

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case Number IT-02-63-I

THE PROSECUTOR OF THE TRIBUNAL AGAINST **DRAGO NIKOLIC**

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:

DRAGO NIKOLIC

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

THE ACCUSED

1. **DRAGO NIKOLIC** was born on 9 November 1957 in the village of Brana Bacic in the municipality of Bratunac. He began his service with the Yugoslav National Army (JNA) on 15 July 1976, and was officially appointed to the Army of Republika Srpska (VRS) on 6 April 1992. On 15 September 1992, he was extraordinarily promoted from his position as a non-commissioned officer in the VRS to the rank of Lieutenant. On 27 March 1993, **DRAGO NIKOLIC** was appointed as Chief of Security for the VRS First Light Infantry Brigade in Zvornik (Zvornik Brigade), a position he held for the remainder of the period relevant to this Indictment.

POSITION OF THE ACCUSED

2. During the VRS attack on the Srebrenica enclave and the subsequent killings and executions of Bosnian Muslim men, **DRAGO NIKOLIC** was a 2nd Lieutenant and served as the Chief of Security of the Zvornik Brigade. He was present and on duty in the Zvornik Brigade zone of responsibility from 13 July to November 1995.
3. As Chief of Security for the Zvornik Brigade and by the authority vested in him by his Commander, Vinko Pandurevic, and his Deputy Commander, Dragan Obrenovic, and as defined by the JNA security regulations adopted by the VRS, **DRAGO NIKOLIC** was responsible for monitoring enemy activities within and against Zvornik Brigade units and for proposing to the Brigade Commander and Deputy Commander measures by which to counter security threats posed by the enemy. This included identifying traitors or other security threats inside Zvornik Brigade units, as well as dealing with enemy threats from outside, such as sabotage, surveillance, and intervention activities of the enemy. He was also charged with managing the Military Police Company of the Zvornik Brigade, and with proposing ways to utilise members of the Company. He was also responsible, in general, for co-ordinating with the bodies of the MUP in the Brigade zone of responsibility. **DRAGO NIKOLIC** also had responsibility for dealing with captured Bosnian Muslim prisoners from Srebrenica from 11 July 1995 until at least 1 November 1995.

GENERAL ALLEGATIONS

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

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

FACTUAL BACKGROUND

7. On 12 May 1992, Momcilo Krajsnik, President of the RS National Assembly executed the following "DECISION ON STRATEGIC OBJECTIVES OF THE SERBIAN PEOPLE IN BOSNIA AND HERZEGOVINA"; this Decision was published in the Official Gazette of the Republika Srpska on 26 November 1993:

"The strategic objectives or priorities of the Serbian people in Bosnia and Herzegovina are to:

1. Establish State borders separating the Serbian people from the other two ethnic communities.
 2. Set up a corridor between Semberija and Krajina.
 3. Establish a corridor in the Drina river valley, that is, eliminate the Drina as a border separating Serbian States.
 4. Establish a border on the Una and Neretva rivers.
 5. Divide the city of Sarajevo into Serbian and Bosnian Muslim parts and establish effective State authorities in both parts.
 6. Ensure access to the sea for Republika Srpska."
8. After armed conflict erupted in the Republic of Bosnia and Herzegovina ("BiH") in the spring of 1992, Bosnian Serb military and paramilitary forces attacked and occupied cities, towns and villages, including Zvornik, in the eastern part of the country and participated in an ethnic cleansing campaign which resulted in an exodus of Bosnian Muslim civilians to enclaves in Srebrenica, Gorazde and Zepa.
 9. On 19 November 1992, General Ratko Mladic, the Commander of the VRS Main Staff, issued Operational Directive 04. This Directive, in part, ordered the Drina Corps to "...inflict the heaviest possible losses on the enemy, and force him to leave the Birac, Zepa and Gorazde areas together with the Bosnian Muslim population. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them."
 10. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a "safe area" which was to be free from any armed attack or any other hostile act.
 11. On 4 July 1994, Lieutenant Colonel Slavko Ognjenovic, then Commander of the Bratunac Brigade, issued a report to all members of the Bratunac Brigade stating in relevant part; "We must continue to arm, train, discipline, and prepare the RS Army for the execution of this crucial task — the expulsion of Muslims from the Srebrenica enclave. There will be no retreat when it comes to the Srebrenica enclave, we must advance. The enemy's life has to be made unbearable and their temporary stay in the enclave impossible so that they leave the enclave *en masse* as soon as possible, realising that they cannot survive there."
 12. On 8 March 1995, the Supreme Command of the Armed Forces of the Republika Srpska issued Operational Directive 07. In this Directive, Republika Srpska President Radovan Karadzic directed the VRS (specifically the VRS Drina Corps) to "...complete the physical separation of the Srebrenica and Zepa enclaves as soon as possible, preventing even communication between individuals between the two enclaves. By planned and well-thought-out combat operations, create an unbearable situation of total insecurity, with no hope of further survival or life for the inhabitants of Srebrenica or Zepa."
 13. On 2 July 1995, in the Drina Corps operational order for the attack on the Srebrenica enclave, General Milenko Zivanovic ordered that the attack of the enclave should result in "reducing the

