

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-02-60-PT

IN THE TRIAL CHAMBER

Before: Judge Liu Daqun, Presiding
 Judge Amin El Mahdi
 Judge Alphons Orie

Registrar: Mr. Hans Holthuis

Date Filed: 6 May 2003

THE PROSECUTOR

v.

**VIDEOJE BLAGOJEVIĆ
DRAGAN OBRENOVIĆ
DRAGAN JOKIĆ
MOMIR NIKOLIĆ**

**JOINT MOTION FOR CONSIDERATION OF PLEA AGREEMENT BETWEEN
MOMIR NIKOLIĆ AND THE OFFICE OF THE PROSECUTOR**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

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

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**JOINT MOTION FOR CONSIDERATION OF PLEA AGREEMENT BETWEEN
MOMIR NIKOLIĆ AND THE OFFICE OF THE PROSECUTOR**

1. The Prosecutor and the accused, Momir Nikolić, represented by his Counsel, Veselin Londrović and Stefan Kirsch, have entered into an Agreement concerning Nikolić's plea of guilty to Count 5 of the Amended Joinder Indictment dated 27 May 2002, alleging Persecutions, a Crime Against Humanity, punishable under Article 5(h) of the Statute of the Tribunal. The terms of this Agreement have been reduced to writing and are submitted herewith (Annex A) for the Trial Chamber's consideration.

2. This Agreement is not meant to replace the proceedings in open court at the time of plea, during which the Trial Chamber must assure itself that the accused's plea is made in accordance with all the rights accorded him by the Statute, Rules of Procedure and Evidence, and law of the Tribunal specifically Rules 62 *bis*¹ and 62 *ter*.² This Plea Agreement is simply meant to assist the Trial Chamber in that process.

3. It is the wish of the parties that by reducing this agreement to writing it will have the effect of promoting understanding between the parties as a means to help ensure the validity of the guilty plea and to assist the Trial Chamber in reaching an appropriate sentence.

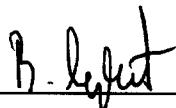
¹ Rule 62 *bis*, incorporated into the Rules of Procedure in November 1997, states that: If an accused pleads guilty in accordance with Rule 62 (vi), or requests to change his or her plea to guilty and the Trial Chamber is satisfied that:

- i. the guilty plea has been made voluntarily;
- ii. the guilty plea is informed;
- iii. the guilty plea is not equivocal; and
- iv. there is a sufficient basis for the crime and the accused's participation in it, either on the basis of independent indicia or on lack of any material disagreement between the parties about the facts of the case

² Rule 62 *ter* sets forth procedures for submission of a plea agreement entered in to by the parties, clarifies that the Trial Chamber is not bound by any agreement submitted by the parties, and requires the disclosure of any such plea agreement in open session.

4. In the attached Agreement, the accused and the Office of the Prosecutor have made a joint recommendation to the Trial Chamber regarding sentencing of Momir Nikolić; however, this recommendation is not meant to infringe in any way on the Trial Chamber's exclusive role in determining the appropriate sentence and such recommendation is made only to assist the Trial Chamber. As noted in the Plea Agreement, the Trial Chamber may consider such a recommendation or reject it, as the Trial Chamber so chooses.

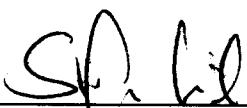
5. For the reasons stated above, the parties respectfully request that the Trial Chamber consider and accept the Plea Agreement between Momir Nikolić and the Prosecutor during both the plea and sentencing hearings.



Veselin Londrović
Counsel for Momir Nikolić



Peter McCloskey
Senior Trial Attorney



Stefan Kirsch
Co-Counsel for Momir Nikolić

Dated this 6th day of May, 2003
The Hague, The Netherlands

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-02-60-PT

THE PROSECUTOR

v.

MOMIR NIKOLIĆ

ANNEX A
TO THE JOINT MOTION FOR CONSIDERATION OF PLEA AGREEMENT
BETWEEN MOMIR NIKOLIĆ AND THE OFFICE OF THE PROSECUTOR

PLEA AGREEMENT

Introduction

1. This constitutes the Plea Agreement, pursuant to Rule 62bis of the Rules of Procedure and Evidence ("the Rules"), between the Accused, Momir Nikolić, through his Counsel Veselin Londrović, and the Office of the Prosecutor (OTP). The purpose of this Agreement is to clarify the understanding of the parties as to the nature and consequences of Mr. Nikolić's guilty plea and to assist the parties and the Trial Chamber in ensuring that the plea is valid, according to the Rules set forth by this Tribunal. The terms of the agreement are as follows:

Plea to Count 5 of the Indictment, Persecutions, A Crime Against Humanity

2. Momir Nikolić agrees to plead guilty to Count 5 of the Amended Joinder Indictment dated 27 May 2002, alleging Persecutions, a Crime Against Humanity, punishable under Article 5(h) of the Statute of the Tribunal, which states the following in relevant part:

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:

(h) persecutions on political, racial and religious grounds

3. Momir Nikolić agrees that he is pleading guilty to Count 5 because he is in fact guilty and acknowledges full responsibility for his actions that are the subject of the Indictment.

