 entitled "Instructions for the Work of Crisis Staffs of the Serbian People in Municipalities" |

2. List of authorities

a. ICTY and ICTR jurisprudence

*Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgement, 2 September 1998 ("*Akayesu* Trial Judgement")

*Prosecutor v. Akayesu*, Case No. ICTR-96-4-A, Judgement, 1 June 2001 ("*Akayesu* Appeal Judgement")

*Prosecutor v Aleksovski*, Case No. IT-95-14/1-A, Judgement, 24 March 2000 ("*Aleksovski* Appeal Judgement")

*Prosecutor v Aleksovski*, Case No. IT-95-14/1-AR73, Decision on Prosecutor's Appeal on Admissibility of Evidence, 16 February 1999 ("*Aleksovski* Appeal Decision on Admissibility")

*Prosecutor v. Babić*, Case No. IT-03-72-A, Judgement on Sentencing Appeal, 18 July 2005 ("*Babić* Sentencing Appeal Judgement")

*Prosecutor v. Bagosora and Nsengiyumva*, Case No. ICTR-98-41-A, Judgement, 14 December 2011 ("*Bagosora and Nsengiyumva* Appeal Judgement")

*Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Judgement, 17 January 2005 ("*Blagojević and Jokić* Trial Judgement")

*Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-A, Judgement, 9 May 2007 ("*Blagojević and Jokić* Appeal Judgement")

*Prosecutor v. Blaškić*, Case No. IT-95-14-T, Judgement, 3 March 2000 ("*Blaškić* Trial Judgement")

*Prosecutor v. Blaškić*, Case No. IT-95-14-A, Judgement, 29 July 2004 ("*Blaškić* Appeal Judgement")

*Prosecutor v. Bralo*, IT-95-17-A, Judgement on Sentencing Appeal, 2 April 2007 ("*Bralo* Sentencing Appeal Judgement")

*Prosecutor v. Boškoski and Tarčulovski*, IT-04-82-A, Judgement, 19 May 2010 ("*Boškoski and Tarčulovski* Appeal Judgement")

*Prosecutor v. Brđanin and Talić*, Case No. IT-99-36-AR73.9, Decision on Interlocutory Appeal, 11 December 2002 ("*Brđanin* 2002 Decision on Interlocutory Appeal")

*Prosecutor v. Brđanin*, Case No. IT-99-36-A, Decision on Interlocutory Appeal, 19 March 2004 ("*Brđanin* 2004 Decision on Interlocutory Appeal")

*Prosecutor v. Brđanin*, Case No. IT-99-36-T, Judgement, 1 September 2004 ("*Brđanin* Trial Judgement")

*Prosecutor v. Brđanin*, Case No. IT-99-36-A, Judgement, 3 April 2007 ("*Brđanin* Appeal Judgement")

*Prosecutor v. Delalić, Mucić, Delić, and Landžo*, Case No. IT-96-21-T, Judgement, 16 November 1998 ("*Čelebići* Trial Judgement")

*Prosecutor v. Delalić, Mucić, Delić, and Landžo*, Case No. IT-96-21-A, Judgement, 20 February 2001 ("*Čelebići* Appeal Judgement")

*Prosecutor v. Delić*, Case No. IT-04-83-T, Judgement, 15 September 2008 ("*Delić* Trial Judgement")

*Prosecutor v. Deronjić*, Case No. IT-02-61-A, Sentencing Appeal Judgement, 20 July 2005 ("*Deronjić* Sentencing Appeal Judgement")

*Prosecutor v. Đorđević*, Case No. IT-05-87/1-T, Judgement, 23 February 2011 ("*Đorđević* Trial Judgement)

*Prosecutor v. Đorđević*, Case No. IT-05-87/1-A, Judgement, 27 January 2014 ("*Đorđević* Appeal Judgement)

*Prosecutor v. Furundžija*, Case No. IT-95-17/1-A, Judgement, 21 July 2000 ("*Furundžija* Appeal Judgement")

