

PREVOZ DOK. 269

**BOSNIA AND HERZEGOVINA  
THE PROSECUTOR'S OFFICE OF  
BOSNIA AND HERZEGOVINA  
SARAJEVO**

**Number: KT-RZ-132/ 06**

**Sarajevo, 13 December 2006**

**COURT OF BOSNIA AND HERZEGOVINA  
REF: X-KRN-06/236**

Pursuant to Articles 35 (2) (h), 226 (1) and 227 of the Criminal Procedure Code of Bosnia and Herzegovina (CPC), I hereby issue this

**INDICTMENT**

**AGAINST:**

1. **BOŽIĆ Zdravko**, born on 3 May 1964 in Lašva, Zenica Municipality, son of Trivo and Milica, nee Bencun, Serb by ethnicity, single, completed high school education, indigent, served in the Army in 1992, previous conviction for Immigration Fraud in violation of Title 18 United States Code Sections 1546(a) and 3238, and perjury in violation of Title 18 United States Code Section 1621 (2) by United States District Court District of Arizona, CR 04-00430-001-PHX-EHC dated 30.03.05, sentenced to twelve (12) months imprisonment for each conviction to be served concurrently, then deported from USA and arrived in BiH on 30.06.06, currently in pre-trial custody pursuant to the Decision of the Court of BiH, X-KRN 06-236 dated 27.09.06 until 28.12.06
2. **BLAGOJEVIĆ Mladen** born 22 March 1971 in Bratunac, son of Radisav and Milosava Obačkić, married, literate, of Serb ethnicity, originally from Repovac, BiH Citizen, JMB 2203971181376, BiH Passport Nr. 4752137, served the Army of SFRY in Belgrade 1990 to 1991, previous conviction for Immigration Fraud in violation of Title 18 United States Code Section 1546(a), United States District Court District of Arizona, CR 05-00674-001-PHX-DGC dated 20.09.06, sentenced to 12 months imprisonment, sentence suspended for deportation to BiH, arriving in BiH on 15.11.06; currently in pre-trial custody pursuant to the Decision of the Court of BiH, X-KRN 06-236 dated 17.11.06 until 16:30hrs on 15.12.06
3. **ZARIĆ Željko**, born on 3 October 1973 in Slapašnica, Municipality of Bratunac, son of Radojko and Milenija Jokić, labourer, unemployed, Citizen of BiH, Serb ethnicity, JMB No. 0310973181377, ID Card No. 06FTB1797, issued by RS

MUP, Bratunac, residing at Svetog Save bb, Bratunac, previous convictions not yet known; currently in pre-trial custody pursuant to the Decision of the Court of BiH, X-KRN 06-236 dated 07.12.06.06 until 05.01.07

4. **ŽIVANOVIĆ Zoran**, a.k.a “Snajper”, born 29 August 1972 in Ljubovija, son of Jevto and Milosava Vuksić, car mechanic, unemployed, not married, citizen of BiH, Serb ethnicity, residing in Slapašnica, Municipality of Bratunac, JMB: 2908972774536, ID Card 05FTA9176 issued by RS MUP, Bratunac, previous convictions not yet known; currently in pre-trial custody pursuant to the Decision of the Court of BiH, X-KRN 06-236 dated 09.12.06 until 08.01.07.

**BECAUSE:**

Between 11 and 18 July 1995, within the Municipalities of Bratunac, Zvornik and Srebrenica, during an armed conflict in the Republic of Bosnia and Herzegovina, in which the Army (VRS) and Police (RS MUP) of the Republika Srpska (RS) directed a widespread and systematic attack against the Bosniak civilian population of the Srebrenica Enclave, a “safe area” established by United Nations, an attack that was pursuant to and in furtherance of a state or organizational policy to commit such an attack, wherein the attack led to the death of up to 8,000 Bosniak civilian men by summary execution and opportunistic killings and the forcible transfer of up to 40,000 Bosniak civilians of the Srebrenica enclave;

the Accused **BOŽIĆ Zdravko**, **BLAGOJEVIĆ Mladen**, **ZARIĆ Željko**, and **ŽIVANOVIĆ Zoran**, as military policemen and members of the Military Police Unit, Bratunac Light Infantry Brigade of the VRS, assumed all duties and responsibilities under international law relating to the treatment of prisoners in time of conflict once they began to start detaining prisoners, these responsibilities primarily entailed the duty to ensure that, at all times, the detainees were treated humanely, without any discrimination based on ethnicity;

by their acts and omissions, planned, ordered, instigated, perpetrated, aided and abetted the perpetration of the criminal acts and omissions, knowing that their acts and omissions were part of the widespread and systematic attack against the civilian population and did so with the intention to discriminate against Bosniaks on political, racial, national, ethnic, cultural and religious grounds; and, also perpetrated the criminal acts and omissions as knowing participants of a joint criminal enterprise with others from the VRS and RS MUP including members of the Military Police Unit of the Bratunac Light Infantry Brigade, with the aim to capture, detain and to forcibly transfer the Bosniak civilian population from Srebrenica enclave; their criminal acts and omissions being participatory acts in the joint criminal enterprise; therefore **all the accused** are individually responsible for their own acts and omissions and those of others, including those that were natural and foreseeable consequences of the common purpose or plan and operation:

**BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko, i ŽIVANOVIĆ Zoran together:**

1. On the night of 13 / 14 July 1995, at Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac, **BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko, and ŽIVANOVIĆ Zoran**, guarded, controlled, or otherwise provided security at the temporary detention facilities in and around the School using force and the threat of force to contain 2,000 to 3,000 unarmed civilian Bosniak men within the confines of the School and its buildings, the detainees having been captured from a column of Bosniak men that were fleeing from the attack against Srebrenica enclave or had been separated at Potočari from Bosniak women and children, and then had been transported to Bratunac; and, thereby prevented their freedom of movement and deprived them of liberty.
2. On the night of 13 / 14 July 1995 in and around Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac, **BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko, and ŽIVANOVIĆ Zoran**, in providing security in and around the school, participated in the mistreatment, beatings, cruel treatment and acts causing terror perpetrated by other VRS and RS MUP members of the Bosnian Serb forces that detained the 2,000 to 3,000 unarmed civilian Bosniak men detained inside the School and its surrounding area.
3. On 14 July 1995, at Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac, **BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko, and ŽIVANOVIĆ Zoran**, participated in securing the School against escape by the unlawfully detained civilian Bosniak men by guarding the exterior of the building and the surrounding grounds whereupon unidentified members of the RS MUP, with the intention to kill, fired at five (5) unidentified detained civilian Bosniak men who were attempting to escape from the confines of the school building with their pistols thereby depriving them of their lives.
4. On 14 July 1995, at Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac **BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko, and ŽIVANOVIĆ Zoran**, participated in securing the School against escape by the unlawfully detained civilian Bosniak men by guarding the exterior of the building and the surrounding grounds whereupon unidentified members of the VRS, with the intention to kill, shot and unlawfully killed one (1) (unidentified) detained civilian Bosniak man by automatic gunfire who was attempting to escape from the confines of the school building thereby depriving him of his life.
5. On 14 July 1995, in Bratunac, Municipality of Bratunac, **BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko, and ŽIVANOVIĆ Zoran**, provided security for the area around Vuk Karadžić (Primary) School (now known as the Branko Radičević School) while Bosniak men were being coerced out of the School building by members of the VRS and RS MUP personnel and **ŽIVANOVIĆ Zoran**, and onto awaiting transport knowing that the civilian Bosniak men were to be transported to other

temporary detention facilities in or around the Municipality of Zvornik or otherwise away from Srebrenica enclave, and then they provided security escort for the transportation, and unloading at the destination detention facility, thereby participating in the forcible transfer of the detainees.

6. On 14 July 1995, at Grbavci School, in Orahovac, Municipality of Zvornik **BOŽIĆ Zdravko**, **BLAGOJEVIĆ Mladen**, **ZARIĆ Željko**, and **ŽIVANOVIĆ Zoran**, after providing security escort for the transportation of the Bosniak detainees from Bratunac, guarded, controlled, or otherwise provided security at the school gymnasium and the confines of the school playground that contained between 1,000 to 2,500 unarmed civilian Bosniak men that had been transferred there from temporary detention facilities and areas in Bratunac on or about 14 July 1995 and prevented their freedom of movement and deprived them of liberty.

7. On 14 July 1995, at Grbavci School, in Orahovac, Municipality of Zvornik **BOŽIĆ Zdravko**, **BLAGOJEVIĆ Mladen**, **ZARIĆ Željko**, and **ŽIVANOVIĆ Zoran**, by providing security in and around the school, participated in the mistreatment, beatings, cruel treatment and acts causing terror perpetrated by other VRS and RS MUP members of the Bosnian Serb forces that detained the 1,000 to 2,500 unarmed civilian Bosniak men detained inside the School and its surrounding area.

**BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen and ZARIĆ Željko together:**

8. On the night of 13 / 14 July 1995, at Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac, one (1) unidentified civilian Bosniak man, who was detained within the School, appeared at a first floor window and **ZARIĆ Željko** shot at the one (1) unidentified civilian Bosniak man with a Browning machine gun mounted on a Pinzgauer vehicle belonging to the Bratunac Light Infantry Brigade Military Police Unit that was parked outside the School thereby depriving him of his life while **BLAGOJEVIĆ Mladen** fired at the same man from his automatic rifle and **BOŽIĆ Zdravko** was standing nearby with his automatic rifle at the ready and pointed at the school.

**BOŽIĆ Zdravko and BLAGOJEVIĆ Mladen together:**

9. On the night of 13 / 14 July 1995, at Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac, unidentified VRS soldiers forcibly removed at least five (5) unarmed civilian Bosniak men from the interior of the School who were being detained there by members of the Bosnian Serb forces, and lined them up in row outside the School in an execution line-up, whereupon **BOŽIĆ Zdravko**, **BLAGOJEVIĆ Mladen**, and up to six (6) other (unidentified) members of the VRS, shot and killed these (unidentified) Bosniak men with automatic weapons thereby depriving them of their lives.

**BLAGOJEVIĆ Mladen and ZARIĆ Željko together:**

10. On 14 July 1995, at Grbavci School, in Orahovac, Municipality of Zvornik, while **BLAGOJEVIĆ Mladen** and **ZARIĆ Željko** guarded, controlled, or otherwise provided security at the school gymnasium and the confines of the school playground that contained between 1,000 to 2,500 unarmed civilian Bosniak men that had been transferred there from temporary detention facilities and areas in Bratunac on or about 14 July 1995 and prevented their freedom of movement and deprived them of liberty, **ZARIĆ Željko** and **BLAGOJEVIĆ Mladen** used force to coerce the detainees to remain inside the school gymnasium whereupon during the use of force, a round from an automatic weapon to be discharged from the weapon carried by either **ZARIĆ Željko** or **BLAGOJEVIĆ Mladen** thereby injuring a bystander.