Consideration for the Momir Nikolić's Plea and Co-operation

4. In exchange for Momir Nikolić's plea of guilty to Count 5, Persecutions, a Crime Against Humanity and his complete co-operation with the OTP as set forth in paragraphs 9-11 of this Agreement and the fulfilment of all his obligations under this Agreement, the Office of the Prosecutor agrees to the following:

- (a) That the Prosecutor will recommend to the Trial Chamber that they impose a sentence within the range of 15 to 20 years and that the Accused be given credit for the time he has served in ICTY custody. The Defence will recommend a sentence of 10 years.
- (b) That the Office of the Prosecutor agrees to move to dismiss at the time of sentencing the remaining charges set out in the Indictment.

Nature of the Charges

5. Momir Nikolić understands that he is pleading guilty to Count 5 of the Indictment, Persecutions, a Crime Against Humanity, specifically acknowledging and admitting his conduct as set forth in paragraphs 9-11, 15-27, 30-33, 36-45, 46.1-46.12, 47, 47.2-47.5, 51, 58, 59 of the Indictment and further described in this agreement. However, Momir Nikolić and the Prosecution agree that the following corrections are to be made to the Indictment:

1. Paragraph 31 (second sentence): Delete reference to "genocide or complicity in genocide" and to "murder as a violation of the laws or customs of war".
2. Paragraph 39 (fourth sentence): Delete second reference to Momir Nikolić.
3. Paragraph 45 (second subparagraph, third sentence): Instead of "in compliance with the orders of Vidoje Blagojević" it should say "under the authority of Vidoje Blagojević".

There are further corrections of minor character to the Indictment which will be addressed by Momir Nikolić in his "Statement of Facts and Acceptance of Responsibility".

6. Momir Nikolić understands that if a trial were held, the Prosecutor would be required to prove the following elements of Article 5 beyond a reasonable doubt:

Persecutions

- (a) an armed conflict existed during the time frame of the Indictment

It is understood and agreed by Momir Nikolić and the OTP that the armed conflict alleged in paragraph 15 of the Indictment is the armed conflict that began on 6 April 1992 and ended with the Dayton Peace Agreement, signed on 14 December 1995.

(b) there was a widespread or systematic attack directed against a civilian population and, in a manner related to that attack, Momir Nikolić committed acts against the civilian population that violated fundamental human rights

It is understood and agreed that the widespread or systematic attack on the civilian population of Srebrenica as alleged in paragraph 17 of the indictment and described in paragraphs 18 through 26 of the Indictment includes:

(1) the murder of over 7000 Bosnian Muslim men ages 16-60, including some women, children and elderly men, from the period beginning 12 July through 1 November 1995; (2) the cruel and inhuman treatment of Bosnian Muslim civilians, including beatings of civilians in and around Potočari and detention centres in Bratunac on 12 and 13 July 1995; (3) the terrorisation of Bosnian Muslim civilians in Srebrenica and Potočari on 12 and 13 July 1995; (4) the destruction of personal property and effects of the Bosnian Muslim population of Srebrenica and (5) the forcible transfer of the entire Bosnian Muslim population from the Srebrenica enclave.

(c) Momir Nikolić's conduct was committed on political, racial or religious grounds and was committed with discriminatory intent.

It is understood and agreed that one of the reasons Mr. Nikolic committed the conduct described in the Indictment and herein was because the victims were Bosnian Muslims.

(d) Momir Nikolić was aware of the wider context in which his conduct occurred.

It is understood and agreed that Mr. Nikolic was aware of the widespread or systematic abuses described in the Indictment and in this agreement and of their effect on the entire population of Bosnian Muslims from the Srebrenica enclave.

Factual Basis

7. Momir Nikolić and the Prosecution agree that if the Prosecution were to proceed with evidence, the facts and allegations as set out in paragraphs 9-11, 15-27, 30-33, 36-45, 46.1-46.12, 47, 47.2-47.5, 51, 58, 59, Annex A, Annex B, and Attachments A-E of the Amended Joinder Indictment dated 27 May 2002, would be proven beyond a reasonable doubt, and that those facts are true and correct and not disputed by Momir Nikolić (with the corrections to the

Indictment made in paragraph 5 above). Specifically, Momir Nikolić acknowledges the facts set forth in the "Statement of Facts and Acceptance of Responsibility," attached to this Agreement at Tab A.

8. The Prosecution and Momir Nikolić agree that the evidence supports a finding of guilt on Count 5, Persecutions, of the Indictment.

Co-operation by Momir Nikolić

9. This Agreement is contingent upon Momir Nikolić's voluntary decision to accept responsibility for his actions and to co-operate with and to provide truthful and complete information to the Office of the Prosecutor whenever requested. In accordance with such co-operation, Momir Nikolić agrees to meet as often as necessary with members of the Office of the Prosecutor in order to provide them with full and complete information and evidence that is known to him regarding the events surrounding the attack and fall of the Srebrenica enclave July 1995. Mr. Nikolić agrees to be truthful and candid, and to freely answer all questions put to him by members of the Office of the Prosecutor. Mr. Nikolić agrees to testify truthfully in the trial of the co-Accused in this case before the Tribunal and in any other trials, hearings or other proceedings before the Tribunal as requested by the Prosecution.