*Prosecutor v. Galić*, Case No. IT-98-29-T, Judgement and Opinion, 5 December 2003 ("*Galić* Trial Judgement")

*Prosecutor v. Galić*, Case No. IT-98-29-A, Judgement, 30 November 2006 ("*Galić* Appeal Judgement")

*Prosecutor v. Gatete*, Case No. ICTR-00-61-A, Judgement, 9 October 2012 ("*Gatete* Appeal Judgement")

*Prosecutor v. Gotovina, Čermak, and Markač*, Case No. IT-06-90-T, Judgement, 15 April 2011 ("*Gotovina et al.* Trial Judgement")

*Prosecutor v. Gotovina and Markač*, Case No. IT-06-90-A, Judgement, 16 November 2012 ("*Gotovina* Appeal Judgement")

*Prosecutor v. Hadžihasanović et al.*, Case No. IT-01-47-AR72, Decision on Interlocutory Appeal Challenging Jurisdiction in Relation to Command Responsibility, 16 July 2003 ("*Hadžihasanović et al.* Interlocutory Decision")

*Prosecutor v. Hadžihasanović and Kubura*, Case No. IT-01-47-AR73.3, Decision on Joint Defence Interlocutory Appeal of Trial Chamber Decision on Rule 98 *bis* Motions for Acquittal, 11 March 2005 ("*Hadžihasanović and Kubura* Rule 98 *bis* Appeal Decision")

*Prosecutor v. Hadžihasanović and Kubura*, Case No. IT-01-47-A, Judgement, 22 April 2008 ("*Hadžihasanović and Kubura* Appeal Judgement")

*Prosecutor v. Halilović*, Case No. IT-01-48-T, Judgement, 16 November 2005 ("*Halilović* Trial Judgement")

*Prosecutor v. Halilović*, Case No. IT-01-48-A, Judgement, 16 October 2007 ("*Halilović* Appeal Judgement")

*Prosecutor v. Haradinaj, Balaj, and Brahimaj*, Case No. IT-04-84-T, Judgement, 3 April 2008 ("*Haradinaj et al.* Trial Judgement")

*Prosecutor v. Jelisić*, Case No. IT-95-10-T, Judgement, 14 December 1999 ("*Jelisić* Trial Judgement")

*Prosecutor v. Jelisić*, Case No. IT-95-10-A, Judgement, 5 July 2001 ("*Jelisić* Appeal Judgement")

*Prosecutor v. Jokić*, Case No. IT-01-42/1-S, Sentencing Judgement, 18 March 2004 ("*Jokić* Sentencing Judgement")

*Kamuhanda v. Prosecutor*, Case No. ICTR-99-54A-A, Judgement, 19 September 2005 ("*Kamuhanda* Appeal Judgement")

*Karemera and Ngirumpatse v. Prosecutor*, Case No. ICTR-98-44-A, Judgement, 29 September 2014 ("*Karemera and Ngirumpatse* Appeal Judgement")

*Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006 ("*Karemera* Appeal Decision on Judicial Notice")

*Prosecutor v. Kayishema and Ruzidana*, Case No. ICTR-95-1-T, Sentence, 21 May 1999 ("*Kayishema and Ruzidana* Trial Judgement")

*Prosecutor v. Kayishema and Ruzidana*, Case No. ICTR-95-1-A, Judgement (Reasons), 1 June 2001 ("*Kayishema and Ruzidana* Appeal Judgement")

*Prosecutor v. Kordić and Čerkez*, Case No. IT-95-14/2-T, Judgement, 26 February 2001 ("*Kordić and Čerkez* Trial Judgement")

*Prosecutor v. Kordić and Čerkez*, Case No. IT-95-14/2-A, Judgement, 17 December 2004 ("*Kordić and Čerkez* Appeal Judgement")

*Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Judgement, 27 September 2006 ("*Krajišnik* Trial Judgement")