enclave to its urban area". The size of the enclave on 2 July 1995 was approximately 58 square kilometres and the urban area of the enclave was about two (2) square kilometres. Large numbers of the Bosnian Muslim population of the enclave lived outside the urban area of Srebrenica prior to 2 July 1995.

14. On or about 6 July 1995, units of the Drina Corps shelled Srebrenica and attacked Dutch-manned United Nations observation posts which were located in the enclave. The Drina Corps attack on the Srebrenica enclave, including the shelling, continued through 11 July 1995, when forces from the Zvornik Brigade's Drina Wolves, the Bratunac Brigade, the 10th Sabotage Detachment and other units of the VRS entered Srebrenica.
15. In the several days following this attack on Srebrenica, VRS forces captured, detained, summarily executed, and buried over 7000 Bosnian Muslim men and boys from the Srebrenica enclave, and forcibly transferred the Bosnian Muslim women and children of Srebrenica out of the enclave. The details of these events and the role of the accused therein are presented in the paragraphs below.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Direct Criminal Responsibility

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

Joint Criminal Enterprise

17. **DRAGO NIKOLIC**, together with other VRS and MUP officers and units as identified in this Indictment, was a member of and knowingly participated in a Joint Criminal Enterprise, the common purpose of which was: to forcibly transfer the women and children from the Srebrenica enclave to Kladanj, on 12 July and 13 July 1995; and to capture, detain, summarily execute by firing squad, bury, and rebury thousands of Bosnian Muslim men and boys aged 16 to 60 from the Srebrenica enclave from 12 July 1995 until and about 19 July 1995. The last primary burial of Srebrenica victims known to the Prosecution occurred on or about 19 July 1995 in Glogova. The initial plan was to summarily execute more than 1000 Bosnian Muslim men and boys, aged 16-60, who were separated from the group of Bosnian Muslims in Potocari on 12 and 13 July. On 12 July, this plan was broadened to include the summary execution of over 6000 men and boys, aged 16 to 60, who were captured from the column of Bosnian Muslim men escaping the Srebrenica enclave on 12 July through about 19 July 1995. Most of these men and boys from the column were captured along the Bratunac/Milici road on 13 July 1995. While the Joint Criminal Enterprise contemplated organised and systematic executions, it was foreseeable to **DRAGO NIKOLIC** that opportunistic criminal acts, such as those described in this Indictment, would be carried out by VRS and MUP forces during and after the Joint Criminal Enterprise. VRS and MUP forces carried out such opportunistic criminal acts from 12 July 1995 to about 1 November 1995. The implementation of this Joint Criminal Enterprise resulted in the summary execution of over 7000 Bosnian Muslim men and boys from the Srebrenica enclave.
18. **DRAGO NIKOLIC** possessed the criminal intent and state of mind required to commit the individual crimes charged in the Indictment, and his acts significantly assisted in and facilitated the commission of the crimes. The participation of the accused in the Joint Criminal Enterprise and the specific acts and responsibilities described in this Indictment satisfy the elements required for a

finding that, pursuant to the meaning of Article 7(1) of the Statute of the Tribunal, **DRAGO NIKOLIC** "committed," "planned," "instigated," "ordered," and/or otherwise "aided and abetted" genocide, crimes against humanity (including murder, persecutions, forcible transfer, and inhumane acts), and murder as a violation of the laws or customs of war.