**ZARIĆ Željko and ŽIVANOVIĆ Zoran together:**

11. On the night of 13 / 14 July 1995, at Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac, with between 2,000 and 3,000 men detained in and around the School, **ZARIĆ Željko** and **ŽIVANOVIĆ Zoran**, entered the school building where civilian Bosniak men were being detained and fired their automatic weapons at the detainees with the intention to cruelly and brutally treat them and to cause terror amongst them thereby perpetrating inhumane acts.

12. On 14 July 1995, at Grbavci School, in Orahovac, Municipality of Zvornik, **ZARIĆ Željko**, and **ŽIVANOVIĆ Zoran**, separated three (3) unarmed, civilian Bosniak men from the other detainees in or around Grbavci School and forced them to walk to a separate area then shot at the three (3) unidentified Bosniak men with their automatic weapons thereby depriving them of their lives.

**BLAGOJEVIĆ Mladen:**

13. On the night of 13 / 14 July 1995, at Vuk Karadžić (Primary) School (now known as the Branko Radičević School) in Bratunac, Municipality of Bratunac, **BLAGOJEVIĆ Mladen**, knowing that unarmed civilian Bosniak men were being detained inside the School, fired a Browning machine gun, which was mounted on a Pinzgauer vehicle belonging to the Bratunac Light Infantry Brigade Military Police Unit that was parked outside the School, at the detainees inside the School building with the intention to cruelly and brutally treat them and to cause terror amongst them.

**ŽIVANOVIĆ Zoran:**

14. On 12 and 13 July 1995, in Potočari, **ŽIVANOVIĆ Zoran**, participated in the organized, inhumane and aggressive process of separating Bosniak men from Bosniak women and children and then, by using force and the threat of force, loaded the Bosniak women and children on buses knowing that they would be transported out of Srebrenica enclave to territory held by Bosniak forces.

**THEREFORE**, during an armed conflict and in the context of a widespread and systematic attack against the civilian population, an attack that was pursuant to and in furtherance of a state or organizational policy to commit such an attack, and with knowledge that their acts and omissions formed part of such an attack and knowing that they were participating in it, **all the accused**, as military policemen and members of the Military Police Unit, Bratunac Light Infantry Brigade of the VRS, planned, ordered, instigated, perpetrated, aided and abetted the perpetration of the criminal acts and omissions described above, and did so as knowing participants of a joint criminal enterprise with others as described above; who, at all times were acting or omitted to act with the intention to discriminate against Bosniaks on political, racial, national, ethnic, cultural and religious grounds to persecute the Bosniak population by means of killing, forcible transfer of civilians, detentions, and inhumane acts by reason of identity of the group or collectivity as Bosniaks:

**THEREBY:**

**BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko and ŽIVANOVIĆ Zoran** perpetrated the criminal offence of Crimes Against Humanity by way of Persecutions in violation of Article 172 (1) (h) of the Criminal Code of Bosnia and Herzegovina, in connection with sub clauses (a) depriving another person of his life (murder), (d) forcible transfer, (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law and (k) inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to physical or mental health; as read with Articles 21, 29 and 180 (1) of the Criminal Code of Bosnia and Herzegovina.

**THEREFORE:**

**A. MOTION FOR TRIAL**

I hereby move the Court to:

- I. Schedule and conduct a trial against all the Accused; and,
- II. To summon the attendance of the following persons:
  1. The Prosecutor and the Prosecutor's Office of BiH;
  2. The Accused, **BOŽIĆ Zdravko**, **BLAGOJEVIĆ Mladen**, **ZARIĆ Željko**, and **ŽIVANOVIĆ Zoran**, all currently detained in pre-trial custody in the Penal and Correctional Institution (KPZ) Kula in Istočno, Sarajevo;
  3. The Defence Counsel for the Accused:
    - a. Dragica **GLUŠAC**, Advokat, from Banja Luka, Defence Counsel for the Accused **BOŽIĆ Zdravko**,
    - b. Miroslav **RISTIĆ**, Advokat, from Doboj, Defence Counsel for the Accused **BLAGOJEVIĆ Mladen**
    - c. Stanko **PETROVIĆ**, Advokat, from Bratunac, Defence Counsel for the Accused **ZARIĆ Željko**
    - d. Danilo **MRKALJEVIĆ**, Advokat, from Srebrenica, Defence Counsel for the Accused **ŽIVANOVIĆ Zoran**

**III. PROPOSALS FOR THE PRESENTATION OF EVIDENCE**

***NOTE: All items are contained in the schedule of documents and exhibits at Annex A***

- A. To summons and examine the following witnesses: *(See Annex A, Sheet 2 – Witness list)*

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**B. To read the following documents:**

1. **Record of Suspect Examination of BOŽIĆ Zdravko on 30.06.06 and 01.07.06.**
2. **Record of Suspect Examination of BLAGOJEVIĆ Mladen on 15.11.06 and 16.11.06.**
3. **Record of Suspect Examination of ZARIĆ Željko on 06.12.06 and record of examination by SIPA BiH.**

4. Record of Suspect Examination of **ŽIVANOVIĆ Zoran** on 09.12.06 and record of witness examination by SIPA BiH.
5. USA Criminal Case File: **BOŽIĆ Zdravko**.
6. USA Criminal Case File: **BLAGOJEVIĆ Mladen**
7. Record of search at the residence of **ZARIĆ Zeljko** on 06.12.06 and read documents recovered.
8. Record of search at the residence of **ŽIVANOVIĆ Zoran** on 06.12.06 and read documents recovered.
9. Crime scene technical analysis, plan map and photographs of Bratunac Brigade Military Police Headquarters at "Kaolin" factory by SIPA, 30.10.06.
10. Crime scene technical analysis, plan map and photographs of detention facilities and areas in Bratunac, including Vuk Karadžić Primary School by SIPA, 30.10.06.
11. Crime scene photographs of Potočari by SIPA, 30.10.06.
12. List of workers at RAD Bratunac, July 1995, attached to document no. 269/2006, 03.11.2006.
13. List of persons admitted for treatment at Zvornik Hospital, attached to document no. 1003/06, 08.11.2006.
14. All documents listed at Annex A, Sheet 1, Parts A, D, E, F, G, H.
15. All documents listed at Annex A, Sheet 2 – Witness list, to read trial transcripts of witnesses not proposed to be summoned for examination by the Prosecutor's Office of BiH.
16. All documents listed at Annex A, Sheet 3 – Procedural Acts.

**C. To show the following objects:**

1. Objects recovered during the search at the residence of **ZARIĆ Zeljko** on 06.12.06.
2. Objects recovered during the search at the residence of **ŽIVANOVIĆ Zoran** on 06.12.06.

## **B. RESULTS OF THE INVESTIGATION**

[1] The Prosecutor's Office of Bosnia and Herzegovina (POBH) ordered to conduct an investigation into the criminal offences alleged against **BOŽIĆ Zdravko** in KT-RZ 132/06 on 30 June 2006 and since then has surveyed, collected and analysed evidentiary material transferred from the ICTY, witness statements taken by SIPA, other documentary evidence and has conducted its own witness examinations and suspect examinations. Since the initial order to investigate, the POBH has expanded the investigation to include **BLAGOJEVIĆ Mladen**, **ZARIĆ Željko** and **ŽIVANOVIĆ Zoran**, KT-RZ 132/06 dated 18 October 2006.

[2] All evidential material relevant to the investigation and collected is contained in the disclosures made with this indictment and included as listed at Annex A. Other material was made available to the POBH through the ICTY Evidence Disclosure Suite (EDS) and Judicial Database (JDB) and only relevant material was researched, downloaded and analysed for this investigation. EDS and JDB is available to the defence at the International Registry Defence Assistance Unit, known as OKO.

[3] The POBH has considered both inculpatory and exculpatory evidence, and conducted its investigations to uncover evidence that is both favourable to the accused and that which incriminates them. The POBH finds that the results of the investigation supports a well grounded suspicion that the accused perpetrated the criminal offence alleged and that the factual allegations made are supported by reliable and credible evidence: justifying the filing of this indictment.

[4] The POBH relies, to a large extent, on evidence collected by the ICTY and on factual findings made by the Trial Chambers of the ICTY, in particular, from the related cases Prosecutor v. Vidoje Blagojević et al., IT-02-60 (*Blagojević*) and Prosecutor v. Radislav Krstić, IT-98-33 (*Krstić*). The POBH will rely on the Law on Transfer of Cases from the ICTY for admissibility of all such material.

[5] A full analysis of the investigation is contained in Annex B for the information of the Court, the Accused and Defence Counsel only.

[6] The Accused were interviewed by the Prosecutor's Office of BiH in the presence of Defence Counsel: **BOŽIĆ Zdravko** on 30.06.06 and 01.07.06, **BLAGOJEVIĆ Mladen** on 15.11.06 and 16.11.06, **ZARIĆ Željko** on 06.12.06 and **ŽIVANOVIĆ Zoran** on 09.12.06.

### C. LIST OF MATERIAL EVIDENCE

All scheduled at Annex A, Sheets 1, 2 and 3.

### D. MOTION FOR CUSTODY

Pursuant to Articles 134 (1), 137 (1) and Article 137 (2)(d) of the CPC of BiH, the Prosecutor's Office of BiH proposes that custody of **BOŽIĆ Zdravko, BLAGOJEVIĆ Mladen, ZARIĆ Željko, and ŽIVANOVIĆ Zoran** be extended after confirmation of the indictment for the period set forth by Article 137 (2)(d) on the grounds at Article 132(1) (a), (b) and (d) of the CPC of BiH.

#### **A. GROUNDED SUSPICION**

On confirmation of the indictment.

#### **B. GROUNDS FOR PRE-TRIAL CUSTODY**

##### **Article 132(1)(a) CPC BiH: Possibility of Flight**

1. The Prosecutor's Office submits that there are grounds for ordering custody against all accused under Article 132(1)(a). This ground is based on three principal factors:

(1) the gravity of the crimes they are suspected of and the lengthy prison sentence they face if convicted;

(2) the ease with which they could flee outside Bosnia and Herzegovina to other States, including the Republic of Serbia, given the porous borders and the grave difficulty of securing their return;

(3) the fear that the other perpetrators of the criminal offence alleged, who are at liberty, are likely to assist the accused in many ways including assisting or facilitating the accused in fleeing or hiding to avoid criminal prosecution.

