

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

RADISLAV KRSTIC

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:

RADISLAV KRSTIC

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

BACKGROUND

1. After armed conflict erupted in the Republic of Bosnia and Herzegovina in the spring of 1992, Bosnian Serb military and paramilitary forces occupied cities, towns and villages in the eastern part of the country and participated in an ethnic cleansing campaign which resulted in an exodus of Bosnian Muslim civilians to enclaves in Srebrenica, Gorazde and Zepa.
2. 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.
3. On or about 6 July 1995, units of the Drina Corps of the Bosnian Serb Army (VRS) shelled Srebrenica and attacked Dutch-manned United Nations observation posts which were located in the safe area. The Drina Corps attack on the Srebrenica safe area continued through 11 July 1995, when forces from the Drina Wolves, the Bratunac Brigade and other units of the VRS entered Srebrenica.
4. The Bosnian Muslim men, women and children who were in Srebrenica after the beginning of the VRS attack took two courses of action. Several thousand women, children and some mostly elderly men fled to the UN compound in Potocari, located within the safe area of Srebrenica, where they sought the protection of the Dutch battalion. The Bosnian Muslim civilians remained in and around Potocari from 11 July until 13 July 1995, when they were evacuated by buses and trucks under the control of the VRS.
5. A second group of approximately 15,000 Bosnian Muslim men, with some women and children,

gathered at Susnjari village near Srebrenica during the evening of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian Muslim military personnel. The rest were unarmed military personnel and civilians.

6. On or about 12 July 1995, Ratko Mladic and **RADISLAV KRSTIC**, as well as other VRS and Bosnian Serb civilian representatives, met in the Hotel Fontana in Bratunac with Dutch military officers and representatives of the Bosnian Muslim refugees from Potocari. At this meeting, Ratko Mladic explained to the group that he would supervise the "evacuation" of refugees from Potocari and wanted to see all the Bosnian Muslim men between approximately the ages of 16 and 60 to screen for possible war criminals.

7. On or about 12 July 1995, in the presence of Ratko Mladic and **RADISLAV KRSTIC**, approximately 50 to 60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the deportation process of Bosnian Muslim refugees started. As Bosnian Muslim women, children and men started to board the buses and trucks, Bosnian Serb military personnel separated the men from the women and children and detained the men in and around Potocari.

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

9. Bosnian Serb forces supported by armoured personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac-Milici road in an attempt to intercept the column. Some of the armed members of the retreating column of Bosnian Muslims engaged in combat with the Bosnian Serb forces. Thousands of Bosnian Muslims from the retreating column were captured by, or surrendered to, Bosnian Serb military forces under the command and control of Ratko Mladic and **RADISLAV KRSTIC**.

10. Between 11 July 1995 and 18 July 1995, VRS forces, under the command and control of Ratko Mladic and **RADISLAV KRSTIC**, participated in numerous incidents of opportunistic killings of Bosnian Muslim men shortly after they had been captured, as well as systematic summary executions of Bosnian Muslim men who were initially detained and then transported to various execution sites throughout the territory under the control of the VRS Drina Corps. The VRS forces, under the command and control of Ratko Mladic and **RADISLAV KRSTIC**, executed thousands of Bosnian Muslim men.

11. Between 10 July 1995 and the 18 July 1995, the VRS forces, under the command and control of Ratko Mladic and **RADISLAV KRSTIC**, either expelled or killed most of the members of the Bosnian Muslim population of the Srebrenica enclave. As a result of these actions, the VRS forces virtually eliminated the presence of any Bosnian Muslims in the Srebrenica enclave area, thus continuing an ethnic cleansing campaign which had begun in the spring of 1992.

THE ACCUSED

12. **Radislav KRSTIC** was a Lieutenant Colonel in the JNA before the armed conflict in Bosnia and Herzegovina. Krstic served as Commander of the 2nd Romanija Motorised Brigade, which was first a component of the Sarajevo-Romanija Corps, but was later transferred to the Drina Corps in November 1992. He continued to serve as the Commander of the brigade, until late 1994. From January 1995 through 14 July 1995, he was the Chief of Staff/Deputy Commander of the VRS Drina Corps. He was promoted to the rank of General-Major in June 1995. On or before 14 July 1995, he

assumed command of the Drina Corps. His assumption of command was publicly announced on 20 July 1995. In April 1998, he was promoted to the rank of Lieutenant Colonel-General, and is currently the Commander of the VRS 5th Corps, in Sokolac.