10. The Prosecution and Mr. Nikolić also agree that they will jointly recommend to the Trial Chamber that sentencing of Mr. Nikolić in this matter not be set until after Mr. Nikolić has testified in the upcoming trial, in order that the full nature and scope of Mr. Nikolić's co-operation may be seen and evaluated by the Trial Chamber prior to sentencing.

11. It is understood and agreed by Momir Nikolić and the Prosecution that all information and testimony provided by Mr. Nikolić must be absolutely truthful. This means that Momir Nikolić must neither minimise his own actions nor fabricate someone else's involvement.

Maximum Possible Penalty and Sentencing

12. Momir Nikolić understands that, pursuant to Rule 101 of the Rules, he could face a sentence, if convicted after trial, of a term of imprisonment up to and including the remainder of his life.

13. Momir Nikolić understands that the Prosecution's recommendation of 15 to 20 years' and the Defence recommendation of 10 years incarceration is not binding on the Trial Chamber and that the Trial Chamber is free to sentence the Accused as it sees fit.

14. Momir Nikolić agrees that he will not appeal the sentence imposed by the Trial Chamber unless the sentence imposed is above the range recommended by the parties.

15. Momir Nikolić agrees that he will not move to withdraw his guilty plea or appeal his conviction pursuant to his guilty plea.

16. Momir Nikolić understands that, pursuant to Article 24 of the Statute and Rule 101 of the Rules, the Trial Chamber should take into account in determining the appropriate sentence such factors as the gravity of the offence and the individual circumstances of the convicted person. In addition, the Trial Chamber should take into account such factors as: any aggravating circumstances, any mitigating circumstances including the substantial co-operation with the Prosecutor by the convicted person before or after conviction, the general practice regarding prison sentences in the courts of the former Yugoslavia, and the extent to which any penalty imposed by a court of any State on the convicted person for the same act has already been served.

Waiver of Rights

17. By pleading guilty, Momir Nikolić understands he will be giving up the following rights:

- (a) the right to plead not guilty and require the Prosecution to prove the charges in the Indictment beyond a reasonable doubt at a fair and impartial public trial;
- (b) the right to prepare and put forward a defence to the charges at such public trial;
- (c) the right to be tried without undue delay;
- (d) the right to be tried in his presence, and to defend himself in person at trial or through legal assistance of his own choosing at trial;
- (e) the right to examine at his trial, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf at a trial under the same conditions as witnesses against him;
- (f) the right not to be compelled to testify against himself or to confess guilt;
- (g) the right to testify or to remain silent at trial; and
- (h) the right to appeal a finding of guilty or to appeal any pre-trial rulings.

18. It is understood that by pleading guilty the Accused does not waive his right to be represented by Counsel at all stages of the proceedings.

Voluntaries of the Plea

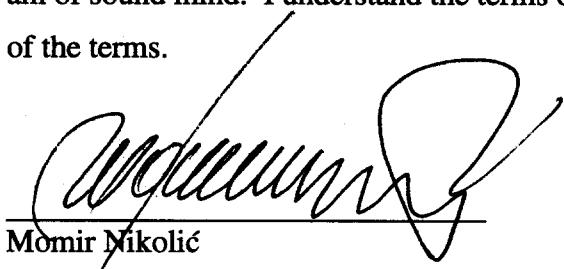
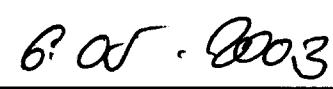
19. Momir Nikolić acknowledges that he has entered this Plea Agreement freely and voluntarily, that no threats were made to induce him to enter this guilty plea, and that the only promises made to him are those set forth in this agreement.

Other Agreements

20. Except as expressly set forth herein, there are no additional promises, understandings or agreements between the Office of the Prosecutor and Momir Nikolić or his Counsel, Veselin Londrović. Part of this Agreement is a confidential "Annex Tab B" which will be filed separately and under seal.

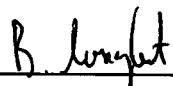
Declaration of Momir Nikolić

21. I, Momir Nikolić, have read this Plea Agreement in a language which I understand and have carefully reviewed every part of it with my Counsel, Veselin Londrović. Mr. Londrović has advised me of my rights, or possible defences, and of the consequences of entering into this Agreement. No other promises or inducements have been made to me, other than those contained in this Agreement. Furthermore, no one has threatened me or forced me in any way to enter into this Agreement. I have entered into this Agreement freely and voluntarily, and am of sound mind. I understand the terms of this Agreement, and I voluntarily agree to each of the terms.

