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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

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TRIAL CHAMBER
CHAMBRE DE
1ERE INSTANCE

The Hague, 4 October 2004
JP/ P.I.S. / 897e

THE TRIAL OF NASER ORIĆ TO COMMENCE
ON WEDNESDAY 6 OCTOBER 2004

On 22 September 2004, Trial Chamber II consisting of Judges Carmel Agius (Presiding), Hans Henrik Brydensholt and Albin Eser issued an order confirming that the trial of Naser Orić would commence on Wednesday 6 October 2004 at 9.00 a.m. in Courtroom I.

Background

The amended Indictment, submitted on 16 July 2003, alleges that between 24 September 1992 and 20 March 1993, members of the Military Police under the command and control of Naser Orić, detained several Serb individuals in the Srebrenica Police Station and in the building behind the Srebrenica Municipal Building. It is alleged that these detainees were subjected to physical abuse, serious suffering and injury to body and health. In some instances, prisoners were beaten to death.

The Indictment further alleges that during the period May 1992 to February 1993, Muslim armed units engaged in various military operations against the Bosnian Serb Army ("VRS"). In the course of such operations, Muslim armed units in the municipalities of Bratunac, Srebrenica and Skelani burnt and otherwise destroyed and plundered a minimum of 50 predominantly Serb villages and hamlets. As a result, thousands of Serb individuals fled the area.

The Indictment generally alleges that, at all times relevant to the charges of the Indictment, by virtue of his position and authority as Commander, Naser Orić commanded all units that were operating within his area of responsibility. This included all units in combat activities in the municipalities of Srebrenica and Bratunac in Bosnia and Herzegovina, in particular the combat activities in Rupovo Brdo on 10 June 1992, Ratkovići on 21 and 27 June 1992, Ježestica on 8 August 1992, Fakovići on 5 October 1992, Bjelovac between 14 and 19 December 1992 and Kravica on 7 and 8 January 1993 and all units including the Military Police involved in the detention and custody of Serb individuals in Srebrenica.

According to the Indictment, Naser Orić demonstrated both *de jure* and *de facto* command and control in military matters and exercised effective control over his subordinates.

Charges

The Indictment charges Naser Orić on the basis of individual criminal responsibility (Article 7(1) of the Statute) with:

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- Two counts of violations of the laws or customs of war (Articles 3 of the Statute – wanton destruction of cities, towns or villages, not justified by military necessity; plunder of public or private property).

The Indictment charges Naser Orić on the basis of superior criminal responsibility (Article 7(3) of the Statute) with:

- Four counts of violations of the laws or customs of war (Article 3 of the Statute – murder; cruel treatment; wanton destruction of cities, towns or villages, not justified by military necessity; plunder of public or private property).