SUPERIOR AUTHORITY

13. When the Srebrenica operation began on or about 6 July 1995, **RADISLAV KRSTIC** held the rank of General-Major with the position of Chief of Staff/Deputy Commander of the Drina Corps. As Chief of Staff/Deputy Commander of the Drina Corps, **RADISLAV KRSTIC** was responsible for directing the activities of the Corps Staff. He was responsible for monitoring the activities of all units and activities within the corps zone of responsibility, and also acted as adviser to his Corps Commander. As Chief of Staff, he was concurrently the Corps Deputy Commander, empowered to give orders on behalf of the Commander in his absence and to give supplementing orders to insure implementation of the Commander's orders. When **RADISLAV KRSTIC** became the Commander of the Drina Corps on or before 14 July 1995, his responsibilities increased to include planning and directing the activities of all subordinate units in his zone of responsibility and monitoring their activities to insure his orders were implemented.

GENERAL ALLEGATIONS

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

15. At all relevant times, **RADISLAV KRSTIC** was required to abide by the laws and customs governing the conduct of war.

16. 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.

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

18. **RADISLAV KRSTIC** is also, or alternatively, criminally responsible as a commander for the acts of his subordinates pursuant to Article 7(3) of the Tribunal Statute. Such criminal responsibility is the responsibility of a superior for the acts of his subordinate if he knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

19. The general allegations contained in paragraphs 14 through 18 are realleged and incorporated into each of the charges set forth below.

CHARGES

COUNTS 1-2

(GENOCIDE)
(COMPLICITY TO COMMIT GENOCIDE)

20. Between about 11 July 1995 and 1 November 1995, **RADISLAV KRSTIC**, intending to destroy a part of the Bosnian Muslim people as a national, ethnical, or religious group:

(a) killed members of the group, and

(b) caused serious bodily or mental harm to members of the group.

21. Between about 11 July 1995 and 1 November 1995, **RADISLAV KRSTIC** planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the opportunistic killings of captured Bosnian Muslim men from the Srebrenica safe area by VRS military personnel.

22. Between about 11 July 1995 and 1 November 1995, **RADISLAV KRSTIC** planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of a planned and organised mass execution of thousands of captured Bosnian Muslim men from the Srebrenica safe area.

23. The wide-scale and organised killing of Bosnian Muslim men, which occurred in several different locations in and around the Srebrenica enclave, from 11 July 1995 until 18 July 1995, included:

23.1 **Potocari**: Between 12 July 1995 and 13 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed Bosnian Muslim men at diverse locations around the UN compound at Potocari, where the Bosnian Muslim men had taken refuge.

23.2 **Kravica**: On or about 13 July 1995, VRS soldiers, under the command of **RADISLAV KRSTIC**, summarily executed hundreds of Bosnian Muslim men who had been imprisoned in a large warehouse in the village of Kravica. The VRS soldiers used automatic weapons, hand grenades and other weaponry to kill the Bosnian Muslims inside the warehouse.

23.3 **Bratunac**: Between 12 July 1995 and 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported many of the Bosnian Muslims who had been detained in Potocari or captured along the Bratunac-Milici road to locations in and around Bratunac, where they were held in schools, buildings and vehicles parked along the road. Between 12 July 1995 and 15 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, participated in numerous opportunistic killings of the detained Bosnian Muslim men at various locations throughout Bratunac.

23.4 **Tisca**: On or about 12 July 1995 and 13 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported the Bosnian Muslim women and children, who had been separated from male members of their families in Potocari, to an area near Tisca village. Most of the Bosnian Muslim women and children driven to Tisca were permitted to cross into Bosnian Muslim territory. However, VRS military personnel, under the command of **RADISLAV KRSTIC**, identified and separated Bosnian Muslim men and some Bosnian Muslim women.

On or about 12 July 1995 and 13 July 1995, the VRS military personnel forced the Bosnian Muslim men and women to walk to a nearby school, where they were taunted and assaulted by VRS soldiers. On or about 13 July 1995 and 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, loaded 25 Bosnian Muslim men onto a truck, drove them to an isolated pasture, and summarily executed them.

23.5 Orahovac (near Lazete): On or about 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from in and around Bratunac to the Grbavci School complex near Orahovac. On 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed Bosnian Muslim men in and around the school. That same day, the VRS military personnel transported the Bosnian Muslim men, many of whom were blindfolded, from the Grbavci School to the nearby village of Orahovac. Once there, VRS military personnel, under the command of **RADISLAV KRSTIC**, ordered the Bosnian Muslim men off the trucks and executed them. Hundreds of Bosnian Muslim men were killed. On or about 14 and 15 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, used heavy equipment to bury the victims in mass graves at the execution site, while the executions continued.

