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Tribunal Pénal
International pour
l'ex-Yougoslavie

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TRIAL CHAMBER
CHAMBRE DE 1ERE
INSTANCE

The Hague, 2 May 2003
JL/P.I.S./748-e

BLAGOJEVIĆ, OBRENOVIĆ, JOKIĆ AND NIKOLIĆ TRIAL TO BEGIN ON
TUESDAY 6 MAY 2003

The trial of Vidoje Blagojević, Dragan Obrenović, Dragan Jokić and Momir Nikolić is scheduled to begin on Tuesday 6 May 2003 at 2.15 p.m. in Courtroom III. The Trial Chamber shall be composed of: Judge Liu Daqun (Presiding), Judge Volodymyr Vassylenko and Judge Carmen María Argibay.

BACKGROUND ON THE ACCUSED

Factual allegations

The Amended Joinder Indictment (hereinafter the Indictment), filed on 27 May 2002, alleges that **Vidoje Blagojević** was appointed Commander of the 1st Bratunac Light Infantry Brigade ("Bratunac Brigade") of the Bosnian Serb Army ("VRS") in May 1995. It is alleged that his brigade was responsible for the security of the territory opposite the northern, eastern and southern boundaries of the Srebrenica "safe area" and directly participated in its capture.

The Indictment further states that during the VRS attack on the Srebrenica "safe area" and the subsequent killing and execution of Bosnian Muslim men, Vidoje Blagojević, as the Colonel in charge of the Bratunac Brigade, was present in the Bratunac Brigade zone of responsibility exercising command through at least 17 July 1995. He is then alleged to have led a battalion of his troops as part of a VRS operation attacking the Muslim enclave of Žepa. After its fall, he allegedly returned to the Bratunac zone of responsibility where he remained until 22 September 1995. He remained the Bratunac Brigade Commander until mid-1996 when he was re-assigned to the VRS Main Staff, later named the VRS General Staff.

As a Brigade Commander, he was responsible for planning, directing and monitoring the activities of all the subordinate formations of his brigade, in accordance with the directives received from his higher command at the Corps and Main Staff levels.

The Indictment alleges that on 1 July 1995, **Dragan Obrenović** was a Major and held the position of Chief of Staff of the Zvornik Brigade, a unit of the VRS. As Chief of Staff, he was allegedly responsible for directing the activities of the Brigade Staff. He was responsible for monitoring, controlling and organising the activities of all units and activities within the Brigade zone of responsibility, to give supplementing orders to ensure implementation of the Commander's order and act as primary adviser to his Brigade Commander. As Chief of Staff, he was concurrently the Brigade Deputy Commander where, in the absence of his Commander, he was allegedly in charge of the Zvornik Brigade and had the right to give assignments to subordinates.

When the Srebrenica operation began on 6 July 1995, the Commander of the Zvornik Brigade, Vinko Pandurević, was absent on other duties outside the Zvornik Brigade zone of

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responsibility and the Deputy Commander, Dragan Obrenović, was in charge of the Zvornik Brigade on 6 July 1995 through to midday on 15 July 1995, when Vinko Pandurević returned.

The Indictment alleges that **Momir Nikolić**, a teacher by profession, was mobilised into the army on 18 April 1992, when he was stationed at the Headquarters of the Territorial Defence as the Assistant Commander for Intelligence. In July 1995, he was assigned to the VRS Bratunac Brigade where he held the rank of Captain First Class and served as the Assistant Commander for Security and Intelligence. This brigade, responsible for the security of the territory opposite the northern, eastern and southern boundaries of the Srebrenica enclave, allegedly participated in the actual capture of the enclave.

It is alleged that, in his capacity as Assistant Commander for Security and Intelligence, Momir Nikolić was present in the Bratunac Brigade zone of responsibility from 4 July 1995 to 1 November 1995.

The Indictment alleges that **Dragan Jokić** held the rank of Major with the position of Chief of Engineering of the Zvornik Brigade. As Chief of Engineering, he was a member of the Zvornik Brigade staff and the advisor to the Zvornik Brigade Commander and to the Chief of Staff/Deputy Commander for matters relating to Engineering Services, such as defence works, mining activities, road construction and excavation projects. He was also allegedly responsible for planning, directing, organising and monitoring the activities of the Zvornik Brigade Engineering Company which implemented the directives of the Brigade Commander and/or the Chief of Staff/Deputy Commander. In addition, he is alleged to have been the Duty Officer of the Zvornik Brigade for a 24-hour period from the morning of 14 July 1995 until the morning of 15 July 1995. The Duty Officer was the central point of co-ordination and communications for the Zvornik Brigade zone of responsibility.

Provisional Release

On 28 May 2002, the Appeals Chamber granted the appeal and ordered that Dragan Jokić be provisionally released. On 11 April 2003, the Trial Chamber terminated Dragan Jokić's provisional release and ordered that the Accused surrender to the custody of the Tribunal on 29 April 2003 for the commencement of trial proceedings.

Charges

The Indictment contains six counts charging the four co-accused as follows:

Vidoje Blagojević on the basis of his individual criminal responsibility (Article 7(1) of the Statute) and his superior criminal responsibility (Article 7(3) of the Statute)

- One count of genocide (Article 4(3)(e) of the Statute - complicity to commit genocide)
- Four counts of crimes against humanity (Article 5 of the Statute – extermination; murder; persecution on political, racial and religious grounds; inhumane acts (forcible transfer))
- One count of violations of the laws or customs of war (Article 3 of the Statute – murder)

Dragan Obrenović on the basis of his individual criminal responsibility (Article 7(1) of the Statute) and his superior criminal responsibility (Article 7(3) of the Statute)

- One count of genocide (Article 4(3)(e) of the Statute - complicity to commit genocide)
- Three counts of crimes against humanity (Article 5 of the Statute - extermination; murder; persecution on political, racial and religious grounds)
- One count of violations of the laws or customs of war (Article 3 of the Statute – murder)

Momir Nikolić on the basis of his individual criminal responsibility (Article 7(1) of the Statute)

- One count of genocide (Article 4 of the Statute – genocide or alternatively complicity to commit genocide)
- Three counts of crimes against humanity (Article 5 of the Statute – extermination, murder, persecutions on political, racial and religious grounds)
- One count of violations of the laws or customs of war (Article 3 of the Statute – murder)

and on the basis of his individual criminal responsibility (Article 7(1) of the Statute) and his superior criminal responsibility (Article 7(3) of the Statute)

- One count of crimes against humanity (Article 5 of the Statute – inhumane acts (forcible transfer))

Dragan Jokić on the basis of his individual criminal responsibility (Article 7(1) of the Statute)

- Three counts of crimes against humanity (Article 5 of the Statute – extermination; murder; persecution on political, racial and religious grounds)
- One count of violations of the laws or customs of war (Article 3 of the Statute – murder)

Parties

The Office of the Prosecutor:

Mr. Peter McCloskey, Senior Trial Attorney
Mr. Stefan Waespi, Trial Attorney

Counsel for the Accused:

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević
Mr. David Wilson and Mr. Dušan Slijepčević for Dragan Obrenović
Mr. Miodrag Stojanović and Ms. Cynthia Sinatra for Dragan Jokić
Mr. Veselin Londrović and Mr. Stefan Kirsch for Momir Nikolić
