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Tribunal Pénal
International pour
l'ex-Yougoslavie

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REGISTRY

GREFFE

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CHARGES AGAINST MILAN GVERO AND RADIVOJE MILETIĆ RELEASED TO THE PUBLIC

Today, 24 February 2005, the International Criminal Tribunal for the former Yugoslavia released the detailed charges against Milan Gvero and Radivoje Miletić. The indictment was confirmed on 10 February 2005, by Judge Liu.

The indictment states that during the time period relevant to the events described in the indictment, Milan Gvero was Assistant Commander for Morale, Legal, and Religious Affairs of the Main Staff of the Bosnian Serb Army (VRS) and Radivoje Miletić was Chief of Operations and Training and Deputy Chief of Staff, or was standing in for the Chief of Staff, also of the Main Staff of the VRS.

According to the indictment, Milan Gvero and Radivoje Miletić are individually criminally responsible for the acts or omissions of their subordinates, pursuant to Article 7(1) of the Tribunal's Statute. This means that Gvero and Miletić committed, planned, instigated, ordered, and otherwise aided and abetted in the planning, preparation, and execution of the crimes charged. Both are charged with the following counts as set forth in the indictment:

- four counts of crimes against humanity (Article 5 – murder; persecutions on political, racial and religious grounds; other inhumane acts (forcible transfer); deportation), and
- one count of violations of the laws or customs of war (Article 3 – murder).

The indictment alleges that:

“Milan Gvero and Radivoje Miletić together with other VRS and MUP officers and units and RS officials, as identified in this Indictment, were members of and knowingly participated in a Joint Criminal Enterprise and Operation, the common purpose of which was to force the Muslim population out of the Srebrenica and Žepa enclaves to areas outside the control of the RS from 11 March 1995 through the end of August 1995.

The execution of the Joint Criminal Enterprise and Operation to force the Muslim population out of the areas of Srebrenica and Žepa began in 1992 when VRS and RS forces began attacking towns and villages in eastern Bosnia such as Bijeljina and Zvornik and forcing the Muslim population to move southward towards the areas of Srebrenica and Žepa. The Joint Criminal Enterprise and Operation to force the Muslims from the areas of Srebrenica and Žepa continued despite the formation by the United Nations of the Srebrenica and Žepa enclaves on 6 May 1993, Resolution Number 824. Throughout 1993, 1994, and 1995, the authorities of the RS continued to press for the departure of the Muslims from Srebrenica and Žepa.

The charges that are the subject of this Indictment focus on the Joint Criminal Enterprise and Operation which continued from 11 March 1995, when the policy to remove the Muslim population from Srebrenica and Žepa was formally enunciated by President Radovan Karadžić in Directive 7, through the end of August 1995, when all the Muslims from Srebrenica and Žepa had been forced from their homes in the enclaves to the territory of Bosnia and Herzegovina and the Federal Republic of Yugoslavia.”

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

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The indictment further states that:

“ In order to achieve the goal of the Joint Criminal Enterprise and Operation, as expressed in Directive 7, to force the Muslim populations of Srebrenica and Žepa to leave the area, several actions were carried out, including but not limited to the following:

- a. Making life unbearable for the inhabitants of the enclave;*
- b. Defeating the Muslim forces militarily;*
- c. Disabling the local UN forces militarily;*
- d. Preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring; and*
- e. Controlling the movement of people out of the enclaves.*

Members of the Joint Criminal Enterprise and Operation made life unbearable for the inhabitants of the enclave by:

- a. Shelling civilian targets in Srebrenica and Žepa.*
- b. Restricting humanitarian aid, such as convoys of food, medicine and medical assistance, despite dire shortages in the enclaves.”*

The indictment further alleges that:

“It was foreseeable to Radivoje Miletić and Milan Gvero that individual criminal acts, such as individual killings described in this Indictment in Paragraphs 52 and 53, and acts of persecution described in Paragraphs 54 (b) and (c) of the Indictment, would be carried out by Serb forces during the Joint Criminal Enterprise and Operation to forcibly transfer and deport the populations of the Srebrenica and Žepa enclaves.”

The indictment lists the members of the Joint Criminal Enterprise as follows:

“RS President Radovan Karadžić; General Ratko Mladić, the Commander of the VRS, General Milenko Živanović, Commander of the Drina Corps through about 2000 hours on 13 July 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 Petar Salapura, Chief of Intelligence of the Main Staff, Colonel Ljubiša Beara, Chief of Security of the Main Staff, Colonel Radoslav Janković, intelligence officer of the Main Staff, Major Dragomir Pećanac, Security officer of the Main Staff, Colonel Vidoje Blagojević, Commander of the Bratunac Brigade; Captain Momir Nikolić, Chief of Security and Intelligence, Bratunac Brigade, Colonel Vinko Pandurević, Commander of the Zvornik Brigade; Lieutenant Colonel Dragan Obrenović, Deputy Commander and Chief of Staff of the Zvornik Brigade; Lieutenant Colonel Rajko Krsmanović, Drina Corps Chief of Transportation Services; Colonel Lazar Aćamović, Drina Corps Assistant Commander for Rear Services; Ljubiša Borovčanin, Commander of the RS Ministry of Interior Special Police Brigade. Various other individuals and military and police units were involved in the operation to forcibly transfer and deport the Muslim populations of Srebrenica and Žepa.”

The full text of the indictment will be available on the Tribunal’s website in due course <http://www.un.org/icty> . Hard copies can also be obtained from the Media Office.