23.6 The "Dam" near Petkovci: On or about 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from detention sites in Bratunac to the school at Petkovci. On 14 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed Bosnian Muslims in and around this school. On or about the evening of 14 July 1995 and the early morning hours of 15 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported several hundred Bosnian Muslim men from the school at Petkovci to an area below the "Dam" at Petkovci. These people were unloaded from vehicles, led in small groups to an open area, and summarily executed by VRS military personnel, under the command of **RADISLAV KRSTIC**.

23.7 Cerska Valley: From on or about 14 July 1995 until about 21 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported over 100 Bosnian Muslim men to an area along a dirt road in the Cerska Valley, summarily executed them, and covered them with dirt.

23.8 Pilica: Between 14 and 16 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from detention sites in Bratunac to the school at Pilica. VRS military personnel, under the command of **RADISLAV KRSTIC**, summarily executed many of the Bosnian Muslim men who were being detained at the Pilica school.

23.9 Branjevo Farm: On or about 16 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men from the Pilica school to the Branjevo Farm. The Bosnian Muslim men were unloaded from buses, led in small groups to an open area, and summarily executed with automatic weapons by VRS soldiers from the 10th Sabotage Detachment and other units. On or about 16 and 17 July 1995, the VRS military personnel, under the command of **RADISLAV KRSTIC**, using heavy equipment, buried hundreds of

victims in a nearby mass grave.

23.10 **Pilica Cultural Centre:** On or about 16 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, after participating in the Branjevo Farm executions, travelled a short distance to the village of Pilica. There, using automatic weapons and hand grenades, VRS military personnel summarily executed approximately 500 Bosnian Muslim men inside the Pilica Cultural Centre.

23.11 **Kozluk:** On or about 16 and 17 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, transported hundreds of Bosnian Muslim men to an isolated place near Kozluk and summarily executed them. On or about 18 July 1995, VRS military personnel, under the command of **RADISLAV KRSTIC**, using heavy equipment, buried the victims in a mass grave nearby.

24. During and after the opportunistic killings and mass executions which occurred from 11 July until 18 July 1995, **RADISLAV KRSTIC** failed to investigate or punish any of his VRS subordinates who were responsible for the killings and executions. To the contrary, **RADISLAV KRSTIC**, and units under his command, participated in an organised and comprehensive effort to conceal and cover up the killings and executions by burying the bodies of the victims in isolated sites scattered throughout a wide area.

25. When it became apparent that the international community had learned of the killings and executions arising from the attack on the Srebrenica safe area, **RADISLAV KRSTIC**, and units under his command, participated in a second attempt to conceal the killings and executions by digging up the bodies from the initial mass graves and transferring them to secondary graves. VRS military personnel or their agents, under the command of **RADISLAV KRSTIC**, dug up the following graves and transferred the bodies to secondary sites:

25.1 The Dam at Petkovci.

25.2 Orahovac.

25.3 Branjevo farm.

25.4 Kozluk.

25.5 Glogova.

Counts

By his respective acts and omissions described in paragraphs 20 and 25, **RADISLAV KRSTIC** committed:

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

Alternatively,

Count 2: Complicity to commit genocide, punishable under Articles 4(3)(e), and 7(1) and 7(3) of

the Statute of the Tribunal.

**COUNT 3
(EXTERMINATION)**

26. The Prosecutor re-alleges and reincorporates by reference paragraphs 21-25 above.

By his respective acts and omissions described in paragraphs 20 and 23, **RADISLAV KRSTIC** committed:

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

**COUNTS 4-5
(MURDER)**

27. The Prosecutor re-alleges and reincorporates by reference paragraphs 21-25 above.

By his respective acts and omissions described in paragraphs 20 and 23, **RADISLAV KRSTIC** committed:

COUNT 4: Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a), and 7(1) and 7(3) of the Statute of the Tribunal.

COUNT 5: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Article 3, and 7(1) and 7(3) of the Statute of the Tribunal, as recognised by Article 3(1)(a) of the Geneva Convention.

**COUNT 6
(PERSECUTIONS)**

28. The Prosecutor re-alleges and reincorporates by reference paragraphs 21-25 above.

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

30. The crime of persecutions was perpetrated, executed, and carried out by or 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;

c. the terrorising of Bosnian Muslim civilians; and

d. the destruction of personal property of Bosnian Muslims.

By these acts or omissions, and the acts and omissions described in paragraphs 21 and 25, **RADISLAV KRSTIC** committed:

COUNT 6: Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, punishable under Article 5(h), and 7(1) and 7(3) of the Statute of the Tribunal.

Graham T. Blewitt
Deputy Prosecutor
/signed/

30 October 1998
The Hague, The Netherlands