##### Gravity of Crimes

2. It must be stressed that the crimes for which the accused are indicted for carry a minimum penalty of 10 years imprisonment or long term imprisonment. It is common sense that anyone facing the possibility of such a lengthy prison sentence has a strong incentive to flee from criminal proceedings. This Court has recognized this basic fact in numerous decisions regarding detention. In

particular, there is an enhanced risk now that they are indicted and are individually responsible for the most serious of offences including criminal acts of murder as principals or co-perpetrators.

#### Ease of Flight

3. All accused are of Serbian Nationality. They reside or intend to reside in or around Bratunac, a small community that is on the border with the Republic of Serbia. All accused have indicated that they have contacts with persons outside BiH, including Serbia and other states. **BOŽIĆ Zdravko** and **BLAGOJEVIĆ Mladen** have demonstrated that they did not intend to continue with their lives in BiH, having resided in USA until they were deported from the USA for offences of dishonesty, namely, immigration fraud. All accused have close family members in Serbia and there is a strong risk that they could seek refuge with these persons.
4. All accused have expressed an intention to work abroad. **ŽIVANOVIĆ Zoran** stated that most of his private business as a ceramic tiler is in Serbia or Montenegro and has contractor contacts in those States, indeed, until his arrest, he was residing in a rented apartment in Belgrade. **BOŽIĆ Zdravko**, and **BLAGOJEVIĆ Mladen** had no employment in BiH on deportation from the USA. **ZARIĆ Željko** confirmed that he is not in regular employment as a construction labourer. There is widespread unemployment in Bratunac.
5. In numerous previous cases, this Court has considered the risk of flight to Serbia (or Serbia and Montenegro) and the difficulty of securing the return of those who flee there as a factor justifying detention under Article 132(1)(a).

#### Assistance of suspected co-perpetrators

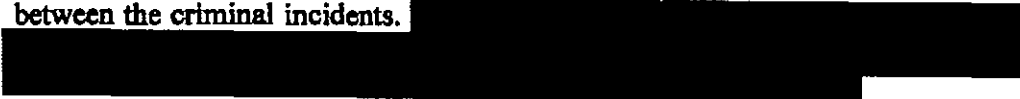
6. It is likely that all accused have and can easily facilitate communication with their former colleagues who, being members of the unit that participated in a joint criminal enterprise in July 1995, would have a strong motive to assist the accused in fleeing or to harbouring them as fugitives or otherwise to prevent their own incrimination during the proceedings.
7. In these circumstances, there are objective facts which indicate that all accused have an overwhelming incentive to flee to Serbia, or other States, they have the contacts with which to facilitate refuge overseas and have no means to remain in BiH without the support of members of their family that are employed, and many of these are outside BiH.

#### Summary: Article 132(1)(a)

8. The Prosecutor's Office submits that there are valid reasons based on particular facts to fear that all accused, if released, will not voluntarily respond to a Court summons and that each have the incentive and ability to cross the border to Serbia

and thus become unavailable to the Court of BiH during these criminal proceedings. Therefore, the Prosecutor's Office of BiH submits that grounds for detention exist under Article 132(1)(a) of the CPC of BiH.

**Article 132(1)(b): Influence of Witnesses, Accessories, and Accomplices**

9. The Prosecutor's Office of BiH further submits that grounds for detention exist under Article 132(1)(b) of the CPC of BiH. There are valid reasons to fear that the accused, if released, are likely to hinder the proceedings by influencing witnesses, accessories, and accomplices, and destroying, concealing or removing the evidence of crime.
10. The Prosecutor's Office submits that the nature of the crimes committed by the accused also establish a risk of witness intimidation. The crimes that all the accused are suspected of demonstrate a complete lack of respect for human dignity and human life. Also, the crimes were repetitive and formed a prolonged and violent period of criminality where there was ample opportunity for reflection between the criminal incidents.  

11. During the search of the residence of ŽIVANOVIĆ Zoran, SIPA investigators found a number of handgrenades, two rifles and cs gas canisters. During the suspect examination, ŽIVANOVIĆ Zoran denied any knowledge of the existence of the handgrenades. There is a strong risk that all accused know of the location of or can easily locate others who can easily access weapons that might be used to intimidate, injure or kill witnesses, and allied with the knowledge that there is a well grounded suspicion that all accused have used similar violent force previously, there are real grounds to believe that all witnesses might be at serious risk of intimidation, serious injury or death.
12. All accused are likely to be contacted by their former colleagues in the VRS and they may well exploit the close knit communities and associate networks to seek or be provided assistance by identified and unknown co-perpetrators who remain at liberty, including the suspects who perpetrated acts of murder at during the widespread and systematic attack on the civilian population including acts of summary execution during 13 to 18 July 1995. During the suspect examinations of BLAGOJEVIĆ Mladen, ZARIĆ Željko, and ŽIVANOVIĆ Zoran, the accused confirmed that they had continued contacts with or could easily have contacts with, former members of their military unit, a unit that participated in the criminal acts alleged, members of which are highly likely to be within the same joint criminal enterprise. Many of their former colleagues reside and work in Bratunac. There is a fear that they may collude with these other potential suspects known and not known to the Prosecutor's Office of BiH and conceal, alter or fabricate evidence to frustrate investigations into the events during the Srebrenica offensive in 1995. In particular, there are objective reasons to fear that this may occur.

- a. Preservation of Physical Evidence. It is clear from the investigations conducted so far that members of the Bratunac Brigade Military Police provided security for the public utility department of Bratunac Municipality when the utility department cleared the area of Bratunac town and Kravica Warehouse of Bosnian Muslim detainee corpses on 13 July 1995 onwards and placed the bodies in mass graves in and around the village of Glogova and other unknown locations. All the accused are likely to know of and may hinder the investigation into the location of these hitherto unknown grave sites. Indeed, recently examined witnesses have indicated a further 3 mass grave sites in and around Srebrenica. An ICMP representative has confirmed that these sites were previously not identified. Further investigations and probing is to follow in due course.
- b. Influencing witnesses and collusion with co-perpetrators. The Prosecutor's Office has directed investigations that are continuing against other co-perpetrators. From the background facts and evidence, there are numerous potential witnesses who, at the same time, may also be potential suspects. It is imperative to continue these investigations without interference from the accused. This is to ensure that sufficient identification evidence of other co-perpetrators is collected without alerting them of the fact so that they may be located and arrested, and before they can influence any of the witnesses that have given statements and will be examined at trial, and those who remain to be interviewed in relation to other events.
- c. Preventing influence of survivor / victim / sensitive witnesses. Further, survivor witnesses are particularly at risk as many of them, especially the women and younger men who were forcibly separated from the man at Potočari and were then forcibly transferred to Army of BiH (Bosniak) held territory. These survivors may well know and can identify the Bratunac Brigade Military Police personnel involved for they were members of the same community prior to the conflict. These victim witnesses may not come forward nor cooperate with the trial if the accused are at liberty. In particular, the Prosecution intend to examine survivor witnesses during the trial under pseudonym and protective measures, and are reliant on their consent to do so. They are highly unlikely to give evidence, knowing that their identities are to be disclosed at trial, if the accused are at liberty. This will have a severe impact on uncovering the truth during the proceedings. Further, in relation to the named witnesses to be called at trial and considering the evidentiary value of their testimony, and notwithstanding that their prior statements have been recorded, there is an obvious and strong risk that these witnesses may be influenced to retract their prior statements particularly since many are former colleagues of the accused.

**Art. 132(1)(d): Public or Property Security**

13. Finally, the Prosecutor submits that there are grounds for ordering detention under Article 132(1)(d). In this case, the criminal offenses were committed on a widespread scale with the apparent goal of creating the greatest possible amount of terror, anxiety, and insecurity in the population. The consequences of the crimes were deaths, disappearances, and the permanent forced transfer of up to forty thousand people.
14. It is especially important that the accused committed the alleged criminal offenses in the Municipalities of Srebrenica and Zvornik, where the security situation against returnees remains vulnerable, and trust in the authorities has not yet been fully established. It is also relevant that many of the co-perpetrators remain at large and some in public office including the police force. Release of the accused is highly likely to disturb public order because of a sense of distrust in the judicial system where there is a well grounded suspicion on corroborated evidence of the accused's participation in the killing of Bosnian Muslim men who were detained and also summarily executed en masse by others in the joint criminal enterprise.
15. In the present case, the manner of perpetration of the criminal offence and exceptionally severe, grave and far reaching consequences resulting therefrom, which are manifested in death, disappearance and severe and lasting physical and psychological injuries of a large number of people, suggests the necessity of ordering custody given that release of the accused is highly likely to cause public insecurity and anxiety.

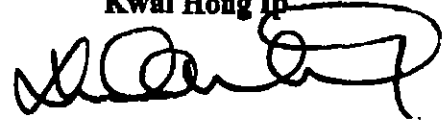
**CONCLUSION**

16. For the reasons stated above, the Prosecutor's Office requests the extension of custody for all four accused after the confirmation of the indictment and until the first instance verdict is delivered.

Based on the foregoing, the Prosecutor's Office of BiH moves the Preliminary Hearing Judge of the Court of BiH to confirm this Indictment pursuant to Article 228(1) of the CPC of BiH, and to extend detention for the reasons above pursuant to Article 132 (1) (a), (b) and (d). of the CPC of BiH.