19. The Joint Criminal Enterprise, of which **DRAGO NIKOLIC** was a member and a key participant, was conceived and designed by General Ratko Mladic and others on 11 and 12 July 1995, and administered and carried out by members of the VRS and MUP forces through the time period and by the means alleged in this Indictment.
20. Members of this Joint Criminal Enterprise included: General Ratko Mladic, the Commander of the VRS, General Milenko Zivanovic, Commander of the Drina Corps through about 2000 hours on 13 July 1995; General Radislav Krstic, Chief of Staff/Deputy Commander through about 2000 hours on 13 July 1995 and thereafter Commander of the Drina Corps; Colonel Ljubisa Beara, Chief of Security of the VRS Main Staff; Colonel Vidoje Blagojevic, Commander of the Bratunac Brigade; Colonel Vinko Pandurevic, Commander of the Zvornik Brigade; Lieutenant Colonel Vujadin Popovic, Assistant Commander for Security of the Drina Corps; Lieutenant Colonel Dragan Obrenovic, Deputy Commander and Chief of Staff of the Zvornik Brigade; **DRAGO NIKOLIC**, Chief of Security, Zvornik Brigade; Momir Nikolic, Assistant Commander for Security and Intelligence of the Bratunac Brigade; Dragan Jokic, Chief of Engineering of the Zvornik Brigade; and various other individuals and military and police units, including but not limited to the following:

Drina Corps Units

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

Main Staff Units

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

MUP Units

Elements of the Republika Srpska "Special Police"
Elements of the Bratunac Municipal Police
Elements of the Milici Municipal Police
Elements of the Zvornik Municipal Police

As Assistant Commander for Security and Intelligence of the Zvornik Brigade, **DRAGO NIKOLIC** was directly subordinate to Colonel Vinko Pandurevic, Commander of the Zvornik Brigade, and to Lieutenant Colonel Dragan Obrenovic during the absence from command of Vinko Pandurevic. Vinko Pandurevic and Dragan Obrenovic were directly subordinate to General Radislav Krstic, Commander of the Drina Corps. A detailed summary of the military structure of the VRS is affixed to this Indictment as Annex A.

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

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

CHARGES

COUNTS 1A-1B

(Genocide) (Complicity in Genocide)

By his acts and omissions described in the paragraphs below, **DRAGO NIKOLIC** committed:

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

Or, in the alternative,

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

22. Between 11 July 1995 and 1 November 1995, **DRAGO NIKOLIC**, with intent to destroy a part of the Bosnian Muslim people as a national, ethnical, or religious group:
 - (a) killed members of the group by summary execution; and,
 - (b) caused serious bodily or mental harm to members of the group.
23. By virtue of his position as Chief of Security of the Zvornik Brigade, **DRAGO NIKOLIC** was responsible for all prisoners captured, detained, or killed within the Zvornik Brigade zone of responsibility, including those prisoners captured in the Bratunac Brigade zone and subsequently killed in the Zvornik Brigade zone.
24. Immediately after the fall of Srebrenica on 11 July 1995, senior VRS officers including Ratko Mladic and Radislav Krstic surveyed the town. At this time, Ratko Mladic announced that "the moment has finally come for us to take revenge upon the Turks here."
25. Thousands of Bosnian Muslims from the enclave, including women, children, and some men, fled to the UN Compound in Potocari on 11 July 1995, where they sought the protection of the Dutch battalion. Meanwhile, approximately 15,000 Bosnian Muslim men from the enclave, with some women and children, gathered at the villages of Susnjari and Jaglici during the evening of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian Muslim military personnel. The rest were civilians and unarmed military personnel.
26. During the evening of 11 July, Ratko Mladic and other VRS officers convened two critical meetings at the Hotel Fontana in Bratunac concerning the fate of the refugees who had fled to Potocari. At the first meeting, held at approximately 20:00 hours, Ratko Mladic met with other members of the VRS and with the Dutchbat command. At this first meeting Ratko Mladic intimidated and threatened the Dutchbat commander. The second meeting was convened by Ratko Mladic, Radislav Krstic, and other members of the VRS at approximately 2300 hours on 11 July, and was attended by members of the Dutchbat command and representatives of the Bosnian Muslim refugees at Potocari. At this second meeting, Ratko Mladic warned the Bosnian Muslim representatives that their people could either "survive or disappear."
27. During the morning of 12 July, Ratko Mladic and other VRS officers convened a third critical meeting at the Hotel Fontana in Bratunac. At the meeting, convened at about 1000 hours on 12 July 1995 by Ratko Mladic, Radislav Krstic, and other VRS and Bosnian Serb civilian representatives, including the Head of the MUP Public Security Centre for Zvornik, Dragomir Vasic, and attended by Dutchbat officers and representatives of the Bosnian Muslim refugees, Ratko Mladic explained that he would supervise the "evacuation" of refugees from Potocari and that he wanted to see all military-aged Bosnian Muslim men so that they could be screened as possible war criminals. During

the evening of 11 July to the early morning of 12 July 1995, the plan to transport the civilian refugee population from Potocari was developed.

