



UNITED NATIONS - NATIONS UNIES

International Criminal Tribunal for the former Yugoslavia Tribunal Pénal International pour l'ex-Yougoslavie

CASE INFORMATION SHEET

(IT-05-88/2)

ZDRAVKO TOLIMIR



ZDRAVKO TOLIMIR	
	Assistant Commander for Intelligence and Security of the Bosnian Serb Army (VRS) Main Staff.
Indictment	Initial:8 February 2005; operational indictment filed: 4 November 2009
Arrested	31 May 2007
Transferred to ICTY	1 June 2007
Plea	3 July 2007, no plea entered. Not guilty plea entered on his behalf
Commencement of trial	26 February 2010
Closing arguments	21-23 August 2012
Trial Chamber Judgement	12 December 2012: convicted of genocide, conspiracy to commit genocide, crimes against
	humanity, and violations of the laws or customs of war
Appeals Chamber Judgement	8 April 2015: convicted of genocide, conspiracy to commit genocide, crimes against
	humanity, and violations of the laws or customs of war
Sentence	Life imprisonment
Deceased	8 February 2016 while awaiting transfer to a state of enforcement

INDICTMENT

One count of genocide (Count 1)

One count of conspiracy to commit genocide (Count 2)

Five counts of crimes against humanity

- Extermination (Count 3)
- Murder (Count 4)
- Persecutions (Count 6)
- Inhumane acts (forcible transfer) (Count 7)
- Deportation (Count 8)

One count of the violations of the laws or customs of war

• Murder (Count 5)

Alleged responsibility of the Accused

The crimes charged in the indictment took place from March until November 1995, in the enclaves of Srebrenica and Žepa, eastern Bosnia and Herzegovina, which had been declared safe havens by United Nations Security Council Resolutions in the spring of 1993.

Zdravko Tolimir was charged with being a member of two Joint Criminal Enterprises (JCEs): a JCE to murder the able-bodied Bosnian Muslim men from the enclave of Srebrenica, between approximately 11 July and 1 November 1995. The second JCE

allegedly aimed to forcibly remove and deport the Bosnian Muslim population from the enclaves of Srebrenica and Žepa, which allegedly commenced with the issuance of Directive 7 in March of 1995 and continued through the end of August 1995. The Directive 7 was signed by the President of Republika Srpska (RS) and culminated in the removal of the populations from these enclaves in July 1995.

The Accused was further charged with criminal responsibility pursuant to the extended form of JCE, referred to as JCE III. These charges alleged the opportunistic killings of smaller groups of able-bodied men from Srebrenica, (as a foreseeable consequence of both JCEs), the foreseeable targeted killings of three Bosnian Muslim leaders of Žepa (as a foreseeable consequence of the JCE to forcibly remove), and other persecutory acts (as a foreseeable consequence of both JCEs).

The Accused was not only charged with commission of these crimes through his alleged membership in the two JCEs, but also, pursuant to Article 7(1) of the Statute, with planning, instigating, ordering, and otherwise aiding and abetting in the planning, preparation, and execution of the charged crimes.

THE TRIAL

The trial commenced on 26 February 2010.

The Prosecution's case was concluded on 17 January 2012.

The Defence case lasted from 23 January until 21 February 2012.

The parties presented their closing arguments on 21 - 23 August 2012.

The Judgement was delivered on 12 December 2012.

TRIAL CHAMBER JUDGEMENT

The Trial Chamber found that, already in 1992, there was a policy in place at the highest levels of the Republika Srpska which sought to remove the Bosnian Muslim population from eastern Bosnia and Herzegovina. This policy was reaffirmed by Directive 7 issued in March 1995, signed by the President of the RS Radovan Karadžić. Directive 7 was drafted with the participation of various sectors within the VRS Main Staff, including the Sector of Intelligence and Security Affairs, headed by the Accused.

The Chamber found by Majority that two Joint Criminal Enterprises (JCEs) existed in eastern Bosnia in July 1995: the JCE to murder the able-bodied Bosnian Muslim men from Srebrenica and the JCE to forcibly remove the Bosnian Muslim population from Srebrenica and Žepa. The Chamber found that from 13 July to sometime in August 1995, at least 4,970 Bosnian Muslim men were murdered during the implementation of the JCE to murder. The majority emphasised that this was a conservative calculation of the minimum number, and that the total number was, at a minimum, closer to 6,000.

Tolimir was found to have knowledge of the situation on the ground from March 1995 onwards. The crimes that were committed were massive in scale, severe in their intensity, and devastating in their effect. The implementation of the two JCEs occurred over a very short period of time in a small geographical area. The Trial Chamber found that the accused played a coordinating and directing role throughout the entirety of this period. In addition, the Chamber found by majority that the Accused had knowledge of the genocidal intent of the other JCE members, including that of his security and intelligence organs involved in carrying out the JCEs. The Chamber concluded that the accused not only had knowledge of the genocidal intent of the others, but also possessed it himself. He was therefore found responsible for the crime of genocide. He was also found responsible, pursuant to JCE III, for the murders of the three Bosnian Muslim men from Žepa, which the Chamber had found constituted genocide.

Zdravko Tolimir, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of genocide, conspiracy to commit genocide, crimes against humanity and violations of the laws or customs of war. He was sentenced to life imprisonment.

APPEALS PROCEEDINGS

Tolimir appealed the Judgement.

Appeals hearing took place on 12 November 2014.

APPEALS CHAMBER JUDGEMENT

The Appeals Judgement was pronounced on 8 April 2015. The Appeals Chamber granted, fully or partially, the Accused's grounds of appeal 6, 10, 12 and 20 (in relation to the events in Žepa and Trnovo). The remaining grounds were all dismissed.

Zdravko Tolimir, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of:

- Genocide
- Conspiracy to commit genocide
- Extermination, persecutions and inhumane acts/forcible transfer (crimes against humanity)
- Murder (violations of the laws or customs of war)

Sentence: life imprisonment

Judge Antonetti filed a partially dissenting and a partially separate opinion. Judges Güney and Sekule appended partially dissenting opinions.

Zdravko Tolimir died on 8 February 2016 while awaiting transfer to a state of enforcement.

STATISTICS

Trial days	242
Prosecution witnesses	183
Prosecution exhibits	2962
Defence witnesses	4
Defence exhibits	533

International Criminal Tribunal for the former Yugoslavia
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