*Prosecutor v. Krajišnik*, Case No. IT-00-39-A, Judgement, 17 March 2009 ("*Krajišnik* Appeal Judgement")

*Prosecutor v. Krnojelac*, Case No. IT-97-25-T, Judgment, 15 March 2002 ("*Krnojelac* Trial Judgement")

*Prosecutor v. Krnojelac*, Case No. IT-97-25-A, Judgement, 17 September 2003 ("*Krnojelac* Appeal Judgement")

*Prosecutor v. Krstić*, Case No. 98-33-T, Judgement, 2 August 2001 ("*Krstić* Trial Judgement")

*Prosecutor v. Krstić*, Case No. 98-33-A, Judgement, 19 April 2004 ("*Krstić* Appeal Judgement")

*Prosecutor v. Kunarac, Kovač, and Vuković*, Case No. IT-96-23-T and IT-96-23/1-T, Judgement, 22 February 2001 ("*Kunarac et al.* Trial Judgement")

*Prosecutor v. Kunarac, Kovač, and Vuković*, Case No. IT-96-23 and IT-96-23/1-A, Judgement, 12 June 2002 ("*Kunarac et al.* Appeal Judgement")

*Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Josipović, Papić, and Šantić*, Case No. IT-95-16-T, Judgement, 14 January 2000 ("*Kupreškić et al.* Trial Judgement")

*Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Josipović, and Šantić*, Case No. IT-95-16-A, Appeal Judgement, 23 October 2001 ("*Kupreškić et al.* Appeal Judgement")

*Prosecutor v. Kvočka, Kos, Radić, Žigić, Prcać*, Case No. IT-98-30/1-T, Judgement, 2 November 2001 ("*Kvočka et al.* Trial Judgement")

*Prosecutor v. Kvočka, Radić, Žigić, Prcać*, Case No. IT-98-30-/1-A, Judgement, 28 February 2005 ("*Kvočka et al.* Appeal Judgement")

*Prosecutor v. Limaj, Bala, and Musliu*, Case No. IT-03-66-T, Judgement, 30 November 2005 ("*Limaj et al.* Trial Judgement")

*Prosecutor v. Limaj, Bala, and Musliu*, Case No. IT-03-66-A, Judgement, 27 September 2007 ("*Limaj et al.* Appeal Judgement")

*Prosecutor v. Lukić and Lukić*, Case No. IT-98-32/1-T, Judgement, 20 July 2009 ("*Lukić and Lukić* Trial Judgement")

*Prosecutor v. Lukić and Lukić*, Case No. IT-98-32/1-A, Judgement, 4 December 2012 ("*Lukić and Lukić* Appeal Judgement")

*Prosecutor v. Martić*, Case No. IT-95-11-T, Judgement, 12 June 2007 ("*Martić* Trial Judgement")

*Prosecutor v. Martić*, Case No. IT-95-11-A, Judgement, 8 October 2008 ("*Martić* Appeal Judgement")

*Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Judgement, 12 December 2007 ("*Dragomir Milošević* Trial Judgement")

*Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Judgement, 12 November 2009 ("*Dragomir Milošević* Appeal Judgement")

*Prosecutor v. Milutinović, Šainović, and Ojdanić*, Case No. IT-99-37-AR72, Decision on Dragoljub Ojdanić's Motion Challenging Jurisdiction – Joint Criminal Enterprise, 21 May 2003 ("*Milutinović et al.* [May 2003] Appeal Decision")

*Prosecutor v. Milutinović, Šainović, Ojdanić, Pavković, Lazarević, and Lukić*, Case No. IT-05-87-T, Judgement, 26 February 2009 ("*Milutinović et al.* Trial Judgement")

*Musema v. Prosecutor*, Case No. ICTR-96-13-A, Judgement, 16 November 2001 ("*Musema* Appeal Judgement")

*Prosecutor v. Mrkšić, Radić, and Šljivančanin*, Case No. IT-95-13/1-T, Judgement, 27 September 2007 ("*Mrkšić et al.* Trial Judgement")