28. The Bosnian Muslim refugee population remained in and around Potocari from 12 July until 13 July 1995, during which time they were terrorised by members of the VRS and the MUP.
29. On or about 12 July 1995, in the presence of Ratko Mladic, Radislav Krstic, and others, approximately 50 to 60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the forcible transfer process of Bosnian Muslim women and children began. As the Bosnian Muslim women, children, and men started to board the buses and trucks, VRS and MUP soldiers, including members of the Special Police Brigade, as well as members of the Bratunac Brigade military police, participated in the forcible transfer of the women and children. The Bosnian Muslim women and children were transported to the confrontation line and were forced to walk to nearby territory controlled by the BiH army. In addition, VRS and MUP soldiers, including members of the Special Police Brigade, as well as members of the Bratunac Brigade military police, separated over 1000 Bosnian Muslim men from the women and children and transported these men to temporary detention sites in Bratunac on 12 and 13 July 1995. Senior VRS and MUP officers were present at important locations in Potocari such as the "White House", where separated men were being detained prior to their transport to the Northern execution sites.
30. Beginning around 12 July 1995 and continuing throughout the period of organised executions, personal property and effects belonging to the Bosnian Muslim male prisoners, including their identification documents and valuables, were confiscated and destroyed by members of the VRS and the MUP. This confiscation and destruction of personal property and effects occurred in Potocari, at various points of capture and collection along the Bratunac/Milici road, and at various detention and execution sites including those at which **DRAGO NIKOLIC** was present. In addition, the prisoners in Potocari and in Bratunac were not provided with food or medical treatment, nor with any meaningful rations of water, during their days in detention pending execution.

Opportunistic Killings in Potocari

31. VRS and MUP officers and soldiers committed a number of opportunistic killings of the Bosnian Muslims in Potocari on 12 and 13 July 1995. Such opportunistic killings occurred as a natural and foreseeable consequence of the unfolding Joint Criminal Enterprise. These Bosnian Muslims were taken prisoner in Potocari before being killed.

Opportunistic Killings in Bratunac

32. VRS and MUP officers and soldiers committed a number of opportunistic killings of Bosnian Muslim prisoners temporarily detained in Bratunac in schools, buildings, and vehicles parked along the road. Such opportunistic killings occurred as a natural and foreseeable consequence of the Joint Criminal Enterprise. Those Bosnian Muslim prisoners who survived their temporary detention in Bratunac were transported to various sites in the Zvornik area between 13 and 15 July 1995 for further detention and execution. **DRAGO NIKOLIC** was present at some of these sites and was actively involved in co-ordinating, implementing, and overseeing security measures there.

Wide-Scale and Organised Killings in Potocari and Tisca

33. Over a seven-day period from 12 July until about 19 July 1995, VRS and MUP forces participated in a planned and organised mass execution and burial of thousands of captured Bosnian Muslim men from the Srebrenica enclave. This wide-scale and organised killing first involved Bosnian Muslim men separated from civilian population in Potocari and Tisca, specifically the following:

33.1 **Potocari:** On the afternoon 12 July 1995, in between the Zinc Factory and "Alija's" house, VRS and/or MUP soldiers summarily executed by decapitation approximately eighty to one hundred

Bosnian Muslim men. The bodies were then taken away on a truck.

33.2 **Tisca:** Throughout the day on 13 July 1995, VRS and/or MUP soldiers transported Bosnian Muslim women and children who had been separated from male members of their families in Potocari, to an area near Tisca village. VRS soldiers from the Vlasenica Brigade of the Drina Corps identified and separated some remaining Bosnian Muslim men and boys and some of the Bosnian Muslim women from this group at Tisca, while the rest of the group was forcibly transferred to Bosnian Muslim territory. Throughout the day on 13 July 1995, VRS soldiers forced the selected Bosnian Muslim men and women to walk to a nearby school, where they were abused and assaulted. On or about the evening of 13 July 1995 and the day of 14 July 1995, VRS and/or MUP soldiers loaded 25 Bosnian Muslim men from the school onto a truck, drove them to an isolated pasture nearby, and summarily executed them with automatic weapons.