Respectfully submitted, 13 December 2006

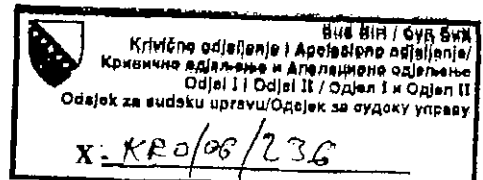
**PROSECUTOR'S OFFICE OF  
BOSNIA AND HERZEGOVINA**  
International Prosecutor  
Kwai Hong Ip



**Attachments:**

**Annex A - SCHEDULE OF DOCUMENTS AND EXHIBITS**

**Annex B - RESULTS OF THE INVESTIGATION KT-RZ 132/06**



KT-RZ 132/06

## ANNEX B TO INDICTMENT

### RESULTS OF THE INVESTIGATION

#### **BACKGROUND**

[1] During an armed conflict in the Republic of Bosnia and Herzegovina, between the Bosnian Serb forces and Bosnian Muslim forces, Bosnian Serb forces under the Supreme Commander of Bosnian Serb Forces, Radovan Karadžić, and as commanded by the Army of the Republika Srpska (VRS) Main Staff Commander, Ratko Mladić, conducted a widespread and systematic attack pursuant to a state or organizational policy to commit such an attack on the Bosnian Muslim civilian population of the Srebrenica Enclave, which was in violation of United Nations Security Council Resolution 819 dated 16 April 1993 that had demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a “safe area” and be free from any armed attack or any other hostile act, and United Nations Security Council Resolution 824 adopted on 6 May 1993, which declared Srebrenica and Žepa as “safe areas” and formed them into enclaves inhabited by the Bosnian Muslim population of Eastern Bosnia and Herzegovina.<sup>1</sup>

[2] The attack was conducted in execution of an Order of President Radovan Karadžić in Directive 7 dated 8 March 1995 to remove the Bosnian Muslim population from the Srebrenica and Žepa enclaves. Bosnian Serb forces, including both VRS and MUP units, as lead by the VRS Main Staff and executed by forces including the VRS Drina Corps, began the attack on or about 6 July 1995 and lasted throughout the material times, where the Bosnian Serb forces entered Srebrenica town itself on or about 11 July 1995 forcing the Bosnian Muslim population of Srebrenica enclave. The enclave amounted to the remaining Bosnian Muslim population of Eastern Bosnia who had sought refuge within the enclave. This civilian population either converged in Potočari beginning on the evening of 11 July 1995 in order to seek sanctuary at the United Nations Protection Force base located there, or to formed a column of mainly able bodied and military aged civilian Bosnian Muslim males that left the area of the enclave in an attempt to reach Bosnian Muslim forces held territory.<sup>2</sup>

[3] By 12 July 1995, up to 40,000 Bosnian Muslims from Srebrenica enclave had sought refuge at Potočari where the conditions very quickly became horrific, inhumane and there was an impending humanitarian catastrophe owing to the lack of adequate shelter, water food and the necessities for life. A plan was conceived and developed by Bosnian Serb forces to forcibly transfer the entire population to Bosnian Muslim held

<sup>1</sup> See Report of the Secretary General on the Fall of Srebrenica, United Nations General Assembly, A/54/549 dated 15 November 1999; also, *Blagojević* and *Krstić* for findings on the chapeau legal elements of Crimes against Humanity in relation to the attack on Srebrenica enclave.

<sup>2</sup> See Jean Rene Ruez, OTP investigator witness in *Blagojević*, and Military Expert Report, Richard Butler, *Blagojević* exhibit P358.

territory and by 12 July 1995, Bosnian Serb forces planned for, organized or otherwise facilitated the arrival of buses<sup>3</sup> and trucks with which to forcibly transfer the Bosnian Muslim population of Srebrenica enclave from the enclave in circumstances where the Bosnian Muslim population were not exercising a free choice to leave because between 12 and 14 July 1995, the Bosnian Muslim civilian population were terrorized and cruelly treated by members of the Bosnian Serb forces, including acts of beating, murder, rape and verbal and physical threats of violence.

[4] Beginning on 12 July 1995 through until around 17 July 1995, the forcible transfer of the Bosnian Muslim civilian population was carried out by Bosnian Serb forces where, at Potočari, Bosnian Serb forces forcibly separated the able bodied and fighting aged Bosnian Muslim men from the women, children and men not of fighting age nor able bodied and held the able bodied and fighting age men whilst transporting the other members of the population to Bosnian Muslim held territory near Kladanj; the able bodied Bosnian Muslim men were then transported to temporary detention facilities and areas in Bratunac Municipality, including Kravica Warehouse, the stadium in Bratunac and Vuk Karadžić (primary) School in Bratunac where they were held in these facilities or on the buses and trucks that were used to transport them there.

[5] These detained civilian men in and around Bratunac were joined by up to 6,000 Bosnian Muslim men from the column of men that was fleeing from Srebrenica enclave to Bosnian Muslim held territory that had surrendered to, were captured by or otherwise detained by Bosnian Serb forces stationed along the road communication between Bratunac – Konjević Polje and Milići. All the detained Bosnian Muslim civilian men were held unlawfully, they were subjected to cruel, inhumane treatment, and they were terrorized, beaten, killed, and / or then forcibly transferred to detention facilities and execution sites in the Municipality of Zvornik from 13 July 1995 onwards including Grbavci School in Orahovac, Ročevići School, Pilica School and Pilica Dom. In all, between 7,000 to 8,000 Bosnian Muslim men were killed during this attack.<sup>4</sup>

## MILITARY STRUCTURES

### *Structure of the Army of the Republika Srpska*

[6] As President of the Republika Srpska ("RS"), Radovan Karadžić was the Commander-in Chief of the Army of the Republika Srpska.<sup>5</sup> During an imminent threat of war or state of war, the Armed Forces included both the VRS and the MUP.<sup>6</sup> The

<sup>3</sup> Blagojević exhibit P427, *Order on the provision of buses*, Drina Corps Order No. 22/226 dated 12 July 1995, Major General Milenko Živanović.

<sup>4</sup> Krstić, judgment para 425.

<sup>5</sup> Blagojević judgment para 33: Ex. P375, Official Gazette No. 7, Item No. 158: RS Law on the Army, Article 174.

<sup>6</sup> Blagojević judgment para 33: Ex. P384, Official Gazette, Vol III, No. 1: RS Law on the implementation of Law of the Army during threat of war, Articles 2 and 3; Ex. D61/1, Law on the Implementation of the Law on Internal Affairs during an Imminent Threat of War or State of War, dated 29 November 1994, Article 4.

Main Staff was the supreme military command organ of the VRS, and at the material time General Ratko Mladić was its Commander.<sup>7</sup>

#### *Structure of the Drina Corps*

[7] The Drina Corps was formed in November 1992. By July 1995 its headquarters were co located in Han Pijesak and Vlasenica, and its Forward Command Post (IKM) was in Pribićeovac.<sup>8</sup> On 12 July 1995, the Drina Corps used the Bratunac Brigade headquarters as its IKM.<sup>9</sup> Until 13 July 1995, General Milenko Živanović was the Commander of the Drina Corps. However, on 13 July 1995 his position was taken over by the Chief of Staff, General Radislav Krstić.<sup>10</sup> The area of responsibility of the Drina Corps included the Bosnian Serb-controlled areas of the north-eastern part of Bosnia and Herzegovina.<sup>11</sup> The Drina Corps had nine subordinate infantry brigades containing combat forces, including the Bratunac Light Infantry Brigade (known as the Bratunac Brigade).<sup>12</sup>

#### *Structure of the Bratunac Brigade and its Military Police Platoon*

[8] On 14 November 1992, the Bratunac Brigade was formed as a light infantry brigade within the Drina Corps.<sup>13</sup> The headquarters of the Bratunac Brigade was situated in the former *Kaolin* factory, in the town of Bratunac, Municipality of Bratunac.<sup>14</sup> The Military Police Platoon headquarters were located within the compound of the factory, just next to the Bratunac Brigade Headquarters.<sup>15</sup> By July 1995, the Bratunac Brigade consisted of three infantry battalions and one infantry battalion that was re-subordinated from the Zvornik Brigade. By this time, each infantry battalion contained 450 to 500 men, and the Brigade totalled around 2,100 men.<sup>16</sup> In addition, the Bratunac Brigade contained various units, including the Military Police Platoon.<sup>17</sup>

<sup>7</sup> *Blagojević* judgment para 35: The Chief of the Main Staff was General Manojlo Milovanović. Agreed Facts, para. 62; Richard Butler, T. 4242; Ex. P358, Report titled, "Srebrenica Military Narrative (Revised) Operation Krivaja 95, by Richard Butler, 1 November 2002 para. 2.20; Ex. P362, Main Staff VRS Structure – July 1995.

<sup>8</sup> Para 38 Agreed Facts, para. 55 and Ex. D209/1a, Report titled, "Assessment of the Analytical Shortcomings of Richard Butler's Srebrenica Military Narrative and Testimony" by Marc Schifanelli, 24 May 2004, p. 16; Richard Butler, T. 4252; Ex. P410, Drina Corps Order, 4/95 dated 5 July 1995.

<sup>9</sup> *Blagojević* judgment para 38: T. 4388-89 regarding Ex. P185; [REDACTED] T. 7483.

<sup>10</sup> *Blagojević* judgment para 38: Agreed Facts, para. 56; Richard Butler, T. 4251.

<sup>11</sup> *Blagojević* judgment para 40: Ex. D209/1a, Schifanelli Report, p. 16.

<sup>12</sup> *Blagojević* judgment para 39: Ex. P358, Richard Butler Narrative, para. 2.6; Ex. P365, VRS Drina Corps Structure – July 1995.

<sup>13</sup> *Blagojević* judgment para 41: Ex. P358, Richard Butler Narrative, para. 1.11. See also Ljubisav Simić, T. 7650; Mićo Gavrić, T. 8474-75.

<sup>14</sup> *Blagojević* judgment para 43: Ex. D152/1, Blueprint of the Bratunac Brigade Headquarters, "Kaolin" Factory, marked by witness in Court on 12.05.04; Ex. D152.1/1, Legend for the Blueprint of the Bratunac Brigade Headquarters, "Kaolin factory". Miloš Lončarević, T. 9155-57 and 9191-98.

<sup>15</sup> *Blagojević* judgment para 60: Momir Nikolić, T 1997.

<sup>16</sup> *Blagojević* judgment para 42: Ex. P391, Bratunac Brigade Report, analysis of combat readiness in the first half of 1995, p. 17; Momir Nikolić, T. 1598-99.

<sup>17</sup> *Blagojević* judgment para 42: Momir Nikolić, T. 1602-03; [REDACTED]

[9] Colonel Vidoje Blagojević was appointed as Commander of the Bratunac Brigade on 25 May 1995.<sup>18</sup> Captain First Class Momir Nikolić was the head of both the security and intelligence departments of the Bratunac Brigade.<sup>19</sup> The responsibilities of Captain Nikolić also included tasking, preparing and training the Military Police Platoon.<sup>20</sup> Momir Nikolić provided professional assistance to ensure the military police platoon could carry out orders issued by the Commander.<sup>21</sup>

[10] Staff Sergeant [REDACTED] Military Police Platoon in July 1995. His de facto deputy commander was [REDACTED]. The Bratunac Brigade Military Police Platoon consisted of approximately 30 members, who were divided into three squads.<sup>23</sup> The Bratunac Brigade Military Police performed a number of regular duties, which included securing roads and individuals, capturing conscripts who failed to respond to call up or to appear for duty, controlling traffic, manning checkpoints and patrolling areas around Srebrenica enclave, controlling the Ijuhovia bridge border crossing and providing security at the gate of the Bratunac Brigade Headquarters, when required.<sup>24</sup> During July 1995 the Bratunac Brigade Military Police secured various roads, including the roads between Bratunac, Saše and Pribičevac, and manned the Žuti Most checkpoint just north of the town of Potočari.<sup>25</sup> More senior and trusted military policeman acted as Duty Officer and deputy Duty Officer on a daily basis, the daily occurrence log noting the roster and activities of the Military Police Platoon was maintained by these officers in the Military Police offices.