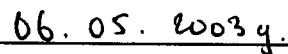

Momir Nikolic
Date

Declaration of Counsel

I, Veselin Londrović, am Momir Nikolić's Counsel. I have carefully reviewed every part of this Agreement with my client. Further, I have fully advised my client of his rights, and possible defences, of the maximum possible sentence and the consequences of entering into this Agreement. To my knowledge, my client is of sound mind and his decision to enter into this Agreement is an informed and voluntary one.

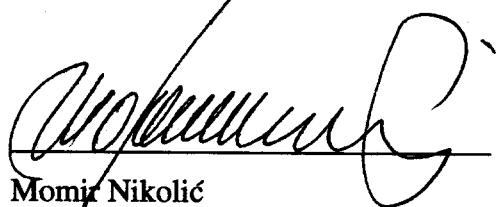


Veselin Londrović
Counsel for Momir Nikolić



Date

On this 6th day of May 2003 the undersigned parties fully agree to each and every term and condition of this Plea Agreement:



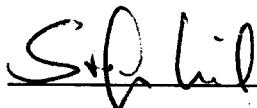
Momir Nikolić



Veselin Londrović
Counsel for Momir Nikolić



Peter McCloskey
Senior Trial Attorney
Office of the Prosecutor



Stephan Kirsch
Co-Counsel for Momir Nikolić

**MEĐUNARODNI KRIVIČNI SUD
ZA BIVŠU JUGOLAVIJU**

Predmet br. IT-02-60-PT

TUŽILAC

protiv

MOMIRA NIKOLIĆA

**ANEKS A
ZAJEDNIČKOG PRIJEDLOGA ZA RAZMATRANJE
SPORAZUMA O IZJAŠNJAVAњU O KRIVICI
IZMEĐU MOMIRA NIKOLIĆA I TUŽILAŠTVA**

SPORAZUM O IZJAŠNJAVAњU O KRIVICI

Uvod

1. Ovaj dokument je sporazum o izjašnjavanju o krivici na osnovu pravila 62bis Pravilnika o postupku i dokazima (dalje u tekstu: Pravilnik), između optuženog Momira Nikolića, zastupanog po njegovom braniocu Veselinu Londroviću, i Tužilaštva. Svrha ovog Sporazuma jeste da se utanači sve što je između strana dogovoren u vezi sa sadržajem i posljedicama potvrdnog izjašnjenja o krivici g. Nikolića, te da se stranama i Pretresnom vijeću pomogne da ovo izjašnjenje bude valjano, u skladu sa Pravilnikom po kojem radi ovaj Međunarodni sud. Ovim sporazumom utanačuje se sljedeće:

Izjašnjenje po tački 5 Optužnice - Progoni, zločin protiv čovječnosti

2. Momir Nikolić je sporazuman s tim da se izjasni krivim po tački 5 Izmijenjene spojene optužnice od 27. maja 2002. koja ga tereti za progone, zločin protiv čovječnosti kažnjiv po članu 5(h) Statuta Međunarodnog suda koji u relevantnom dijelu utvrđuje sljedeće:

Međunarodni sud je ovlašten da krivično goni osobe odgovorne za sljedeća krivična djela kada su počinjena u oružanom sukobu, bilo međunarodnog bilo unutrašnjeg karaktera, i usmjerena protiv bilo kojeg civilnog stanovništva:

(h) progoni na političkoj, rasnoj i vjerskoj osnovi

3. Momir Nikolić je sporazuman s tim da se izjasni krivim po tački 5 zato što činjenično jeste kriv, i potvrđuje da snosi punu odgovornost za svoje postupke koji su predmet Optužnice.

Razlozi za izjašnjenje o krivici i saradnju Momira Nikolića

4. Za potvrđno izjašnjenje o krivici Momira Nikolića po tački 5 Optužnice - optužba za progone, zločin protiv čovječnosti - i za njegovu punu saradnju s Tužilaštvom na način opisan u paragrafima 9-11 ovog Sporazuma, te za ispunjenje svih njegovih obaveza po ovom Sporazumu, Tužilaštvo je sporazumno s tim da postupi na sljedeći način:

- (a) Tužilac će Pretresnom vijeću preporučiti kaznu u rasponu od 15 do 20 godina i da se optuženom u izvršenje kazne uraćuna vrijeme koje je proveo u pritvoru MKSJ-a. Odbrana će preporučiti kaznu od 10 godina.
- (b) Tužilaštvo je sporazumno s tim da u trenutku izricanja presude o kazni predloži da se odbace preostale optužbe sadržane u Optužnici.

Sadržaj optužbi

5. Momir Nikolić je svjestan toga da se izjašnjava krivim po tački 5 Optužnice - optužba za progone, zločin protiv čovječnosti - konkretno potvrđujući i priznajući svoje postupke navedene u paragrafima 9-11, 15-27, 30-33, 36-45, 46.1-46.12, 47, 47.2-47.5, 51, 58, 59 Optužnice, i dalje opisane u ovom Sporazumu. Međutim, Momir Nikolić i optužba su sporazumni da u Optužnicu treba unijeti sljedeće ispravke:

1. Paragraf 31 (druga rečenica): izbrisati dijelove "genocid odnosno saučesništvo u genocidu" te "ubistvo kao kršenje zakona i običaja ratovanja".
2. Paragraf 39 (četvrta rečenica): izbrisati drugo navođenje imena Momira Nikolića.
3. Paragraf 45 (drugi stav, treća rečenica): dio "u skladu sa naređnjima Vidoja Blagojevića" zamijeniti tekstrom "pod starješinstvom Vidoja Blagojevića".

