

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

DRAGAN OBRENOVIC

INDICTMENT

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

DRAGAN OBRENOVIC

with **COMPLICITY IN GENOCIDE, CRIMES AGAINST HUMANITY, and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

THE ACCUSED:

1. **DRAGAN OBRENOVIC** was born in 1963 in the Bosnian Serb village of Matino-Brdo (Rogatica). When armed conflict broke out in Bosnia and Herzegovina, he held the rank of Captain in the Armour and Mechanised Forces Branch of the JNA. From December 1992 through November 1996, he was Chief of Staff/Deputy Commander of the 1st Zvornik Infantry Brigade (Zvornik Brigade). He was promoted from the rank of Major to the rank of Lieutenant Colonel in December 1995. On 29 April 1996, **DRAGAN OBRENOVIC** became the Acting Commander of the 303rd Motorised Brigade and in August 1998, he was appointed Commander of the 503rd Motorised Brigade in Zvornik. These two brigades had formerly been designated as the Zvornik Brigade.

POSITION AND/OR SUPERIOR AUTHORITY OF THE ACCUSED

2. On 1 July 1995, **DRAGAN OBRENOVIC** had the rank of Major and held the position of Chief of Staff of the Zvornik Brigade. As Chief of Staff he was responsible for directing the activities of the Brigade Staff. He was responsible for monitoring, controlling, and organising the activities of all units and activities within the Brigade zone of responsibility, to give supplementing orders to ensure implementation of the Commander's orders and act as primary adviser to his Brigade Commander.

3. As Chief of Staff, he was concurrently the Brigade Deputy Commander, where, in the absence of his Commander he was in charge of the Brigade and had the right to give assignments to subordinates.

4. When the Srebrenica operation began on 4 July 1995, Vinko Pandurevic, the Commander of the Zvornik Brigade, was absent on other duties outside the Zvornik Brigade zone of responsibility and

DRAGAN OBRENOVIC, as the Deputy Commander, was in charge of the Brigade from 4 July 1995 through mid-day 15 July 1995 when Vinko Pandurevic returned to the Brigade area.

DRAGAN OBRENOVIC resumed his duties as Chief of Staff from mid-day of 15 July 1995.

5. **DRAGAN OBRENOVIC** became Acting Commander of the Zvornik Brigade from 4 August to 16 September 1995 and again from 18 September to 24 September 1995. On 29 April 1996,

DRAGAN OBRENOVIC became the Acting Commander of the 303rd Motorised Brigade and remained as such until August 1998, when he was appointed Commander of the 503rd Motorised Brigade in Zvornik. These Brigades were formerly designated as the Zvornik Brigade.

GENERAL ALLEGATIONS

6. At all times relevant to this indictment, a state of armed conflict existed in the Republic of Bosnia and Herzegovina.

7. At all relevant times, **DRAGAN OBRENOVIC** was required to abide by the laws and customs governing the conduct of war.

8. All acts and omissions charged as crimes against humanity were part of a widespread or systematic attack directed against the Bosnian Muslim civilian population of Srebrenica and its surroundings.

9. **DRAGAN OBRENOVIC** is individually responsible for the crimes alleged against him in this indictment, pursuant to Article 7(1) of the Tribunal Statute. Individual criminal responsibility includes planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of any crimes referred to in Articles 2 to 5 of the Tribunal Statute.

10. **DRAGAN OBRENOVIC** participated in a criminal plan and enterprise, the common purpose of which was to detain, capture, and summarily execute by firing squad and bury over five thousand Muslim men and boys from the Srebrenica enclave, including the exhumation of the victims' bodies and re-burial in hidden locations, as set forth in this Indictment. This enterprise began on 11 July 1995 with the planning of the enterprise and ended on approximately 1 November 1995, as set forth herein.

11. During the above time periods that **DRAGAN OBRENOVIC** was the Deputy Commander, Acting Commander, or Commander, as set forth in paragraphs 2 through 5, he was responsible under Article 7(3) of the Statute of the Tribunal if he knew or had reason to know that his subordinates were about to commit criminal acts or had done so and he failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

CHARGES

COUNT 1 (COMPLICITY IN GENOCIDE)

12. Between about 11 July 1995 and 1 November 1995, **DRAGAN OBRENOVIC** committed the following acts with knowledge that they were initiated, organised and ordered by General Ratko

Mladic and others, with knowledge that Ratko Mladic and others had the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. killing members of the group, and,
- b. causing serious bodily or mental harm to members of the group.