Killings and Mistreatment of Prisoners Captured Along the Bratunac/Milici Road

34. Between 12 July and about 17 July 1995, approximately 6000 Bosnian Muslim men from the column of men escaping the Srebrenica enclave were captured by, or surrendered to, VRS and MUP forces. Apart from those prisoners transported directly to execution sites, the prisoners captured from the column on 13 July 1995 were taken to the same temporary detention sites in and around Bratunac as those men separated from Potocari. Prisoners were executed and mistreated at various locations along the Bratunac/Milici road, and were a natural and foreseeable consequence of the Joint Criminal Enterprise in which **DRAGO NIKOLIC** was a key member and participant. Among the locations of the executions and mistreatment are the following:

34.1 **Jadar River:** On 13 July 1995, at approximately 1100 hours, a small squad of soldiers consisting of at least one Bratunac police officer (Bratunac MUP), working with individuals and units of the VRS and/or MUP, captured approximately 16 Bosnian Muslim men from the column of men retreating from the Srebrenica enclave, transported them from Konjevic Polje to an isolated area on the bank of the Jadar River and summarily executed 15 of them. One individual was wounded and managed to escape.

34.2 **Cerska Valley:** On 13 July 1995, in the early afternoon hours, VRS and/or MUP soldiers transported about 150 Bosnian Muslim men to an area along a dirt road in the Cerska Valley about three (3) kilometres from Konjevic Polje, summarily executed them, and using heavy equipment, covered them with dirt.

34.3 **Kravica Warehouse:** Starting in the late afternoon or early evening hours of 13 July 1995, VRS and/or MUP soldiers summarily executed over 1000 Bosnian Muslim men detained in a large warehouse in the village of Kravica. The soldiers used automatic weapons, hand grenades, and other weaponry to kill the Bosnian Muslims inside the warehouse. Prisoners in the Warehouse continued to be summarily executed by VRS and/or MUP soldiers throughout the night of 13/14 July 1995 and into the day of 14 July 1995. Between 14 and 16 July 1995, heavy equipment arrived and removed the victims' bodies to two large mass graves located in the nearby villages of Glogova and Ravnice.

34.4 **Sandici Meadow:** During the day on 13 July 1995, a Bosnian Muslim prisoner requesting water was kicked in the head and then summarily executed by VRS and/or MUP soldiers. Just after dark, a MUP soldier ordered that a group of 10 to 15 Bosnian Muslim prisoners held in custody at Sandici Meadow were to be summarily executed. This summary execution of these prisoners was carried out by MUP soldiers.

34.5 **Kravica Market:** During the night between 13 July and 14 July, Muslim prisoners were held on trucks near a supermarket in Kravica. All of these prisoners had been captured and held in custody by MUP soldiers along the Bratunac/Milici road, or separated at Potocari and held in custody by VRS and MUP soldiers. At the supermarket, a VRS or MUP soldier placed his rifle barrel into the mouth of a Bosnian Muslim prisoner and summarily executed the man. Also during this period, VRS and/or MUP soldiers struck, beat with rifle butts, and summarily executed Bosnian

Muslim prisoners who were detained on trucks near the supermarket. On 14 July 1995, the remaining prisoners were transported to Petkovci and other sites in the Zvornik area, where they were summarily executed by VRS and/or MUP soldiers.

34.6 Kravica School: Sometime after 1800 on 13 July, about 100 prisoners were being detained in the Kravica School by a VRS soldier of the Bratunac Brigade. Inside the School, at least one critically wounded prisoner was provided no medical treatment. These prisoners were subsequently transported to detention sites in the Zvornik area and later they were taken to execution sites, where they were summarily executed by VRS and/or MUP soldiers.

34.7 Bratunac/Milici Road After 13 July 1995: Following the summary executions of Bosnian Muslim prisoners in the areas of Kravica and Sandici from the afternoon of 13 July through the night of 13/14 July 1995, MUP soldiers remained along the road and continued to capture small numbers of Bosnian Muslim prisoners through about 16 July 1995. These prisoners were turned over to army personnel and subsequently transferred to sites where they were summarily executed in accordance with the Joint Criminal Enterprise, in which **DRAGO NIKOLIC** was a member and participant.