Postoje još neke sitnije ispravke teksta Optužnice koje će Momir Nikolić nавести u dokumentu pod naslovom "Izjava o činjenicama i prihvatanje krivice".

6. Momir Nikolić je svjestan toga da bi se na suđenju od tužioca zahtjevalo da van razumne sumnje dokaže sljedeće elemente iz člana 5:

Progoni

- (a) da je u vremenu na koje se odnosi Optužnica postojao oružani sukob

Momir Nikolić i Tužilaštvo utanačuju i saglasni su s tim da se navod o oružanom sukobu iz paragrafa 15 Optužnice odnosi na oružani sukob koji je započeo 6. aprila 1992., a završio Daytonskim mirovnim sporazumom potpisanim 14. decembra 1995.

(b) da je postojao rasprostranjeni ili sistematski napad usmjeren protiv civilnog stanovništva i da je Momir Nikolić, na način povezan s tim napadom, počinio djela protiv civilnog stanovništva koja predstavljaju kršenje temeljnih ljudskih prava

Utanačuje se i postoji saglasnost o tome da rasprostranjeni ili sistematski napad usmjeren protiv civilnog stanovništva Srebrenice naveden u paragrapu 17 Optužnice i opisan u paragrafima od 18 do 26 Optužnice uključuje:

(1) ubistvo preko 7.000 bosanskih Muslimana u dobi od 16 do 60 godina, uključujući izvjestan broj žena, djece i starijih osoba, u periodu od 12. jula do 1. novembra 1995.; (2) okrutno i nečovječno postupanje sa civilima, bosanskim Muslimanima, uključujući premalaćivanje civila u Potočarima i njihovoj okolini i u zatočeničkim centrima u Bratuncu, 12. i 13. jula 1995.; (3) terorisanje civila, bosanskih Muslimana, u Srebrenici i Potočarima, 12. i 13. jula 1995.; (4) uništavanje lične imovine i predmeta u vlasništvu bosanskomuslimanskog stanovništva Srebrenice, i (5) prisilno premještanje cjelokupnog bosanskomuslimanskog stanovništva iz srebreničke enklave.

(c) da je ponašanje Momira Nikolića imalo političku, rasnu ili vjersku osnovu, kao i traženu diskriminacionu namjeru.

Utanačuje se i ostvarena je saglasnost o tome da je jedan od razloga ponašanja g. Nikolića opisanog u Optužnici i ovdje u tekstu bilo to što su žrtve bile upravo bosanski Muslimani.

(d) Momir Nikolić je bio svjestan šireg konteksta u kojem se odvija njegovo ponašanje.

Utanačuje se i postoji saglasnost o tome da g. Nikolić bio svjestan rasprostranjenih ili sistematskih nedjela opisanih u Optužnici i u ovom Sporazumu, te njihovih posljedica za cjelokupno bosanskomuslimansko stanovništvo iz srebreničke enklave.

Činjenični osnov

7. Momir Nikolić i optužba saglasni su o tome da bi optužba u dokaznom postupku van razumne sumnje dokazala činjenice i navode sadržane u paragrafima 9-11, 15-27, 30-33, 36-45, 46.1-46.12, 47, 47.2-47.5, 51, 58, 59, u Dodatku A, Dodatku B, i Prilozima A-E

Izmijenjene spojene optužnice od 27. maja 2002., da su te činjenice istinite i tačne, te da ih Momir Nikolić ne osporava (s tim da se u tekstu Optužnice unesu ispravke navedene u paragafu 5. gore). Konkretno, Momir Nikolić potvrđuje činjenice koje iznosi u dokumentu pod naslovom "Izjava o činjenicama i prihvatanje odgovornosti" priloženom ovom Sporazumu s oznakom "Tab A".

8. Optužba i Momir Nikolić su saglasni o tome da dokazni materijal ide u prilog konstataciji krivice po tački 5 Optužnice - Progoni.