13. Between about 11 July 1995 and 1 November 1995, **DRAGAN OBRENOVIC**, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of the opportunistic killings of captured Bosnian Muslim males who had fled to the Zvornik Brigade zone of responsibility from the Srebrenica "safe area".

14. Between about 11 July 1995 and 1 November 1995, **DRAGAN OBRENOVIC** planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of the organised mass execution of thousands of captured Bosnian Muslim males who had been transported by the VRS to the Zvornik Brigade zone of responsibility from the area in and around Bratunac.

15. The mass execution of thousands of captured Bosnian Muslim males from the Srebrenica "safe area" which occurred in several different locations in and around the Zvornik Brigade zone of responsibility, from 14 July 1995 until 19 July 1995, included:

15.1 Orahovac (near Lazete): On or about 14 July 1995, VRS military personnel, under the command and control of Ratko Mladic, Radislav Krstic and others, transported hundreds of Bosnian Muslim males from in and around Bratunac, in the Bratunac Brigade zone of responsibility, to the Grbavci School in the village of Orahovac, in the Zvornik Brigade zone of responsibility. On 14 July 1995, VRS military personnel from the Military Police Company of the Zvornik Brigade under the command and control of **DRAGAN OBRENOVIC**, guarded and blindfolded the Bosnian Muslim males detained at the Grbavci School. On 14 July, VRS military personnel transported the Bosnian Muslim males from the school at Grbavci to a nearby field. Once there, VRS military personnel, under the command and control of Ratko Mladic, Radislav Krstic, and **DRAGAN OBRENOVIC**, ordered the Bosnian Muslim males off the trucks and summarily executed them with automatic weapons. Approximately 800 to 1000 Bosnian Muslim males were killed. On or about 14 and 15 July 1995, VRS military personnel from the Zvornik Brigade Engineering Company, under the command and control of Ratko Mladic, Radislav Krstic, and **DRAGAN OBRENOVIC**, used heavy equipment to bury the victims in mass graves at the execution site, while the executions continued. In the evening, lights from the engineering machinery illuminated the execution and burial sites during the executions. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander of the Zvornik Brigade, commanding the Zvornik Brigade in the absence of the Commander, exercised command, control and co-ordination duties associated with the execution and burial operation described in this paragraph.

15.2 The Petkovci School: On or about 14 July 1995, VRS military personnel, under the command and control of Ratko Mladic, Radislav Krstic and others, transported approximately 800 to 1000 Bosnian Muslim males from detention sites in and around Bratunac to the school at Petkovci which was located inside the Zvornik Brigade zone of responsibility. On or about 14 July 1995, VRS military personnel under the command and control of Ratko Mladic, Radislav Krstic and others, struck, beat, assaulted and shot with automatic weapons, Muslim males being detained at the school. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander commanding the Zvornik Brigade in the absence of the Commander, exercised command, control and co-ordination duties associated with the detention of prisoners at the Petkovci School.

15.3 The "Dam" near Petkovci: On or about the evening of 14 July 1995 and the early morning hours of 15 July 1995, VRS military personnel from the Zvornik Brigade under the command and control of Ratko Mladic, Radislav Krstic and **DRAGAN OBRENOVIC**, transported approximately 800 to 1000 Bosnian Muslim males from the school at Petkovci to an area below the Dam near Petkovci, also in the zone of responsibility of the Zvornik Brigade. The Bosnian Muslim men were assembled below the Dam and summarily executed by VRS soldiers with automatic weapons, under the command of Ratko Mladic, Radislav Krstic and others. On or about the morning of 15 July 1995, VRS military personnel from the Engineering Company of the Zvornik Brigade, under the command and control of Ratko Mladic, Radislav Krstic and **DRAGAN OBRENOVIC**, used excavators and other heavy equipment to dispose of the victims while the executions continued. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander of the Zvornik Brigade, commanding the Zvornik Brigade in the absence of the Commander, exercised command, control and co-ordination duties associated with the summary execution and disposal of bodies described in this paragraph.