#### DUTIES OF MILITARY POLICEMEN

[11] Military police, once they begin to start detaining prisoners, assume all duties and responsibilities under international law relating to the treatment of prisoners in time of conflict. These responsibilities primarily entail the duty to ensure that, at all times, the detainees are treated humanely, without any discrimination based on ethnicity. In particular, the Military Police are bound to ensure that the detainees were not subjected to any kind of violence to life and person such as murder, mutilation, cruel treatment, torture, degrading or humiliating treatment, or to any reprisals.<sup>26</sup>

<sup>18</sup> *Blagojević* judgment para 41: Ex. P397 (Bratunac Brigade Combat Report, 25 May 1995, signed by Vidoje Blagojević).

<sup>19</sup> *Blagojević* judgment para 41.

<sup>20</sup> *Blagojević* judgment para 45: Momir Nikolić, T. 1607-08; 1890.

<sup>21</sup> *Blagojević* judgment para 46: Momir Nikolić, T. 1908-10.

<sup>22</sup> [REDACTED] D 220/1 October 2003 pg 44 and [REDACTED] D225/1 pg 2.

<sup>23</sup> Momir Nikolić (*Blagojević*), T. 1602, see also *Blagojević* judgment para 60.

<sup>24</sup> *Blagojević* judgment para 61: [REDACTED] T. 1602-03; [REDACTED]

<sup>25</sup> *Blagojević* judgment para 61.

<sup>26</sup> *Prosecutor v. Orić*, IT-03-68, Judgment para. 490; Geneva Convention III, Articles 13 & 16, Additional Protocol I, Article 11: See particularly Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, 75 UNTS 135 ("1949 Geneva Convention III"), Article 13: "Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention"; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Geneva, 12

[12] The relevant national law relating to the Bosnian Serb forces is described in the expert report of Richard Butler, "VRS Brigade Command Responsibility Report."<sup>27</sup> Order No. 01-53/92<sup>28</sup> dated 13 May 1992 signed by the RS President Radovan Karadžić obliged the Army to apply and to respect the "rules of the international laws of war". The order directed that all members of the army be responsible for the application of the rules of the "international law of war". Related to this order, the Presidency approved and adopted the "Interim Provisions on the Army of the Serb Republic"<sup>29</sup> that obliged all members of the Army to know and follow them. At Part I, para 3 of the provisions instructs that "while carrying out combat activities, members of the Army abide by the rules of International law, treat humanely the wounded and captured enemy and protect civilians in the area of combat activities."

[13] In an order dated 6 October 1992,<sup>30</sup> General Ratko Mladić, required that forces of the VRS were bound by the order to observe international laws of war in the Army of the RS and to abide by the "Instructions on the Application of the International Laws of War on the Armed Forces."<sup>31</sup> At paragraph 20 of the "Instructions": "every individual (military or civilian) shall be personally accountable for breaches for the rules of the law of war if he/she commits a violation him/herself, or orders one to be committed. Ignorance of the provisions of the rules of the law of war does not exonerate the transgressors of responsibility."

[14] Further, the RS Law on the Mandatory Reporting of Crimes against Humanity and International Law, obliged anyone in possession of information or evidence of crimes against humanity or violations of international law to expose such information and, if necessary, to deliver it to the competent body entrusted with collecting such information.<sup>32</sup>

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December 1977, Article 11: "The physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty [...] shall not be endangered in any unjustified act or omission". See *Blaskić* Appeal Judgment, para. 663; *Essen Lynching* case, British Military Court in Essen, Trial of Erich Heyer *et al.* 22 December 1945, in: UNWCC, Law Reports of Trials of War Criminals, volume 1(1947-1949), p.88, dealing with members of an escort of prisoners not protected against attacks by a mob; *Synagogue Fire* case, Oberster Gerichtshof für die Britische Zone, in re S. et al., 20 April 1949, in: Entscheidungen des Obersten Gerichtshofs für die Britische Zone in Strafsachen, volume 2 (1949), 11 *et seq.*, establishing a duty of a police guard to prevent or stop attacks on prisoners in his custody; *Krnjelac* Trial Judgment, para. 318, holding the warden of a prison responsible for not having prevented guards from letting individuals enter from the outside and mistreating detainees.

<sup>27</sup> Blagojević exhibit P357

<sup>28</sup> Blagojević exhibit P378: *Order on the Application of the Rules of War in the Army of the Serbian Republic of Bosnia and Herzegovina*, Official Gazette of the Serbian People in Bosnia and Herzegovina No. 9, 13 June 1992, Item 198.

<sup>29</sup> RS Official Gazette, No. 7, 18 August 1992.

<sup>30</sup> Blagojević exhibit P380: *Guidelines for Determining the Criteria for Criminal Prosecution*.

<sup>31</sup> Blagojević exhibit P379: Adopting by reference, *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY*, 1988

<sup>32</sup> Article 65, RS Official Gazette, No. 32, 31 December 1994.

[15] By an Instruction on the treatment of prisoners of war, 04-987-2/93 dated 17 July 1993, the Command of the Bratunac Brigade directed that "enemy soldiers who are rendered unfit for battle or who have surrendered by laying down their weapons are considered prisoners of war from the moment of capture. They must be treated in accordance with the International Geneva conventions. Hostile unarmed civilians captured should also be treated in accordance with these provisions..."<sup>33</sup>

#### SREBRENICA ENCLAVE - POTOČARI

[16] Forces of the Army of Republika Srpska ("VRS") began an attack against the "safe area" of Srebrenica on or about 6 July 1995, this attack continued until 11 July, when the VRS forces entered Srebrenica. In the subsequent days, VRS forces forcibly transferred the Bosnian Muslim women and children of Srebrenica out of the enclave and captured, detained, summarily executed, and buried over 7,000 Bosnian Muslim boys and men from the Srebrenica enclave.<sup>34</sup>

[17] After the fall of Srebrenica, thousands of Bosnian Muslim civilians who had gathered in Srebrenica town sought refuge from the attack at the Dutchbat compound in Potočari.<sup>35</sup> DutchBat soldiers accompanied the refugees, in an attempt to protect them from the VRS.<sup>36</sup> Many Bosnian Muslim men chose to go into the woods in the north-western part of the Srebrenica enclave.<sup>37</sup> The thousands of terrified refugees hoped that once they arrived at the UN base, they would be safe.<sup>38</sup> The refugees were fired upon and shelled by VRS forces as they fled to Potočari.<sup>39</sup> Throughout the day of 11 July, thousands of refugees appeared at the UNPROFOR compound. By the end of the 11 July, there were approximately 4,000 to 5,000 Bosnian Muslims were inside, and 20,000 to 30,000 outside, the compound.<sup>40</sup>

#### *The humanitarian and security situation in Potočari 12-13 July 1995*

[18] By 11 July the humanitarian situation in Potočari was dire. The standards of hygiene had deteriorated<sup>41</sup> and many refugees sheltering in the UNPROFOR base were injured,<sup>42</sup> and there was a serious lack of medical supplies available.<sup>43</sup> There were scarce

<sup>33</sup> *Blagojević* exhibit P409, Instruction signed by Commander, Cvijetin VUKSIĆ, and addressed to the Security Organ.

<sup>34</sup> See *Blagojević* judgment para 1.

<sup>35</sup> *Blagojević* judgment para 141: [REDACTED] p. 52; Ex. P21 (refugees at the UN Base in Srebrenica town on 10 July 1995).

<sup>36</sup> See *Blagojević* judgment para 141: [REDACTED]

<sup>37</sup> See *Blagojević* judgment para 141: [REDACTED]

<sup>38</sup> See *Blagojević* judgment para 143: [REDACTED]

<sup>39</sup> See *Blagojević* judgment para 144: [REDACTED]

<sup>40</sup> See *Blagojević* judgment para 146: Agreed Facts, para. 115; [REDACTED] T 7701; Agreed Facts, para. 115; [REDACTED]

<sup>41</sup> See *Blagojević* judgment para 147: Ex. P851, Report based on DutchBat debriefing, 1995, p. 53-54.

<sup>42</sup> See *Blagojević* judgment para 147: Ex. P851, Report based on DutchBat debriefing, 1995, p. 52-53; Ex. P21, video compilation, Ex. P21A, Transcript of video compilation, p. 39.

amounts of food available as a result of VRS forces preventing aid convoys from entering the area.<sup>44</sup>

[19] The small amount of water available was insufficient for the 20, 000 to 30, 000 refugees outside the compound, particularly when combined with the searing heat of 11-13 July 1995.<sup>45</sup> Although there was some running water available inside the compound, it was insufficient.<sup>46</sup> Eleven persons died in the compound, including children and babies, died from from dehydration.<sup>47</sup>

[20] During the night of 12 July, rumours spread among the refugees that women were being raped by VRS forces. Soldiers moved among the refugees throughout the night, firing their weapons and shouting. VRS Soldiers separated men from women and children that night, women were pleading for help as this occurred.<sup>48</sup> Other witnesses testified in Krstić that they heard the screams of a man who sounded as if he was being tortured.<sup>49</sup> Amongst others from the Bratunac Brigade Military Police Platoon and Bosnian Serb forces, the accused Zoran ŽIVANOVIĆ was present at Potocari.<sup>50</sup>

[21] Bratunac Brigade Military Police, along with MUP and VRS units, participated in creating an atmosphere of fear and terror in Potočari<sup>51</sup> which made the refugees want to flee Potočari.<sup>52</sup>

*Potočari 12-13 July 1995 - Forced separation and transfer of Bosnian Muslim men, women and children*

[22] The transport of women, children and the elderly from Potočari began in the afternoon of 12 July 1995.<sup>53</sup> The Bratunac Brigade Daily Combat Report also specifies the transport of Bosnian Muslims out of Potočari began on 12 July 1995.<sup>54</sup> VRS forces prevented DutchBat from escorting all but the first few buses.<sup>55</sup> The vehicles used to transport the Bosnian Muslim civilians out of Srebrenica enclave included two buses

<sup>43</sup> Blagojević judgment para 147: Ex. P21A pp 20, 22, 34, 40-42; [REDACTED]

<sup>44</sup> Blagojević judgment para 147: [REDACTED]

<sup>45</sup> Blagojević judgment para 147: Ex. P851 p. 54; [REDACTED] Agreed Facts, para. 84.

<sup>46</sup> Blagojević judgment para 147.