Saradnja Momira Nikolića

9. Ovaj Sporazum je uslovljen dobrovoljnom odlukom Momira Nikolića da prihvati odgovornost za svoje postupke, te da sarađuje sa Tužilaštvom i dostavlja mu istinite i potpune informacije kad god se to od njega bude zatražilo. U skladu s tom saradjnjom, Momir Nikolić pristaje da se, koliko god često to bude potrebno, sastaje sa članovima Tužilaštva kako bi im dostavio cjelovite i potpune informacije i njemu poznatu dokaznu građu u vezi s okolnostima napada na srebreničku enklavu i njenog pada u julu 1995. godine. Gospodin Nikolić pristaje da bude iskren i otvoren i da bez zadrške odgovori na svako pitanje koje mu postave članovi Tužilaštva. Gospodin Nikolić pristaje da na zahtjev optužbe iskreno svjedoči pred Međunarodnim sudom na suđenju saoptuženima u ovom predmetu i u bilo kojem drugom suđenju, raspravi ili postupku druge vrste pred Međunarodnim sudom

10. Optužba i g. Nikolić takođe su se sporazumjeli o tome da će Pretresnom vijeću podnijeti zajednički prijedlog da se s postupkom izricanja kazne g. Nikoliću u ovoj stvari pričeka dok se ne završi njegovo svjedočenje u predstojećem suđenju, kako bi Pretresno vijeće imalo uvid u cijeli sadržaj i obim saradnje g. Nikolića i moglo donijeti ocjenu o njoj prije nego što mu izrekne kaznu.

11. Momir Nikolić i optužba utanačuju i sporazumno su o tome da sve informacije i iskaz g. Nikolića moraju biti sasvim istiniti. To znači da Momir Nikolić niti smije minimizirati svoje postupke, niti iznositi neistine o učešću drugih.

Najveća moguća kazna i odmjeravanje kazne

12. Momir Nikolić je svjestan toga da bi mu, ako bi bio osuđen po sprovedenom sudskom postupku, na osnovu pravila 101 Pravilnika mogla biti izrečena kazna dugotrajnog zatvora uključujući i doživotni zatvor.

13. Momir Nikolić je svjestan toga da preporuka optužbe da se izrekne kazna zatvora u trajanju od 15 do 20 godina, odnosno preporuka odbrane za kaznu u trajanju od 10 godina, nisu obavezujuće za Pretresno vijeće i da Pretresno vijeće ima punu slobodu da optuženom odmjeri kaznu koju ono smatra primjerenom.

14. Momir Nikolić pristaje na to da žalbu na presudu o kazni koju mu bude izreklo Pretresno vijeće uloži samo u slučaju da mu bude izrečena kazna veća od raspona koji su predložile strane.

15. Momir Nikolić je saglasan s tim da neće podnijeti zatjev za povlačenje svog potvrdnog izjašnjenja o krivici, niti se žaliti na osuđujuću presudu donesenu po potvrđnom izjašnjenju o krivici.

16. Momir Nikolić je svjestan toga da, shodno članu 24 Statuta i pravilu 101 Pravilnika, Pretresno vijeće prilikom odmjeravanja primjerene kazne treba da uzme u obzir faktore kao što su težina krivičnog djela i lične prilike osuđenog lica. Pored toga, Pretresno vijeće treba da uzme u obzir faktore kao što su: eventualne otežavajuće okolnosti, eventualne olakšavajuće okolnosti uključujući znatnu saradnju osuđenika sa tužiocem prije ili poslije izricanja osude, opštu praksu izricanja zatvorskih kazni na sudovima bivše Jugoslavije, te vrijeme koje je po presudi suda bilo koje države osuđeno lice već provelo na izdržavanju kazne za isto djelo.

Odricanje od prava

17. Momir Nikolić je svjestan toga da se potvrđnim izjašnjavanjem o krivici odriče sljedećih prava:

- (a) prava da se izjasni da nije kriv i da od optužbe zahtijeva da van razumne sumnje dokaže navode iz optužnice, na pravičnom i nepristrasnom javnom suđenju;

- (b) prava da pripremi i da na tom javnom suđenju iznese svoju odbranu na te optužbe;
- (c) prava da mu se sudi bez nepotrebnog odlaganja;
- (d) prava da mu se sudi u njegovom prisustvu i da se na suđenju brani sam ili putem pravnog zastupnika po sopstvenom izboru;
- (e) prava da na svom suđenju ispita ili da se u njegovo ime ispitaju svjedoci koji ga terete, kao i da se na suđenje dovedu svjedoci odbrane i ispitaju u njegovo ime pod istim uslovima kao i svjedoci koji ga terete;
- (f) prava da se ne prinuđuje da svjedoči protiv sebe ili da prizna krivicu;
- (g) prava da svjedoči na suđenju ili da se brani šutnjom; i
- (h) prava žalbe na presuđenje o krivici, kao i žalbe na sva sudska rješenja donesena u preliminarnoj fazi postupka.

18. Utanačuje se da se optuženi potvrđnim izjašnjenjem o krivici ne odriče prava da ga u svim fazama postupka zastupa branilac.

Dobrovoljnost izjašnjenja

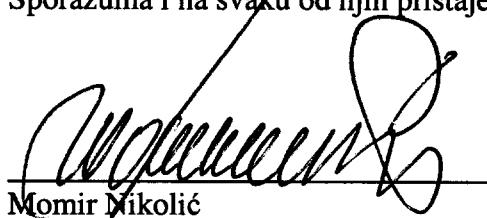
19. Momir Nikolić potvrđuje da je ovaj Sporazum o izjašnjavanju o krivici sklopio po svom slobodnom izboru i dobrovoljno, da mu nisu upućivane prijetnje da bi se on naveo na ovo potvrđno izjašnjenje o krivici, te da su jedina obećanja koja su mu data ona koja su iznesena u ovom Sporazumu.