15.4 Pilica School: On or about 14 and 15 July 1995, VRS military personnel, under the command and control of Ratko Mladic, Radislav Krstic and others, transported approximately 1200 Bosnian Muslim males from detention sites in Bratunac to the school at Pilica, which was located inside the zone of responsibility of the Zvornik Brigade. On or about 14 and 15 July 1995, VRS military personnel with automatic weapons, under the command and control of Ratko Mladic, Radislav Krstic and others, summarily executed many of the Bosnian Muslim males who had arrived, or were being detained, at the school. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander of the Zvornik Brigade, commanding the Zvornik Brigade in the absence of the Commander, exercised command, control and co-ordination duties associated with the execution described in this paragraph.

15.5 Branjevo Military Farm: On or about the morning of 16 July 1995, VRS military personnel transported approximately 1200 Bosnian Muslim males from the Pilica school by bus to the Branjevo Military Farm. After the Bosnian Muslim males arrived at the Branjevo Military Farm, they were summarily executed by automatic weapon fire from members of the 10th Sabotage Detachment and the Bratunac Brigade, all under the command of Ratko Mladic, Radislav Krstic and others. On or about 16 and 17 July 1995, the Engineering Company of the Zvornik Brigade, under the command and control of Ratko Mladic, Radislav Krstic and others, using Zvornik Brigade heavy equipment, buried hundreds of victims in a nearby mass grave. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander of the Zvornik Brigade, acting in his capacity as Chief of Staff upon the return of the Zvornik Brigade Commander, assisted in the planning, controlling, monitoring, organising and carrying out of each of the activities set out in this paragraph.

15.6 Pilica Cultural Centre: On or about 16 July 1995, VRS military personnel from the Bratunac Brigade, under the command of Ratko Mladic, Radislav Krstic, and others, after participating in the Branjevo Military Farm executions, travelled a short distance to the village of Pilica and with automatic weapons, summarily executed approximately 500 men inside the Pilica Cultural Centre. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander of the Zvornik Brigade, acting in his capacity as Chief of Staff upon the return of the Zvornik Brigade Commander, assisted in the planning, controlling, monitoring, organising and carrying out of each of the activities set out in this paragraph.

15.7 Kozluk: On or about 15 or 16 July 1995, VRS military personnel, under the command and control of Ratko Mladic, Radislav Krstic and others, transported approximately 500 Bosnian Muslim males to an isolated place near Kozluk, a city inside the Zvornik Brigade zone of responsibility. They were then summarily executed by VRS military personnel with automatic weapons. On or about 16 July 1995, VRS military personnel from the Engineering Company of the

Zvornik Brigade, under the command and control of Ratko Mladic, Radislav Krstic and others, buried the victims of the execution in a mass grave nearby. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander of the Zvornik Brigade, acting in his capacity as Chief of Staff upon the return of the Zvornik Brigade Commander, assisted in the planning, controlling, monitoring, organising and carrying out of each of the activities set out in this paragraph.

15.8 **Nezuk**: On or about 19 July 1995, VRS military personnel from the 16th Brigade of the 1st Krajina Corps, re-subordinated to the command of the Zvornik Brigade, all under the command and control of Ratko Mladic, Radislav Krstic and others, captured and with automatic weapons, summarily executed approximately 10 Bosnian Muslim males at a place near Nezuk, in the zone of responsibility of the Zvornik Brigade. **DRAGAN OBRENOVIC**, as Chief of Staff/Deputy Commander of the Zvornik Brigade, acting in his capacity as Chief of Staff upon the return of the Zvornik Brigade Commander, assisted in the planning, controlling, monitoring, organising and carrying out of the overall operation pursuant to which this summary execution occurred.

16. Before, during and after the killings and mass executions which occurred from 11 July until 1 November 1995, **DRAGAN OBRENOVIC**, when he was in charge of and subsequently commanding the Zvornik Brigade as previously described, failed to prevent or punish any of his VRS subordinates who were responsible for carrying out the assaults, executions and burials in the Zvornik Brigade zone of responsibility.

17. Between about 1 August 1995 and 1 November 1995, VRS units participated in an organised and comprehensive effort to conceal and cover up the killings and executions in the Zvornik and Bratunac Brigade zones of responsibility by digging up the bodies from the initial mass graves at: Branjevo Military Farm; Kozluk; the "Dam" near Petkovci; Orahovac; and Glogova; and transferring them to secondary graves at: twelve sites along the Cancari Road (containing bodies from Branjevo Military Farm and Kozuluk); four sites near Liplje (containing bodies from the "Dam" near Petkovci); seven sites near Hodzici (containing bodies from Orahovac); and six sites near Zeleni Jadar (containing bodies from Glogova).