<sup>47</sup> Blagojević judgment para 147: [REDACTED]

<sup>48</sup> Blagojević judgment para 167: [REDACTED]

<sup>49</sup> Blagojević judgment para 167: Agreed Facts, para. 105 [REDACTED] KT. 1110-11; [REDACTED]

[REDACTED] KT. 1348.

[REDACTED] witness statement PO BiH 28.11.2006 para 7.

<sup>51</sup> Blagojević judgment para 214.

<sup>52</sup> Blagojević judgment para 167: [REDACTED] KT. 1113-14.

<sup>53</sup> Blagojević judgment paras 180, 183.

<sup>54</sup> Blagojević judgment para 180: Ex. P441 (July 12 entry).

<sup>55</sup> Blagojević judgment para 184: [REDACTED]

mobilized by Bratunac Brigade.<sup>56</sup> Civilian buses and vehicles were also mobilized by the VRS and civilian authorities.<sup>57</sup>

[23] Members of the Bratunac Brigade Military Police, in coordination with other units, participated in the separation of Bosnian Muslim men from women, children and the elderly at Potočari.<sup>58</sup> Bratunac Brigade Military Police coordinated the loading of Bosnian Muslim refugees onto buses and trucks, contemporaneously with the separation of Bosnian Muslim men from the rest of the Bosnian Muslim civilian population.<sup>59</sup> Almost all of the Bosnian Muslim civilians who boarded the buses and trucks destined for Bosnian Muslim held territory were women, children and elderly.<sup>60</sup>

[24] On the orders of Momir Nikolić, Bratunac Brigade Military Police participated in loading women, children and the elderly onto the buses, and counting them during this process.<sup>61</sup> The Bratunac Brigade Military Police also assisted in securing the roads in order to facilitate the passage of vehicles, which were transporting Bosnian Muslim civilians from Potočari.<sup>62</sup>

[25] These buses and trucks then returned and took the able bodied Bosnian Muslim men to temporary detention facilities in and around Bratunac, including Kravica Warehouse, the stadium at Bratunac and Vuk Karadžić (Primary) school in Bratunac. Many of the Bosnian Muslim men also remained on the buses and trucks whilst parked on the streets in and around Bratunac town on the night of 13/14 July 1995.

#### DETENTION AND EXECUTION AT VUK KARADŽIĆ SCHOOL BRATUNAC

*The presence of Bratunac Brigade Military Police at Vuk Karadžić school from 12 to 14 July 1995*

[26] From 12 July 1995, between 2000 and 3000 Bosnian Muslim men were forcibly detained at the Vuk Karadžić school and the surrounding buildings.<sup>63</sup> The school

<sup>56</sup> Blagojević judgment para 180: [REDACTED] Ex. P435 as described by Richard Butler, T. 4412.

<sup>57</sup> Blagojević judgment para 180: [REDACTED], T. 9417-18; Ex. D171/1; D118/1, D 119/1, D120/1, Ex P427.

<sup>58</sup> Blagojević judgment para 212.

<sup>59</sup> Blagojević judgment para 183: [REDACTED] Ex. 221 /1, p. 2; [REDACTED]

[REDACTED] Ex. D222/ 1, p. 2.

<sup>60</sup> Blagojević judgment para 181.

<sup>61</sup> Blagojević judgment para 172: [REDACTED]

See further Blagojević judgment paras 216-17, 183

[REDACTED] dated 08.09.06 para 7.

<sup>62</sup> See [REDACTED] Blagojević Ex D226/1 pg 2 and Interview with ICTY dated 27.07.04 pg 12; [REDACTED]

[REDACTED] para 10 and [REDACTED] dated

30.11.2006; [REDACTED] dated 29.11.2006; [REDACTED] dated

08.09.2006 paras 9-10.

<sup>63</sup> Blagojević judgment para 271: [REDACTED]

contained a ground floor, first floor and second floor.<sup>64</sup> Momir Nikolić informed Colonel Blagojević on the evening of 12 July that men who had been separated at Potočari were detained in the Vuk Karadžić school, and that there was a plan that the men would later be killed.<sup>65</sup>

[27] Bratunac Brigade Military Police, along with MUP<sup>66</sup> and MUP Special Police (PJP),<sup>67</sup> provided security at the Vuk Karadžić School. Bratunac Brigade Military Police were positioned outside the school and controlled entrance to the school.<sup>68</sup> [REDACTED] saw Bratunac Brigade Military Police securing Vuk Karadžić school on 12 July 1995.<sup>69</sup>

[28] [REDACTED] was a medical orderly with Bratunac Brigade. He was ordered by Colonel Blagojević to visit Vuk Karadžić School and determine whether there were any sick or injured prisoners. He arrived at the school at approximately 12.00 on 13 July 1995 and saw three members of Bratunac Brigade Military Police and two members of the Brigade 2nd Battalion inside the school.<sup>70</sup>

[29] [REDACTED] went to Vuk Karadžić School in the afternoon of 13 July. On his arrival he saw 10 to 15 members of the Bratunac Brigade Military Police guarding the school, including their commander, [REDACTED] who was at the entrance to the school. He recognised the Military police by their blue uniforms with white belts. The Bratunac Brigade Military Police were also guarding the nearby hangar and "Sloboda, ime ti je Tito" School.

[30] [REDACTED] and other Bosnian Muslim men were transferred to the school by bus from another detention site in Bratunac, on 13 July 1995. They arrived at the school around 14.00 to 15.00. Prior to entering the school, the men were ordered to leave all bags containing personal belongings outside.<sup>72</sup>

[31] In the afternoon of 13 July 1995, a group of approximately 12 Bratunac Brigade Military Police, were ordered by [REDACTED] to take the Bratunac Brigade Military Police Pinzgauer from the Bratunac Brigade Military Police base to the Vuk Karadžić School. They did so, and parked the Pinzgauer at the front of the school.<sup>73</sup> Mladen BLAGOJEVIĆ was beside the Pinzgauer during this time.<sup>74</sup> [REDACTED] saw the

<sup>64</sup> Blagojević Judgment para 271, [REDACTED]

<sup>65</sup> Blagojević judgment para 282: Momir Nikolić, T. 1701.

<sup>66</sup> Blagojević judgment para 272: [REDACTED] Momir Nikolić, T. 1753.

<sup>67</sup> Blagojević judgment para 272: [REDACTED] T. 11103

<sup>68</sup> Blagojević judgment para 279, 287.

<sup>69</sup> [REDACTED] (Blagojević) T. 7379-80.

<sup>70</sup> Blagojević judgment para 278: [REDACTED] (Blagojević) T. 9701-07.

<sup>71</sup> Blagojević judgment para 147, 279: [REDACTED] T. 5732 to 5734; 5740-43.

<sup>72</sup> P 105, (Blagojević), T 1182-83.

<sup>73</sup> [REDACTED] dated 08.09.06 para 20 and [REDACTED] dated 29.11.2006 para 10.

<sup>74</sup> [REDACTED] dated 25.09.06 para 12 and [REDACTED] dated 30.11.2006.

pinzgauer parked in front of the school in the early evening hours of 13 July.<sup>75</sup> [REDACTED] described the Bratunac Brigade pinzgauer as a classic military type vehicle with a open top and firm metal cap and a 12.7 millimetre Browning machine gun mounted on top of it.<sup>76</sup>

[32] [REDACTED] testified that around 14.00 to 15.00 on 13 July, he and other members of the Bratunac Brigade Military Police escorted a convoy of buses from Potočari to Vuk Karadžić school; they guarded the prisoners inside the school until approximately 19.00 or 20.00hrs, at which time Special Police arrived and took up position inside the school and the witness and his colleagues were transferred to a street outside the school to guard buses.<sup>77</sup>

[33] Witness [REDACTED] a Bratunac Brigade Military Policeman, was assigned to guard buses outside Vuk Karadžić School on 13 July. He went to the school with, among others, Željko ZARIĆ, Zdravko BOŽIĆ and a person nicknamed "Snajper".<sup>78</sup> "Snajper" is the nickname for Zoran ŽIVANOVIĆ.<sup>79</sup>

[34] Another Bratunac Brigade Military Policeman was ordered by [REDACTED] to go to Vuk Karadžić School and secure the column of vehicles and buses full of Bosnian Muslim civilians outside the school, sometime after 17.00hrs on 13 July.<sup>80</sup> Some members of Bratunac Brigade Military Police guarded buses outside the Vuk Karadžić School from the evening on 13 July until around 06.00 or 07.00hrs on 14 July.<sup>81</sup> Bratunac Brigade Military Police went in and out of Vuk Karadžić School throughout the night of 13/14 July.<sup>82</sup>

#### *The conditions of detention at Vuk Karadžić School*

[35] The conditions under which the Bosnian Muslim men were detained were appalling. According to one survivor, [REDACTED] the prisoners were fearful and in shock, and lacked such basic items as sufficient food, water and medical assistance.<sup>83</sup>

[36] [REDACTED] saw around 100 Bosnian Muslim men in the sports hall and 2 class rooms of the Vuk Karadžić School around 11.00hrs on 13 July. They were sitting on the floor with their heads bowed, and appeared fearful and in shock. They did not react when he asked them if anyone needed medical assistance.<sup>84</sup>

<sup>75</sup> [REDACTED] (Blagojević), T. 5732.

<sup>76</sup> [REDACTED] (Blagojević), T. 5732-33.

<sup>77</sup> [REDACTED] (Blagojević) T. 11102-07

<sup>78</sup> [REDACTED] dated 09.09.2006 para 9.

<sup>79</sup> S [REDACTED] 28.09.2006 para

9.

<sup>80</sup> [REDACTED] dated 12.09.2006 para 8.

<sup>81</sup> [REDACTED] (Blagojević) T. 11102-07; [REDACTED] D 221/1 pg 3 (Blagojević); and P3

dated 09.09.2006 para 9; and [REDACTED]

<sup>82</sup>

<sup>83</sup> Blagojević Judgment para 273; [REDACTED] T. 1188-89.

[REDACTED] (Blagojević), T. 9706 -07.