Wide-Scale and Organised Killings in the Zvornik Area

35. The Joint Criminal Enterprise, in which **DRAGO NIKOLIC** became a member and participant, was designed to rid the area of all Bosnian Muslim prisoners through planned and organised mass executions, and through burials of thousands of captured Bosnian Muslim men from the Srebrenica enclave. In addition to the executions set forth above, the wide-scale and organised killing and burial of Bosnian Muslim men also occurred in other locations in the Zvornik area, and are as follows:

35.1 Orahovac (near Lazete): In the late evening hours of 13 July and during the day of 14 July 1995, personnel from the Military Police Company of the Bratunac Brigade working together with other individuals and units transported hundreds of Bosnian Muslim males from in and around Bratunac to the Grbavci School in the village of Orahovac. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. By the morning of 14 July 1995, **DRAGO NIKOLIC** was involved in preparations for the detention of these prisoners and was aware that these prisoners would be executed. **DRAGO NIKOLIC** was present at the Grbavci School several times during the day of 14 July, where he was engaged in directing and overseeing the military and police personnel guarding these prisoners. On 14 July 1995, VRS personnel including members of the Military Police Company of the Zvornik Brigade acting under the direction of **DRAGO NIKOLIC** guarded and blindfolded the Bosnian Muslim males detained at the Grbavci School. In the early afternoon of 14 July 1995, VRS personnel including Zvornik Brigade military police personnel under the direction of **DRAGO NIKOLIC** transported and escorted these Bosnian Muslim males from the school at Grbavci to a nearby field, where personnel including members of the 4th Battalion of the Zvornik Brigade ordered the prisoners off the trucks and summarily executed them with automatic weapons. Approximately 1000 Bosnian Muslim males were killed. On 14 and 15 July 1995, members of the Zvornik Brigade Engineering Company used heavy equipment to bury the victims in mass graves at the execution site, while the executions continued. On the evening of 14 July, lights from the engineering machinery illuminated the execution and burial sites during the executions.

35.2 The Petkovci School: On 14 July 1995, VRS and/or MUP personnel transported approximately 1000 Bosnian Muslim males from detention sites in and around Bratunac to the school at Petkovci. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On 14 July and the early morning hours of 15 July 1995, VRS and/or MUP personnel struck, beat, assaulted and shot with automatic weapons Bosnian Muslim males being detained at the school. On 14 July 1995, during the time that prisoners were being detained there, **DRAGO NIKOLIC** was present at the Petkovci School,

where he was involved in arranging for security at the site and directing and overseeing the military and police personnel guarding the prisoners.

35.3 The "Dam" near Petkovci: On or about the evening of 14 July 1995 and the early morning hours of 15 July 1995, VRS personnel from the Zvornik Brigade including drivers and trucks from the 6th Infantry Battalion and the Zvornik Brigade transported the surviving members of the group of approximately 1000 Bosnian Muslim males from the school at Petkovci to an area below the Dam near Petkovci. VRS personnel including members of the Military Police Company of the Zvornik Brigade acting under the direction of **DRAGO NIKOLIC** assisted in guarding the prisoners during the transportation process. The prisoners were assembled below the Dam and summarily executed by VRS or MUP soldiers with automatic weapons. In the morning of 15 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade, working together with other individuals and units, used excavators and other heavy equipment to bury the victims while the executions continued.

35.4 Pilica School: On or about 14 and 15 July 1995, VRS and/or MUP personnel transported approximately 1200 Bosnian Muslim males from detention sites in Bratunac to the school at Pilica. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. Security operations for these prisoners at the Pilica School were overseen by members of the Zvornik Brigade military police company under the direction of **DRAGO NIKOLIC**. On or about 14 and 15 July 1995, VRS military personnel with automatic weapons summarily executed many of the Bosnian Muslim males who had arrived, or were being detained, at the school. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade retrieved the bodies of the victims from the Pilica School and transported them to the Branjevo Military Farm. On 17 July 1995, the Engineering Company of the Zvornik Brigade buried the victims of the Pilica School executions in a mass grave at the Branjevo Military Farm.