DRAGAN OBRENOVIC, acting in his capacity as Chief of Staff/Deputy Commander and Acting Commander, assisted in the planning, controlling, monitoring, organising and carrying out of the described activities.

By his respective acts and omissions described, **DRAGAN OBRENOVIC** committed:

COUNT 1: COMPLICITY IN GENOCIDE, punishable under Articles 4(3)(e) and 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 2 (EXTERMINATION)

18. The Prosecutor re-alleges and reincorporates by reference paragraphs 12 through 17 above.

By his respective acts and omissions described in paragraphs 12 through 17, **DRAGAN OBRENOVIC** committed:

COUNT 2: Extermination, a CRIME AGAINST HUMANITY, punishable under Articles 5(b) and 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 3 - 4
(MURDER)

19. The Prosecutor re-alleges and reincorporates by reference paragraphs 12 through 17 above.

By his respective acts and omissions described in paragraphs 12 through 17, **DRAGAN OBRENOVIC** committed:

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

and,

COUNT 4: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3 and 7(1) and 7(3) of the Statute of the Tribunal, as recognised by Article 3(1)(a) of the Geneva Conventions.

COUNT 5
(PERSECUTION)

20. The Prosecutor re-alleges and reincorporates by reference paragraphs 12 through 17 above.

21. Beginning on 11 July 1995 and continuing through 1 November 1995, **DRAGAN OBRENOVIC** planned, instigated, ordered, committed or otherwise aided and abetted the planning, preparation, or execution of a crime against humanity, that is, the persecution of Bosnian Muslim civilians on political, racial, or religious grounds, in Srebrenica and its environs.

22. The crime of persecution was perpetrated, executed, and carried out by or through the following means:

- a. the cruel and inhumane treatment of Bosnian Muslim civilians and prisoners of war, including severe beatings and terrorisation, during the process of transportation to and imprisonment in the Zvornik Brigade zone of responsibility; and,
- b. the murder of thousands of Bosnian Muslim civilians and prisoners of war in the Zvornik Brigade zone of responsibility.

By these acts or omissions, and by his respective acts and omissions described in paragraphs 12 through 17, **DRAGAN OBRENOVIC** committed:

COUNT 5: Persecution on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5(h) and 7(1) and 7(3) of the Statute of the Tribunal.

ADDITIONAL FACTS

23. After armed conflict erupted in the Republic of Bosnia and Herzegovina in the spring of 1992, Bosnian Serb military and paramilitary forces occupied cities, towns and villages in the eastern part

of the country and participated in an ethnic cleansing campaign which resulted in an exodus of Bosnian Muslim civilians to enclaves in Srebrenica, Gorazde and Zepa.

24. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a "safe area" which was to be free from any armed attack or any other hostile act.

25. On or about 6 July 1995, units of the Drina Corps of the Bosnian Serb Army (VRS) shelled Srebrenica and attacked Dutch-manned United Nations observation posts that were located in the "safe area". The Drina Corps attack on the Srebrenica "safe area" continued through 11 July 1995, when forces from the Drina Wolves, the Bratunac Brigade and other units of the VRS entered Srebrenica.

26. The Bosnian Muslim men, women and children who were in Srebrenica after the beginning of the VRS attack took two courses of action. Several thousand women, children and some mostly elderly men fled to the UN compound in Potocari, located within the "safe area" of Srebrenica, where they sought the protection of the Dutch Battalion. The Bosnian Muslim civilians remained in and around Potocari from 11 July until 13 July 1995, when they were forcibly transported by buses and trucks under the control of the VRS.

27. A second group of approximately 15,000 Bosnian Muslim men, with some women and children, gathered at Susnjari village near Srebrenica during the evening of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian Muslim military personnel. The rest were unarmed military personnel and civilians.

28. On 12 July 1995, Ratko Mladic and Radislav Krstic, as well as other VRS and Bosnian Serb civilian representatives, met in the Hotel Fontana in Bratunac with Dutch military officers and representatives of the Bosnian Muslim refugees from Potocari. At this meeting, Ratko Mladic explained to the group that he would supervise the transportation of refugees from Potocari and wanted to see all the Bosnian Muslim males between approximately the ages of 16 and 60 to screen for possible war criminals.