Drugi sporazumi

20. Izuzev onog što je ovdje izričito navedeno, između Tužilaštva i Momira Nikolića, odnosno njegovog branioca Veselina Londrovića, ne postoje nikakva druga obećanja, dogovori ili sporazumi. Dio ovog Sporazuma, "Aneks Tab B", povjerljiv je i biće zaveden posebno i pod pečatom.

Izjava Momira Nikolića

21. Ja, Momir Nikolić, pročitao sam ovaj Sporazum o izjašnjavanju o krivici na jeziku koji razumijem i pažljivo sam sa svojim braniocem Veselinom Londrovićem pregledao sve njegove dijelove. Gospodin Londrović upoznao me s mojim pravima, sa mogućnostima odbrane i s posljedicama sklapanja ovog Sporazuma. Osim onih koji su sadržani u ovom Sporazumu, nisu mi davana nikakva druga obećanja ni podsticaji. Niko mi nije ni prijetio niti me na bilo koji način prisiljavao da sklopim ovaj Sporazum. Ovaj Sporazum sam sklopio po svom slobodnom izboru i dobrovoljno i zdrave sam svijesti. Razumijem odredbe ovog Sporazuma i na svaku od njih pristajem dobrovoljno.

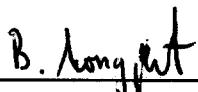

Momir Nikolić

6.05.2003

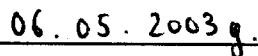
Datum

Izjava branioca

Ja, Veselin Londrović, branilac sam Momira Nikolića. Sa svojim klijentom pažljivo sam pregledao sve dijelove ovog Sporazuma. Takođe, svog klijenta sam upoznao sa svim njegovim pravima, sa mogućnostima odbrane, te sa najvećom mogućom kaznom i posljedicama sklapanja ovog Sporazuma. Koliko mi je poznato, moj klijent je pri zdravoj svijesti i svoju odluku da sklopi ovaj Sporazum je donio sa punim uvidom i dobровoljno.

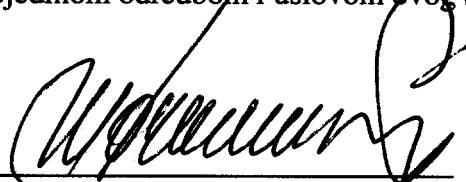


Veselin Londrović,
branilac Momira Nikolića

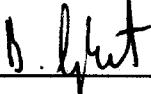


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Danas, 6. maja 2003., nižepotpisani potvrđuju da su u potpunosti saglasni sa svakom pojedinom odredbom i uslovom ovog Sporazuma o izjašnjavanju o krivici:

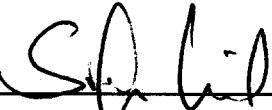


Momir Nikolić


Veselin Londrović,
branilac Momira Nikolića



Peter McCloskey,
viši zastupnik optužbe,
Tužilaštvo


Stephan Kirsch,
ko-branilac Momira Nikolića

Statement of Facts and Acceptance of Responsibility

(Tab A to "Annex A" to the "Joint Motion for Consideration of Plea Agreement Between Momir Nikolić and the Office of the Prosecutor")

1

As Chief of Intelligence and Security of the Bratunac Brigade, and from my own personal knowledge and involvement, I am aware of the following:

During the attack and takeover of the Srebrenica enclave by VRS forces in July 1995 it was the intention of the VRS forces to cause the forcible removal of the entire Muslim population from Srebrenica to Muslim-held territory.

2

On 11 July 1995, VRS forces captured and occupied the town of Srebrenica causing the Muslim population to move to the Dutch UN base in Potočari. During the day and evening, I received intelligence reports which provided an estimate of 1000 to 2000 able-bodied men within the population of women and children around the Dutch base. I received this information from the intelligence officer of the Bratunac Brigade's 2nd Infantry Battalion. I wrote up a report chronicling all the relevant intelligence and security information of the day including the estimate of 1000 to 2000 able-bodied Muslim men in Potočari and forwarded that report to my command and to the intelligence and security officers of the Drina Corps who I knew were present at the Hotel Fontana in Bratunac.

3

Later that evening I attended two meetings at the Hotel Fontana in Bratunac. The first meeting took place at 20:00 hrs. and was attended by General Ratko Mladić, General Milenko Živanović, Colonel Radislav Janković, and three Dutch Battalion officers including the Dutch commander Colonel Karremans. During the first meeting, General Mladić threatened and intimidated the Dutch officers, as can be seen from the video segments of that meeting in the possession of the Prosecutor. The second meeting occurred at 22:00 hrs. at the Hotel Fontana and was attended by General Ratko Mladić, General Radislav Krstić, Colonel Karremans, a Muslim representative named Nesib Mandžić, myself and other military personnel of the VRS. At this meeting General Mladić threatened and intimidated the Dutch officers present and Nesib Mandžić, which can also be seen from the video segments in the possession of the Prosecutor. At one point in the meeting General Mladić told Mr. Mandžić he wanted the Muslim army to turn themselves in and General Mladić stated to Mandžić that the future of his people were in his (Mandžić's) hands, that they could choose to survive or disappear. After this meeting I escorted the Dutch officers and Mr. Mandžić back to Potočari. I did not return to the Hotel that evening, but went back to the Bratunac Brigade command and slept.