35.5 Branjevo Military Farm: On the morning of 16 July 1995, VRS personnel transported the remaining members of the group of approximately 1200 Bosnian Muslim males from the Pilica school by bus to the Branjevo Military Farm. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. After the Bosnian Muslim males arrived at the Branjevo Military Farm, they were summarily executed by automatic weapon fire from members of the 10th Sabotage Detachment and the Bratunac Brigade, working together with other individuals and units. On 17 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade, working together with other individuals and units, buried hundreds of victims in a nearby mass grave.

35.6 Pilica Cultural Centre: On 16 July 1995, VRS personnel from the Bratunac Brigade travelled a short distance to the village of Pilica and worked with other VRS and/or MUP personnel to summarily execute, with automatic weapons, approximately 500 men inside the Pilica Cultural Centre. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade retrieved the bodies of the victims from the Pilica Cultural Centre and transported them to the Branjevo Military Farm. On 17 July 1995, the Engineering Company of the Zvornik Brigade buried the victims of the Pilica School executions in a mass grave at the Branjevo Military Farm.

35.7 Kozluk: On or before 16 July 1995, VRS and/or MUP soldiers, working together with other individuals and units, transported about 500 Bosnian Muslim males to an isolated place near Kozluk, in the Zvornik Brigade zone of responsibility, and summarily executed them with automatic weapons. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On 16 July 1995, VRS soldiers from the Engineering Company of the Zvornik Brigade, working together with other individuals and units, buried the victims of the executions in a mass grave nearby.

Further Opportunistic Killings

36. During and after the campaign of organised executions, the opportunistic killing of captured Bosnian Muslim men from the Srebrenica enclave by VRS and MUP personnel continued to occur through about 1 November 1995. These opportunistic killings, which were a natural and foreseeable consequence of the Joint Criminal Enterprise, occurred at a number of different locations in the zones of responsibility of the Bratunac and Zvornik Brigades, including the following:

Bratunac Brigade Zone

36.1 **Nova Kasaba:** At sometime from 13 July through 27 July 1995 VRS and/or MUP personnel captured and executed 33 Bosnian Muslim men from the column fleeing the Srebrenica enclave. At least 26 of the victims were summarily executed after having been placed in two recently dug graves. Twenty-seven of the 33 men had their hands tied behind their backs when they were executed. These graves were located near the village of Nova Kasaba.

36.2 **Konjevic Polje:** At sometime from 13 July through 27 July 1995, VRS and/or MUP soldiers captured two Bosnian Muslim men from the column, placed them in a pit near the village of Konjevic Polje, and summarily executed and buried them.

36.3 **Glogova:** At sometime from 17 July through 27 July 1995, VRS and/or MUP soldiers captured 12 Bosnian Muslim men from the column, tied them together in six pairs, shot each of them in the head, and buried them in a mass grave near the village of Glogova.

36.4 **Bratunac Brigade:** At sometime from 12 July through 1 November 1995, six Bosnian Muslim men from Srebrenica were captured by MUP forces, turned over to and interrogated by security personnel from the Bratunac Brigade, and thereafter summarily executed by unknown persons. The identification details for these six Bosnian Muslim men are as follows:

- a. Zazif AVDIC, son of Ramo, date of birth: 15 September 1954.
- b. Munib DEDIC, son of Emin, date of birth: 26 April 1956.
- c. Aziz HUSIC, son of Osman, date of birth: 08 April 1966.
- d. Resid SINANOVIC, son of Rahman, date of birth: 15 October 1949.
- e. Mujo HUSIC, son of Osman, date of birth: 27 August 1961.
- f. Hasib IBISEVIC, son of Ibrahim, date of birth: 27 February 1964.

Zvornik Brigade Zone

36.5 **Nezuk:** On 19 July 1995, VRS personnel from the 16th Brigade of the 1st Krajina Corps, re-subordinated to the command of the Zvornik Brigade, captured approximately 10 Bosnian Muslim males from the column and with automatic weapons, summarily executed them at a place near Nezuk.

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

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

On or about 23 July 1995, these men were investigated and interrogated by Zvornik Brigade Security forces with the personal participation of **DRAGO NIKOLIC**. These men were summarily executed sometime thereafter by unknown persons working together with the Zvornik Brigade Security personnel under the direction of **DRAGO NIKOLIC**.

