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CHAMBERS

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DRAGO NIKOLIĆ, VUJADIN POPOVIĆ AND LJUBIŠA BEARA:
INDICTMENTS UNSEALED
FOR THEIR ALLEGED PARTICIPATION IN CRIMES COMMITTED AFTER THE
TAKE-OVER OF THE SREBRENICA ENCLAVE

On Monday 21 October 2002, Judge Schomburg ordered the unsealing of the Indictments against Drago Nikolić, Vujadin Popović and Ljubiša Beara, which were originally confirmed on 6 September 2002, 26 March 2002 and 26 March 2002 respectively.

The Accused

Drago Nikolić was born in November 1957 in Brana Bačić in the Municipality of Bratunac. During the attack on the Srebrenica enclave by Bosnian Serb forces in July 1995, and the subsequent killings and executions of Bosnian Muslim men, Drago Nikolić was a 2nd Lieutenant and served as Chief of Security of the Bosnian Serb Army (VRS) First Light Infantry Brigade in Zvornik (Zvornik Brigade).

Vujadin Popović was born in March 1957 in Popovići in the Municipality of Šekovići. During the attack on the Srebrenica enclave by Bosnian Serb forces in July 1995, and the subsequent killings and executions of Bosnian Muslim men, Vujadin Popović was a Lieutenant Colonel and was the Assistant Commander of Security on the staff of the Drina Corps.

Ljubiša Beara was born in July 1939 in Sarajevo. During the attack on the Srebrenica enclave by Bosnian Serb forces in July 1995, and the subsequent killings and executions of Bosnian Muslim men, Ljubiša Beara was a Colonel and was Chief of Security of the Main Staff of the VRS.

Factual Allegations

Drago Nikolić was present and on duty in the Zvornik Brigade zone of responsibility from 13 July to November 1995. Vujadin Popović was present and on duty in the Drina Corps zone of responsibility from 11 July to 31 August 1995. Ljubiša Beara was present and on duty in the areas of Bratunac and Zvornik from 13 – 16 July 1995.

In the several days following the attack on Srebrenica, VRS and MUP forces captured, detained, summarily executed, and buried over 7,000 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 Indictment against Drago Nikolić refers to his alleged involvement in, among other things: opportunistic killings in Potočari, opportunistic killings in Bratunac, wide-scale and organised killings in Potočari and Tišča, killings and mistreatment of prisoners captured along the Bratunac/Milići road and wide-scale and organised killings in the Zvornik area, as well as other opportunistic killings.

Internet address: <http://www.un.org/ictv>

Public Information Services/Press Unit

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands

Tel.: +31-70-512-5356; 512-5343 Fax: +31-70-512-5355

The Indictment against Vujadin Popović refers to his alleged involvement in, among other things: the separation and transportation of Bosnian women and children in the Potočari area, the handling of Bosnian Muslim prisoners in the Potočari and Bratunac areas, opportunistic killings in Potočari, opportunistic killing of Bosnian Muslim men in the Srebrenica, Bratunac and Zvornik areas.

The Indictment against Ljubiša Beara refers to his alleged involvement in, among other things: the capture, detention and transport of Bosnian Muslim prisoners along the Bratunac/Milići road, opportunistic killings in Potočari and along the Bratunac/Milići road and organised killings of Bosnian Muslim men in the Srebrenica, Bratunac and Zvornik areas.

According to the Indictments, Drago Nikolić, Vujadin Popović and Ljubiša Beara, together with other VRS and MUP officers and units, were members of and knowingly participated in a Joint Criminal Enterprise, the common purpose of which was, among other things: 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 Charges

The Indictment charges Drago Nikolić on the basis of his individual criminal responsibility (Article 7(1) of the Statute) with:

- One count of genocide (Article 4 of the Statute – genocide; 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)

The Indictment charges Vujadin Popović on the basis of his individual criminal responsibility (Article 7(1) of the Statute) with:

- One count of genocide (Article 4 of the Statute – genocide; alternatively, complicity to commit genocide)
- Four counts of crimes against humanity (Article 5 of the Statute – extermination, murder, persecutions 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)

The Indictment charges Ljubiša Beara on the basis of his individual criminal responsibility (Article 7(1) of the Statute) with:

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

Joint Criminal Enterprise

According to the Indictments, the Joint Criminal Enterprise, in which Drago Nikolić, Vujadin Popović and Ljubiša Beara were members and participants, was conceived and

designed by General Ratko Mladić 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 these Indictments.

Members of this Joint Criminal Enterprise also included: General Ratko Mladić, the Commander of the VRS, General Milenko Živanović, Commander of the Drina Corps through about 2000 hours on July 13 1995; General Radislav Krstić, Chief of Staff/Deputy Commander through about 2000 hours on 13 July 1995 and thereafter Commander of the Drina Corps; Colonel Vidoje Blagojević, Commander of the Bratunac Brigade; Colonel Vinko Pandurević, Commander of the Zvornik Brigade; Lieutenant Colonel Dragan Obrenović, Deputy Commander and Chief of Staff of the Zvornik Brigade; Momir Nikolić, Assistant Commander for Security and Intelligence of the Bratunac Brigade; Dragan Jokić, Chief of Engineering of the Zvornik Brigade; and various other individuals and military and police units.

*The full text of the Indictments is available upon request from the Public Information Services.
It is also available on the ICTY Internet site: www.un.org/icty*