*Prosecutor v. Mrkšić and Šljivančanin*, Case No. IT-95-13/1-A, Judgement, 5 May 2009 ("*Mrkšić and Šljivančanin* Appeal Judgement")

*Prosecutor v. Nahimana, Barayagwiza, and Ngeze*, Case No. ICTR-99-52-A, Judgement, 28 November 2007 ("*Nahimana et al.* Appeal Judgement")

*Prosecutor v. Naletilić and Martinović*, Case No. IT-98-34-T, Judgement, 31 March 2003 ("*Naletilić and Martinović* Trial Judgement")

*Prosecutor v. Naletilić and Martinović*, Case No. IT-98-34-A, Judgement, 3 May 2006 ("*Naletilić and Martinović* Appeal Judgement")

*Prosecutor v. Dragan Nikolić*, Case No. IT-94-2-A, Judgement on Sentencing Appeal, 4 February 2005 ("*Dragan Nikolić* Sentencing Appeal Judgement")

*Prosecutor v. Momir Nikolić*, Case No. IT-02-60/1-A, Judgement on Sentencing Appeal, 8 March 2006 ("*Momir Nikolić* Judgement on Sentencing Appeal")

[*Aloys*] *Ntabakuze v. Prosecutor*, Case No. ICTR-98-41A-A, Judgement, 8 May 2012 ("*Ntabakuze* Appeal Judgement")

*Prosecutor v. Ntagerura, Bagambiki, and Imanishimwe*, Case No. ICTR-99-46-A, Judgement, 7 July 2006 ("*Ntagerura et al.* Appeal Judgement")

*Prosecutor v. Ntakirutimana and Ntakirutimana*, Cases Nos. ICTR-96-10-A and ICTR-96-17-A, Judgement, 13 December 2004 ("*Ntakirutimana and Ntakirutimana* Appeal Judgement")

*Prosecutor v. Orić*, Case No. IT-03-68-T, Judgement, 30 June 2006 ("*Orić* Trial Judgement")

*Prosecutor v. Orić*, Case No. IT-03-68-A, Judgement, 3 July 2008 ("*Orić* Appeal Judgement")

*Prosecutor v. Plavšić*, Case No. IT-00-39 & 40/1-S, Sentencing Judgement, 27 February 2003 ("*Plavšić* Sentencing Judgement")

*Prosecutor v. Perišić*, Case No. IT-04-81-A, Judgement, 28 February 2013 ("*Perišić* Appeal Judgement")

*Prosecutor v. Popović, Beara, Nikolić, Borovčanin, Miletić, Gvero, and Pandurević*, Case No. IT-05-88-T, Judgement, 10 June 2010 ("*Popović et al.* Trial Judgement")

*Prosecutor v. Popović, Beara, Nikolić, Miletić, and Pandurević*, Case No. IT-05-88-A, Judgement, 30 January 2015 ("*Popović et al.* Appeal Judgement")

*Prosecutor v. Rutaganda,* Case No. ICTR-96-3-T, Judgement, 6 December 1999 ("*Rutaganda* Trial Judgement")

*Prosecutor v. Šainović, Pavković, Lazarević, and Lukić*, Case No. IT-05-87-A, Judgement, 23 January 2014 ("*Šainović et al.* Appeal Judgement")

*Semanza v. Prosecutor*, Case No. ICTR-97-20-A, Judgement, 20 May 2005 ("*Semanza* Appeal Judgement")

*Prosecutor v. Seromba*, Case No. 2001-66-A, Judgement, 12 March 2008 ("*Seromba* Appeal Judgement")

*Prosecutor v. Šešelj*, Case No. IT-03-67-AR72.1, Decision on the Interlocutory Appeal Concerning Jurisdiction, 31 August 2004 ("*Šešelj* Appeal Jurisdiction Decision")

*Prosecutor v. Simba*, Case No. ICTR-01-76-A, Judgement, 27 November 2007 ("*Simba* Appeal Judgement")