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

37. From about 18 July through about 1 November 1995, additional members of the Bosnian Muslim column were captured or killed in the Bratunac and Zvornik Brigade zones by VRS and MUP forces.
38. From about 1 August 1995 through about 1 November 1995, VRS and MUP personnel participated in an organised and comprehensive effort to conceal the killings and executions in the Zvornik Brigade zones of responsibility by reburying bodies exhumed from initial mass graves at the following locations: Branjevo Military Farm; Kozluk; the "Dam" near Petkovci; Orahovac; and Glogova; and transferring them to secondary graves at: twelve sites along the Cancari Road (containing bodies from Branjevo Military Farm and Kozluk); four sites near Liplje (containing bodies from the "Dam" near Petkovci); and seven sites near Hodzici (containing bodies from Orahovac); and seven sites near Zeleni Jadar (containing bodies from Glogova). This reburial operation was a natural and foreseeable consequence of the execution and original burial plan conceived by the Joint Criminal Enterprise. This reburial operation was a natural and foreseeable consequence of the execution and original burial plan conceived by the Joint Criminal Enterprise, in which **DRAGO NIKOLIC** was a member and participant. This operation involved members of the Main Staff and Drina Corps security organs with responsibility over the Zvornik Brigade zone.
39. The conduct of **DRAGO NIKOLIC** met the requisite four elements of Genocide, namely that:
- a. The accused killed one or more persons;
 - b. Such persons belonged to a particular national, ethnical, racial, or religious group;
 - c. The accused intended to kill the persons; and
 - d. The accused killed the persons in furtherance of the intent to destroy, in whole or in part, that national, ethnical, racial, or religious group, as such.

Or,

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

COUNT 2 **(Extermination)**

By his acts and omissions described in the preceding paragraphs, **DRAGO NIKOLIC** committed:

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

41. The conduct of **DRAGO NIKOLIC** met the requisite four elements of Extermination as a Crime Against Humanity, namely that:

- a. There was an armed conflict;
- b. In a manner relating to a widespread or systematic attack directed against a civilian population, an act or omission of the accused or a subordinate caused the death of the victim;
- c. The act or omission was unlawful and intentional, reckless, or grossly negligent; and
- d. The accused had knowledge of the wider context in which his conduct occurred.

**COUNTS 3-4
(Murder)**

By his acts and omissions described in the preceding paragraphs, **DRAGO NIKOLIC** committed:

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

42. The conduct of **DRAGO NIKOLIC** met the requisite four elements of Murder as a Crime Against Humanity, namely that:

- a. There was an armed conflict;
- b. In a manner related to a widespread or systematic attack directed against a civilian population, the accused caused the death of one or more persons;
- c. By such conduct, the accused intended to kill or to inflict serious injury in reckless disregard of human life; and
- d. The accused had knowledge of the wider context in which his conduct occurred.

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

43. The conduct of **DRAGO NIKOLIC** met the requisite four elements of Murder as a Violation of the Laws or Customs of War, namely that:

- a. There was a nexus between the murder and an armed conflict;
- b. The conduct of the accused caused the death of one or more persons;
- c. By such conduct, the accused intended to kill or to inflict serious injury in reckless disregard of human life; and
- d. The victim or victims were persons taking no active part in the hostilities.

**COUNT 5
(Persecutions)**

By his acts and omissions alleged in the preceding paragraphs, **DRAGO NIKOLIC** committed:

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

45. The conduct of **DRAGO NIKOLIC** met the requisite four elements of Persecutions as a Crime against humanity, namely that:

- a. There was an armed conflict;
- b. In a manner related to a widespread or systematic attack directed against a civilian population, the accused committed acts or omissions against a victim or victim population violating a basic or fundamental human right;
- c. The accused's conduct was committed on political, racial, or religious grounds, and was committed with requisite discriminatory intent; and
- d. The accused had knowledge of the wider context in which his conduct occurred.

46. As described in this Indictment, the crime of persecutions was perpetrated, executed, and carried

out by and through the following means:

- a. the murder of thousands of Bosnian Muslim civilians, including men, women, children, and elderly persons;
- b. the cruel and inhumane treatment of Bosnian Muslim civilians, including severe beatings at Potocari, at Kravica Market, and in detention facilities in Bratunac and Zvornik;
- c. the terrorising of Bosnian Muslim civilians in Srebrenica and at Potocari;
- d. the destruction of personal property and effects belonging to the Bosnian Muslims; and
- e. the forcible transfer of Bosnian Muslims from the Srebrenica enclave.

Dated this 6th day of September 2002

The Hague,
The Netherlands

Graham Blewitt
Deputy Prosecutor