[37] [REDACTED] visited Vuk Karadžić school in the afternoon of 13 July. Upon entering the school, he saw that the hallways on the first and second floor were full of men in civilian clothes sitting down with their heads in their hands, he saw no female detainees.<sup>85</sup> Other witnesses describe seeing the second and third floors of the school full of prisoners by late afternoon onwards on 13 July.<sup>86</sup>

[38] [REDACTED] was detained in an upstairs room along with approximately 200 other men, they were not permitted to move. He could hear the voices of men detained in other rooms of the school. During his detention [REDACTED] saw Bosnian Muslim men being deprived of any money they still possessed, and beaten. [REDACTED] testified that he saw a policeman in a blue uniform with a white belt repeatedly beat a prisoner around the head and shoulders with an automatic rifle, and a rubber whip. The man was left in the room in a bloodied state for approximately half an hour, and was then removed from the room by this policeman. The witness describes hearing the screams of the man: he never returned.<sup>88</sup>

[39] By the evening of 13 July, the accused Mladen BLAGOJEVIĆ, Zoran ZIVANOVIĆ, Željko ZARIĆ and Zdravko BOŽIĆ were present at Vuk Karadžić school.<sup>89</sup>

*The night of 13/14 July 1995: cruel and inhumane treatment and executions at Vuk Karadžić School*

[40] Numerous witnesses describe the circumstances surrounding the execution of Bosnian Muslim men at the Vuk Karadžić school. [REDACTED] saw a number of Bosnian Muslim men taken from the school throughout the night of 13 July. He heard the groaning and screaming of detainees that were taken outside, and shooting outside the school building. Men were taken out throughout the night and never returned.<sup>90</sup>

[41] Witness [REDACTED] survived detention in one of the buses parked outside Vuk Karadžić school. [REDACTED] testified that Bosnian Muslim men were taken to the school from the buses throughout the night of 13 July. None of these men returned. The witness heard men screaming and moaning, and heard shooting coming from the school all night.

<sup>85</sup> Witness P135 (*Blagojević*), T. 5736.

<sup>86</sup> [REDACTED] dated 25.09.06 para 12 and witness statement [REDACTED] dated 30.11.2006; [REDACTED] witness statement [REDACTED] dated 08.09.2006 para 21 and witness statement [REDACTED] dated 29.11.2006; [REDACTED] witness statement [REDACTED] Witness interview dated 12.09.2006 para 8; [REDACTED] ICTY Interview dated 20.10.2002; see also [REDACTED]

<sup>87</sup> [REDACTED]

<sup>88</sup> [REDACTED]

<sup>89</sup> [REDACTED] witness statement [REDACTED] dated 25.09.06 para 12; [REDACTED] witness statement [REDACTED] dated 08.09.2006 paras 9-10 and witness statement [REDACTED] Interview dated 28.11.2006, P1, P2, P3 and P4 Witness statement SIPA and PO BiH.

<sup>90</sup> [REDACTED] (*Blagojević*), T. 1186, 1187.

[REDACTED] (*Blagojević*), T. 1348.

Similarly, [REDACTED] was detained in a bus near Vuk Karadžić school and heard shooting throughout the night of 13 July. He saw four or five men taken out from the bus, these men never returned.<sup>92</sup>

[42] P1 saw about a dozen dead Srebrenica people at Vuk Karadžić School when he arrived there in the evening at a time shortly after 20.00hrs. Witness P1,<sup>93</sup> P2,<sup>94</sup> [REDACTED] all state that there was sufficient environmental lighting for them to see that night and/or that the street lights were operating, including one just in front of the school building.

[43] [REDACTED] saw Zoran ŽIVANOVIĆ guarding a truck situated on a street near Vuk Karadžić school, sometime after 18.00hrs on 13 July.<sup>95</sup> [REDACTED] saw Zoran ŽIVANOVIĆ and Željko ZARIĆ enter the school, after which the witness heard bursts of fire. Zoran ŽIVANOVIĆ and Željko ZARIĆ stayed inside the school for approximately half an hour.<sup>96</sup> On or about 21.00hrs on the night of 13 July, witness [REDACTED] heard shooting inside Vuk Karadžić School, coming from the first floor. [REDACTED] was in front of the entrance to the school. At that moment a Bratunac Brigade Military Policeman came down from an upper floor and told [REDACTED] that Zoran ŽIVANOVIĆ was „doing the killing“ inside the school.<sup>97</sup>

[44] Around 22.00 or 23.00hrs Momir NIKOLIĆ passed by the school.<sup>98</sup> At or about that time, [REDACTED] describes seeing Zdravko BOZIĆ and Mladen BLAGOJEVIĆ standing with 5 to 6 other VRS soldiers outside Vuk Karadžić school. The accused had their automatic rifles pointed towards 5 to 6 detainees who had been taken out of the school. Immediately thereafter, the witness heard several shots fired and saw one of the prisoners fall down.<sup>99</sup>

[45] [REDACTED] saw the bodies of at least two dead prisoners next to the fence of the Vuk Karadžić school yard at around 22.00hrs<sup>100</sup> On or about daybreak on 14 July, [REDACTED] saw approximately ten bodies opposite the right hand corner of the school building, and seven or eight bodies to the left of the school entrance.<sup>101</sup>

[46] Between 21.00 to 22.00hrs, witness Mile BABIĆ saw the Bratunac Brigade Military Police pinzgauer with the browning mounted on it parked at the front of Vuk Karadžić school. [REDACTED]

[REDACTED] all state that they saw the pinzgauer parked to the right hand side of [REDACTED]

<sup>92</sup> Blagojević judgment para 270: Witness P-113, KT. 3027-29.

<sup>93</sup> witness statement [REDACTED] para. 22.

<sup>94</sup> witness statement [REDACTED] para 17.

<sup>95</sup> witness statement [REDACTED] and witness statement [REDACTED]

<sup>96</sup> witness statement [REDACTED]

<sup>97</sup> witness statement [REDACTED]

<sup>98</sup> [REDACTED] (Blagojević) T. 9813-14.

<sup>99</sup> Witness statement [REDACTED] and Witness statement [REDACTED] and witness statement [REDACTED]

<sup>100</sup> witness statement [REDACTED]

<sup>101</sup> witness statement [REDACTED]

the School building that night. [REDACTED] saw the browning firing at the third floor of the school.<sup>102</sup>

[47] [REDACTED] was a Bratunac Brigade Military Policeman deployed to guard buses at Vuk Karadžić school on the night of 13/14 July. In the early hours of 14 July, [REDACTED] heard male voices shouting „people from Glogova where are you? What are we waiting for? Dont you see they are going to kill us all? “. Approximately 30 minutes after that, the witness heard volley rounds of automatic gunfire. When the shooting was over, [REDACTED] heard no more shouting.<sup>103</sup>

[48] [REDACTED] states that, at one point when he was in front of the school, he saw and heard Željko ZARIĆ and Mladen BLAGOJEVIĆ yell out at the detainees, asking who was from Glogova. One man stood and responded that he was from Glogova and cursed their Chetnik mothers, following which Željko ZARIĆ fired at the window where the detainee was standing with the browning machine gun that was mounted on the pinzgauer and Mladen BLAGOJEVIĆ fired at the School with his automatic rifle. The prisoner disappeared from the window and rose again and cursed at their Chetnik mothers, after which Željko ZARIĆ opened fire again, and the man disappeared from view. This occurred for around 20 minutes. After the last exchange of cursing and shooting, [REDACTED] heard no more sound from the detainee.<sup>104</sup> [REDACTED] identifies Željko ZARIĆ as shooting from the browning on the pinzgauer, and Mladen BLAGOJEVIĆ shooting from an automatic rifle, while Zdravko BOŽIĆ was standing nearby them with his automatic rifle at the ready.<sup>105</sup>

[49] Witnesses [REDACTED] also heard the Pinzgauer browning firing at the school on the night of 13/14 July.<sup>106</sup> [REDACTED] states that he identified Mladen BLAGOJEVIĆ firing at the school from the browning machine gun mounted on the pinzgauer.<sup>107</sup> Witness [REDACTED] states that firing from the browning occurred on or about 03.00 to 05.00hrs on 14 July<sup>108</sup> and that following the browning being fired, he heard single shots and bursts of fire from infantry weapons.<sup>109</sup>

*14 July 1995: Transfer of Bosnian Muslim men from Vuk Karadžić school to detention facilities in Zvornik area*

<sup>102</sup> [REDACTED] witness statement [REDACTED] dated 09.09.2006 para 11.

<sup>103</sup> [REDACTED] T. 9811-12; see also [REDACTED] witness statement [REDACTED]

<sup>104</sup> [REDACTED] witness statement [REDACTED]

<sup>105</sup> [REDACTED] witness statement [REDACTED] para 21 and [REDACTED] interview.

<sup>106</sup> [REDACTED] witness statement, [REDACTED] dated 08.09.2006 and witness statement [REDACTED] dated 29.11.2006;

[REDACTED] witness statement, [REDACTED] dated 26.09.2006 para 9 and witness statement [REDACTED] dated 28.11.2006 para 17.

<sup>107</sup> [REDACTED] statement dated 17.10.06 pp 15-17.

<sup>108</sup> [REDACTED] witness statement, [REDACTED] dated 08.09.2006 para 27 and witness statement [REDACTED] dated 29.11.2006.

<sup>109</sup> [REDACTED] witness statement, [REDACTED] dated 08.09.2006 para 27.

[50] On 14 July, members of the Bratunac Brigade were involved in the transfer of prisoners from Bratunac to Zvornik.<sup>110</sup> Bratunac Brigade Military police, along with other VRS units, were involved in escorting prisoners, including those detained at Vuk Karadžić School, to Zvornik and guarding them in detention facilities.<sup>111</sup>

[51] On the morning of 14 July, [REDACTED] ordered [REDACTED] to use the APC to escort the convoy of buses containing Bosnian Muslim men to Zvornik. They did so.<sup>112</sup> In the early afternoon of 14 July, Bratunac Brigade Military Police participated in the transporting of Bosnian Muslim men from Bratunac to detention facilities in Zvornik area, including the Grbavci School in Orahovac.<sup>113</sup> [REDACTED] saw Zoran ŽIVANOVIĆ (whom he identified both by full name and the nickname "Snajper") and two to three other Bratunac Brigade Military Police remove prisoners from inside the school on 14 July.<sup>114</sup>

[52] Bratunac Brigade Military Police helped load prisoners from Vuk Karadžić School onto buses on July 14.<sup>115</sup> The Bratunac Brigade Military Police Pinzgauer escorted the rear of the final column of buses leaving Vuk Karadžić School on July 14.<sup>116</sup> [REDACTED] saw Mladen BLAGOJEVIĆ on the Pinzgauer at this time.<sup>117</sup> [REDACTED] saw Željko ZARIĆ at the school on the morning of 14 July.<sup>118</sup> The convoy consisted of approximately thirty buses containing Bosnian Muslim men.<sup>119</sup> At the head of the convoy was Colonel Vujadin Popović, Chief of Security in the Drina Corps.<sup>120</sup>

#### *The removal of bodies from Vuk Karadžić School*

[53] Momir Nikolić states that on 14 July, [REDACTED] the commander of the RAD Utilities company, informed him that 80-100 men had been executed at Vuk Karadžić school.<sup>121</sup> [REDACTED] states he saw 5 or 6 dead bodies

<sup>110</sup> Blagojević judgment para 284; [REDACTED] T. 11082, 11109-10, para 290, section II. E. 4.