*Prosecutor v. Simić*, Case No. IT-95-9/2-S, Sentencing Judgement, 17 October 2002 ("*Simić* Sentencing Judgement")

*Prosecutor v. Simić, Tadić, and Zarić*, Case No. IT-95-9-T, Judgement, 17 October 2003 ("*Simić et al.* Trial Judgement")

*Prosecutor v. Simić*, Case No. IT-95-9-A, Judgement, 28 November 2006 ("*Simić* Appeal Judgement")

*Prosecutor v. Stakić*, Case No. IT-97-24-T, Judgement, 31 July 2003 ("*Stakić* Trial Judgement")

*Prosecutor v. Stakić*, Case No. IT-97-24-A, Judgement, 22 March 2006 ("*Stakić* Appeal Judgement")

*Prosecutor v. Jovica Stanišić and Simatović*, Case No. IT-03-69-T, Judgement, 30 May 2013 ("*Stanišić and Simatović* Trial Judgement")

*Prosecutor v. Mićo Stanišić and Župljanin*, Case No. IT-08-91-T, Judgement, 27 March 2013 ("*Stanišić and Župljanin* Trial Judgement")

*Prosecutor v. Strugar*, Case No. IT-01-42-T, Judgement, 31 January 2005 ("*Strugar* Trial Judgement")

*Prosecutor v. Strugar*, Case No. IT-01-42-A, Judgement, 17 July 2008 ("*Strugar* Appeal Judgement")

*Prosecutor v. Tadić*, Case No. IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995 ("*Tadić* Jurisdiction Decision on Interlocutory Appeal")

*Prosecutor v. Tadić*, Case No. IT-94-1-T, Opinion and Judgement, 7 May 1997 ("*Tadić* Trial Judgement")

*Prosecutor v. Tadić*, Case No. IT-94-1-A, Judgement, 15 July 1999 ("*Tadić* Appeal Judgement")

*Prosecutor v. Tadić*, Case No. IT-94-1-T*bis*-R117, Sentencing Judgement, 11 November 1999 ("*Tadić* Sentencing Judgement")

*Prosecutor v. Tadić*, Case No. IT-94-1-A and IT-94-1-A*bis*, Sentencing Appeal Judgement, 26 January 2000 ("*Tadić* Sentencing Appeal Judgement")

*Prosecutor v. Todorović*, Case No. IT-95-9/1-S, Sentencing Judgement, 31 July 2001 ("*Todorović* Sentencing Judgement")

*Prosecutor v. Tolimir*, Case No. IT-05-88/2-T, Judgement, 12 December 2012 ("*Tolimir* Trial Judgement")

*Prosecutor v. Tolimir*, Case No. IT-05-88/2-A, Judgement, 8 April 2015 ("*Tolimir* Appeal Judgement")

*Prosecutor v. Vasiljević*, Case No. IT-98-32-T, Judgement, 29 November 2002 ("*Vasiljević* Trial Judgement")

*Prosecutor v. Vasiljević*, Case No. IT-98-32-A, Judgement, 25 February 2004 ("*Vasiljević* Appeal Judgement")

*Prosecutor v. Zelenović*, Case No. IT-96-23/2-S, Sentencing Judgement, 4 April 2007 ("*Zelenović* Sentencing Judgement")

*Prosecutor v. Zelenović*, Case No. IT-96-23/2-A, Judgement on Sentencing Appeal, 31 October 2007 ("*Zelenović* Sentencing Appeal Judgement")

b. Special Court for Sierra Leone jurisprudence

*Prosecutor v. Sesay, Kallon and Gbao*, Case No. SCSL-04-15-A, Judgment, 26 October 2009 ("*Sesay et al.* Appeal Judgement")

c. Karadžić decisions and orders

Decision on Six Preliminary Motions Challenging Jurisdiction, 28 April 2009 ("Decision on Motions Challenging Jurisdiction")