29. On 12 July 1995, in the presence of Ratko Mladic and Radislav Krstic, approximately 50 to 60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the forcible transportation process of Bosnian Muslim refugees started. As Bosnian Muslim women, children and men started to board the buses and trucks, Bosnian Serb military personnel separated the men from the women and children, confiscated and destroyed their personal property and detained the men in and around Potocari with no provisions for food or adequate amounts of water.

30. Between the evening of 11 July 1995 and the morning of 12 July 1995, the Bosnian Muslims who had gathered in Susnjari formed a huge column and began their trek through the woods towards Tuzla.

31. Bosnian Serb forces supported by armoured personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac-Milici road and other locations in the areas of responsibility of the Milici, Bratunac and Zvornik Brigades of the VRS, in an attempt to intercept the column. Some of the armed members of the retreating column of Bosnian Muslims engaged in combat with the Bosnian Serb forces. On 12 and 13 July 1995 and thereafter, thousands of Bosnian Muslims from the retreating column were captured by, or surrendered to, Bosnian Serb military

forces.

32. Between 11 July and 1 November 1995, VRS forces participated in numerous incidents of opportunistic killings of Bosnian Muslim males shortly after they had been captured, as well as systematic summary executions of Bosnian Muslim males who were initially detained and then forcibly transported to various execution sites throughout the territory under the control of the VRS Drina Corps. The VRS forces executed thousands of Bosnian Muslim males.

33. Between 10 July 1995 and 1 November 1995, the VRS forces, either expelled or killed most of the members of the Bosnian Muslim population of the Srebrenica enclave. As a result of these actions, the VRS forces virtually eliminated the presence of any Bosnian Muslims in the Srebrenica enclave area, thus continuing an ethnic cleansing campaign that had begun in the spring of 1992.

34. The wide-scale and organised killing of Bosnian Muslim males, which occurred in several different locations in and around the Srebrenica enclave from 11 July 1995 until about 1 November 1995, included:

34.1 **Potocari:** On 12 July 1995 and 13 July 1995, VRS military units including personnel from the Bratunac Brigade under the command and control of Ratko Mladic, Radislav Krstic and others, summarily executed Bosnian Muslim males at various locations around the UN compound in Potocari, where the Bosnian Muslim males had taken refuge.

34.2 **Kravica:** On 13 July 1995, VRS soldiers under the command and control of Ratko Mladic, Radislav Krstic and others, forcibly transported and summarily executed hundreds of Bosnian Muslim males who had been imprisoned in a large warehouse in the village of Kravica.

34.3 **Bratunac:** Between 12 July 1995 and 14 July 1995, VRS military personnel, under the command and control of Ratko Mladic, Radislav Krstic and others, forcibly transported many of the Bosnian Muslims who had been detained in Potocari or captured along the Bratunac-Milici road to locations in and around Bratunac. Between 12 July 1995 and 15 July 1995, VRS military personnel, under the command and control of Ratko Mladic, Radislav Krstic and others, participated in numerous opportunistic killings of the detained Bosnian Muslim males at various locations throughout Bratunac.

34.4 **Tisca:** On 12 July and 13 July 1995, VRS military personnel under the command and control of Ratko Mladic, Radislav Krstic and others, forcibly transported the Bosnian Muslim women and children, who had been separated from male members of their families in Potocari, to an area near Tisca village where they were permitted to cross into Bosnian Muslim territory. However, VRS military personnel identified and separated Bosnian Muslim males from this group and took them to an isolated pasture and summarily executed them.

34.5 **Cerska Valley:** On or about 13 July 1995, Bosnian Serb military personnel, under the command and control of Ratko Mladic, Radislav Krstic and others, forcibly transported 150 Bosnian Muslim males to an area along a dirt road in the Cerska Valley, and there summarily executed them.

34.6 **Executions in Zvornik Brigade zone of responsibility:** Between 14 and 19 July 1995 thousands of Bosnian Muslims were captured and transported to the Zvornik Brigade zone of responsibility where they were executed. These executions occurred at Orahovac (near Lazete), the Petkovci School, the "Dam" near Petkovci, the Pilica School, the Branjevo Military Farm, Kozluk and Nezuk, as set out in paragraphs 15.1 through 15.8 above.

Done this 16 day of March 2001
The Hague, The Netherlands

Carla Del Ponte
Prosecutor