<sup>111</sup> Blagojević judgment para 285; Momir Nikolić, T. 1761-62; Richard Butler, T. 4534; Ex. P499, Bratunac Brigade Military Police log 17 July 1995.

<sup>112</sup> Blagojević judgment para 284, 317; [REDACTED] T. 11081-87, 111093; [REDACTED] NT. 1597-98; Blagojević Ex. P449, Bratunac Brigade Military Police Log book, entry of 14/15 July; [REDACTED] T. 3559-65, 3680-82; Blagojević Blagojević Ex. D163/1, Appropriation of Equipment from the Former Enclave of Srebrenica, to the Drina Corps Command, dated 24 July 1995; [REDACTED] T. 9386-88.

<sup>113</sup> Blagojević judgment para 368.

<sup>114</sup> [REDACTED] witness statement [REDACTED] para 28.

<sup>115</sup> [REDACTED] Blagojević Ex. D221/1 pg 4 and [REDACTED] Witness interview dated 08.09.2006 para 27 and PO BiH Interview dated 29.11.2006.

<sup>116</sup> [REDACTED] Blagojević Ex. D221/1 and witness statement SIPA BiH dated 08.09.2006 para 27 and [REDACTED] Interview dated 29.11.2006 [REDACTED] witness statement [REDACTED] dated 12.09.2006 para 10 claims the buses he escorted on the pinzgauer from Vuk Karadžić went to Pilica school. [REDACTED] statement 12.09.2006 para 29.

<sup>117</sup> [REDACTED] witness statement [REDACTED]

<sup>118</sup> [REDACTED] witness statement [REDACTED] dated 08.09.2006 para 30.

<sup>119</sup> Blagojević judgment para 316; [REDACTED] T. 1277-78; [REDACTED] T. 1349-50; P-110, KT. 2812 [REDACTED] T. 11110.

<sup>120</sup> Blagojević judgment para 317; [REDACTED] T. 3678-79, [REDACTED] T. 11083-85; [REDACTED] NT. 1595-99 and Ex. D220/1, p. 3.

<sup>121</sup> Blagojević judgment para 281; [REDACTED] T. 1762-64; [REDACTED] T. 7753, 7756-57.

outside the Vuk Karadžić School but that he was informed by Milovoje Cvetinović<sup>122</sup> that there were many others that were picked up.<sup>123</sup> P1 stated that he saw the Public Utilities Staff collecting bodies of the killed persons and loading onto a truck and that there were at least 10 to 15 bodies that were loaded.<sup>124</sup> On 15 July, a representative for the Bratunac Department of Defence was informed that there were corpses in the Vuk Karadžić School. The Department found 40 to 50 bodies inside the school, on ground and first floor.<sup>125</sup>

[54] The Department of Defence arranged for a truck which transported the bodies from the school to a grave site in Glogova which had already been dug.<sup>126</sup> After the bodies were removed from the school, the Department ordered approximately 20-30 women who had previously been arrested for stealing in Potočari and Srebrenica to clean up the school.<sup>127</sup>

## GRBAVCI SCHOOL, ORAHOVAC

### *Detention and execution at Grbavci School, Orahovac*

[55] The Bosnian Muslim prisoners were taken from Vuk Karadžić school to Grbavci school in Orahovac for temporary detention.<sup>128</sup> Approximately 5 to 10 buses full of Bosnian Muslim men were unloaded into the school.<sup>129</sup> Between 1,000 and 2,500 Bosnian Muslim men were detained in the gymnasium of Grbavci School.<sup>130</sup> The prisoners were given scarce amounts of water and no food.<sup>131</sup>

[56] Executions of prisoners occurred at Grbavci School. Sometime during the afternoon of 14 July, two Bosnian Muslim men were taken outside the Grbavci School and shot.<sup>132</sup> [REDACTED] describes seeing the accused Mladen BLAGOJEVIĆ and Željko ZARIĆ forcing one detainee into the school gymnasium whereupon a shot from an automatic weapon carried by Mladen BLAGOJEVIĆ or Željko ZARIĆ being fired and hitting a

<sup>122</sup> Now deceased.

<sup>123</sup> [REDACTED] witness statement [REDACTED] dated 21.11.2006, and T.7954 – 7955.

<sup>124</sup> [REDACTED] witness statement [REDACTED] para 26.

<sup>125</sup> Blagojević judgment para 281: [REDACTED] T. 7917-18 (closed session) [REDACTED] testified that he saw about six corpses at the school, but was later informed that there were many more, T. 7954. However Momir Nikolić claims [REDACTED] told him that there was 80-100 Bosnian Muslims. Momir Nikolić, T. 1762-63.

<sup>126</sup> Blagojević judgment para 281: [REDACTED] T. 7953-54.

<sup>127</sup> Blagojević judgment para 281: [REDACTED] (closed session), T. 7883-84 (closed session).

<sup>128</sup> Blagojević judgment para 316 [REDACTED], T. 1279-80; [REDACTED] T. 1349-52, 1369. Ex. P13.1 Photo: Orahovac School taken by Jean-René Ruez in January 1996; Ex. P13.2, Photo of entrance of Orahovac School; Ex. P13.3, Photo: inside the gymnasium of Orahovac school; and Ex. P 13.6, Photo panoramic of school and execution sites LZ-02 and LZ- 01. See also Jean-René Ruez, T. 488-494.

<sup>129</sup> Blagojević judgment para 319: [REDACTED]

<sup>130</sup> Blagojević judgment para 320: See [REDACTED] T. 1281 [REDACTED] T. 1353-54; [REDACTED]

<sup>131</sup> Blagojević judgment para 320.

<sup>132</sup> Blagojević judgment para 320: [REDACTED] T. 1283-84; [REDACTED] T. 6609; [REDACTED] T. 1355.

bystander who was wounded by it. [REDACTED] then saw the detainee holding the barrel of an automatic weapon carried by one of the military policemen. The military policeman then stabbed the detainee in the stomach with the bayonet that was attached to the automatic weapon. The detainee fell to the ground. Two other detainees then carried the injured detainee behind the gymnasium followed by Željko ZARIĆ and Zoran ŽIVANOVIĆ, soon after which the witness heard bursts of fire. Željko ZARIĆ and Zoran ŽIVANOVIĆ then returned without the three detainees. The three Bosnian Muslim prisoners were never seen by the witness again.<sup>133</sup> [REDACTED] also saw Zdravko BOŽIĆ guarding the front door to the entrance of the gym the entire time.<sup>134</sup>

[57] On the night of 14 July until the morning of 15 July, members of the Zvornik Brigade Engineering Company participated in the burial of Bosnian Muslim men from Grbavci School in primary grave sites.<sup>135</sup>

## SECONDARY BURIALS OF REMAINS FROM VUK KARADŽIĆ AND GRBVAČI SCHOOL

[58] Sometime in September and October 1995, the reburial of remains from the primary grave sites commenced<sup>136</sup> on the orders of the VRS Main Staff.<sup>137</sup> The operation was directed by Colonel Beara, Chief of Security of the Main Staff, and Lieutenant Colonel Popović, Assistant Commander for Security of the Drina Corps.<sup>138</sup> Bratunac Brigade and Zvornik Brigade performed the reburials. Captain Nikolić, Chief of Bratunac Brigade Security and Intelligence, was tasked with the organisation of the operation.<sup>139</sup>

[59] Bratunac Brigade Military Police were deployed at the primary grave sites to secure the workers who were removing the remains of Bosnian Muslim men and transporting them to secondary grave sites. Bratunac Brigade Military Police secured the traffic along the road from Bratunac to Srebrenica and Zeleni Jadar and Jasenova area, and secured the workers engaged in reburial operations at the secondary grave sites.<sup>140</sup>

## SUSPECT EXAMINATIONS

[60] Zdravko BOŽIĆ was examined by the Prosecutor as a suspect in the presence of *ex officio* defence counsel on 30.06.06 and 01.07.06 and he made no comment. Through his defence counsel at the initial hearing on pre-trial custody and in subsequent filings,

<sup>133</sup> [REDACTED] witness statement [REDACTED] BiH and witness statement PO BiH.

<sup>134</sup> [REDACTED] witness statement [REDACTED] para 33 PO BiH.

<sup>135</sup> *Blagojević* judgment para 374 *et seq.*

<sup>136</sup> *Blagojević* judgment, para 383: [REDACTED] T. 5460; [REDACTED] T. 7886 (closed session);

<sup>137</sup> *Blagojević* judgment, para 383: Momir Nikolić, T. 1766-67; Ex. P541, Main Staff order for allocation of fuel, signed by General Mladić, 14 September 1995 and Ex. P 403, Bratunac Brigade minutes of meetings, entry for 16 October 1995.

<sup>138</sup> *Blagojević* judgment, para 383.

<sup>139</sup> *Blagojević* judgment, para 383: Momir Nikolić, T. 1767-68, 2355.

<sup>140</sup> *Blagojević* judgment, para 385: [REDACTED] T. 5460, 5486-5487; [REDACTED] Ex. D222/1, statement, p. 3 [REDACTED] T. 9972; [REDACTED] T. 3582-83 [REDACTED] Ex. D226/1, p 3-4;

[REDACTED] Ex. D222/1, p 3.

**BOŽIĆ** admits his presence at Vuk Karadžić school and membership of the Bratunac Brigade Military Police Platoon.

[61] **Mladen BLAGOJEVIĆ** was examined by the Prosecutor as a suspect in the presence of *ex officio* defence counsel on 15.11.06 and 16.11.06 and he admitted his presence at Vuk Karadžić school and membership of the Bratunac Brigade Military Police Platoon at the material time but that he was guarding the Bosnian Muslim detainees against attack from the townspeople. The accused denied knowledge of and his presence at Grbavci School, Orahovac.

[62] **Željko ZARIĆ** was examined by the Prosecutor as a suspect in the presence of *ex officio* defence counsel on 06.12.06 and admitted his membership of the Bratunac Brigade Military Police Platoon and in the vicinity of Vuk Karadžić School at the material time but stated that he was no closer to the school than 50 metres and was guarding buses containing Bosniak men. The accused denied knowledge of and his presence at Grbavci School, Orahovac.

[63] **Zoran ŽIVANOVIĆ** was examined by the Prosecutor as a suspect in the presence of *ex officio* defence counsel on 09.12.06 and admitted his membership of the Bratunac Brigade Military Police Platoon and in the vicinity of Vuk Karadžić School at the material time but stated that he was guarding a truck containing Bosniak men. The accused denied knowledge of and his presence at Grbavci School, Orahovac.