Decision on Prosecution's Motion Appealing Trial Chamber's Decision on JCE III Foreseeability, 25 June 2009 ("Appeal Decision on JCE III Foreseeability")

Decision on Appeal of Trial Chamber's Decision on Preliminary Motion to Dismiss Count 11 of the Indictment, 9 July 2009 ("Appeal Decision on Count 11")

Decision on the Application of Rule 73 *bis*, 8 October 2009 ("Rule 73 *bis* Decision")

Order on the Procedure for the Conduct of Trial, 8 October 2009 ("First Order on Conduct of Trial")

Order on Prosecution Request for Clarification and Proposal Concerning Guidelines for the Conduct of Trial, 20 October 2009 ("Further Order on Conduct of Trial")

Decision on the Prosecution's First Bar Table Motion, 13 April 2010 ("First Prosecution Bar Table Decision")

Decision on Prosecution's Motion for Admission of the Evidence of KDZ172 (Milan Babić) Pursuant to Rule *quater*, 13 April 2010 ("Babić Rule 92 *quater* Decision")

Decision on Guidelines for the Admission of Evidence through Witnesses, 19 May 2010 ("Guidelines for Admission of Evidence")

Decision on Fourth Prosecution Motion for Judicial Notice of Adjudicated Facts, 14 June 2010 ("Decision on Fourth Adjudicated Facts Motion")

Decision on Prosecution's Submission on the Relevancy of Certain Documents Relating to the Testimony of Richard Philipps with Appendix A, 9 July 2010 ("Philipps Decision")

Decision on the Prosecution's Bar Table Motion Relating to Witness Dorothea Hanson, 27 June 2011 ("Hanson Bar Table Decision")

Decision on Prosecution's Motion for the Admission of Documents from the Bar Table (Municipalities), 25 May 2012 ("Prosecution Municipality Bar Table Decision")

Decision on Accused's Motion for Admission of Evidence of Milorad Krnojelac Pursuant to Rule 92 *quater*, 6 December 2012 ("Krnojelac Rule 92 *quater* Decision")

Decision on Appeal from Denial of Judgement of Acquittal for Hostage-Taking, 11 December 2012 ("Appeal Decision on Hostage-Taking")

Judgement, 11 July 2013 ("Rule 98 *bis* Appeal Judgement")

Case No. IT-95-5/18-AR73.11, Decision on Appeal against the Decision on the Accused's Motion to Subpoena Zdravko Tolimir, 13 November 2013 ("Appeal Decision on Tolimir Subpoena")

Decision on Accused's Motion for Admission of Evidence of Radislav Krstić Pursuant to Rule 92 *quater*, 26 November 2013 ("Krstić Rule 92 *quater* Decision")

Decision on Urgent Motions for Reconsideration of Decision Denying Mladić Request for Certification to Appeal Subpoena Decision, 22 January 2014 ("Decision on Mladić Motion for Reconsideration")

Decision on Accused's Bar Table Motion: Municipality Component Documents, 14 April 2014 ("Defence Municipality Bar Table Decision")

d. Karadžić filings

Prosecution Submission Pursuant to Rule 73 *bis* (D), 31 August 2009 ("Prosecution Rule 73 *bis* Submission")

e. Treaties and commentaries

Commentary on the Additional Protocols of 8 June 1977 to the Geneva Convention of 12 August 1949 (Yves Sandoz, Christophe Swinarski and Bruno Zimmermann, eds., 1987) ("ICRC Commentary on Additional Protocols")

Commentary on III Geneva Convention Relative to the Treatment of Prisoners of War (Jean de Preux *et al.* eds., 1960) ("ICRC Commentary III")

Commentary on IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Jean S. Pictet *et al.* eds., 1958) ("ICRC Commentary IV")

Customary International Humanitarian Law, Volume I: Rules (Jean-Marie Henckaerts and Louise Doswald-Beck, eds., 2005) ("ICRC Customary IHL")

f. Others

Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide *(Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgement of 26 February 2007 ("ICJ Bosnia Judgement")