On the morning of 12 July VRS forces, including elements of the Bratunac Brigade, entered and occupied the town of Potočari and the area around the UN Dutchbat compound. A third meeting was scheduled to occur at the Hotel Fontana at 10:00 hrs. between the same parties.

In the morning of 12 July, prior to the above-mentioned meeting, I met with Lt. Colonel Vujadin Popović, Chief of Security, Drina Corps, and Lt. Colonel Kosorić, Chief of Intelligence, Drina Corps, outside the Hotel Fontana. At that time Lt. Colonel Popović told me that the thousands of Muslim women and children in Potočari would be transported out of Potočari toward Muslim-held territory near Kladanj and that the able-bodied Muslim men within the crowd of Muslim civilians would be separated from the crowd, detained temporarily in Bratunac, and killed shortly thereafter. I was told that it was my responsibility to help coordinate and help organise this operation. Lt. Colonel Kosorić reiterated this information and we discussed the appropriate locations to detain the Muslim men prior to their execution. I identified several specific areas: the Old Elementary School, ~~Vuk Karadžić~~ ^{School} (including its gym), the old building of the Secondary School "Đuro Pucar Stari", and the Hangar (which is 50 meters away from the old Secondary School). Lt. Colonel Popović and Kosorić talked with me about sites of executions of temporarily detained Muslim men in Bratunac and we discussed two locations which were outside Bratunac town. These were: State company "Ciglane" and a mine called "Sase" in Sase.

After speaking to Lt. Colonel Popović and Kosorić, I waited around the Hotel Fontana. At the end of the third meeting Colonel Janković came out of the Hotel Fontana and told me to coordinate the transportation of all the women and children and the separation of the able-bodied Muslim men. At that time he did not mention the killing of the Muslim men.

Shortly thereafter, two Dutch officers arrived outside the Hotel Fontana where I was standing with Lt. Colonel Kosorić and asked us what the plan was for the transportation of the Muslim population. I told the Dutch officers to go back to Potočari because the buses would be arriving there soon to transport the people towards Kladanj.

For most of the day of 12 July, I was in Potočari co-ordinating and working with Duško Jević, a commander of the MUP Special Police Force, and the following other military and MUP units: Drina Corps Military Policemen under Major Petrović; Drina Wolves of the Zvornik Brigade; elements of the 10th Sabotage Detachment; elements of the 65th protection Regiment's Military Police; Bratunac Brigade's 2nd^t and 3rd Infantry Battalions; Bratunac Brigade Military Police; and civilian police with German Shepherd dogs. Working in conjunction with these units, I coordinated and supervised the transportation of the women and children to Kladanj and the separation and detention of able-bodied Muslim men.

6.Cov.603

During the day in Potočari, VRS forces and MUP forces intimidated and abused the Muslim population in order to compel them to get on the buses and trucks to Kladanj.

The first convoys to leave Potočari included a few men on the buses as part of a propaganda exercise. This was for the benefit of the Dutch troops and the Serb TV cameras, but these men were later separated at checkpoints before reaching Kladanj.

During 12 July VRS forces abused and assaulted many Muslim men and women who had assembled around the Dutch base in Potočari.

I was personally aware of this conduct and did nothing to stop or prevent the forces under my supervision from carrying out these abuses. I also heard that some Muslim men were taken to isolated areas around Potočari and killed.

That evening between 18:00 and 21:00 hrs. I also reported the abuses verbally to my commander, Colonel Vidoje Blagojević. I discussed the operation to transport the women and children to Kladanj and separate, detain and kill the able bodied Muslim men in Potočari. It was apparent to me that Colonel Blagojević was fully informed of the transportation and killing operation and expected me to continue to carry out the duties related to those operations that I had begun that morning. We were alone in the office at that time. I also spoke to other Bratunac Brigade staff officers such as Trišić, Mičić and Pajić in the Operations Room. We spoke informally about the abuse, separations and evacuations. There was no concern expressed by them. We did not discuss the killing operation at that time.

During 11 and 12 July I received intelligence reports that the bulk of the men of military age from Srebrenica had assembled near the village of Jaglići and begun to move in a long column toward Muslim territory, following a known route through the mine fields at the front line towards Konjević Polje.

On 12 July and the early morning hours of 13 July I was made aware through intelligence reports and other information that VRS and MUP forces were capturing Muslim men in the area between Ravni Buljim, Nova Kasaba and Konjević Polje.

I was duty officer that same evening (12th) and was exhausted, so at about 03:00 hrs. on the 13th, I phoned Mirko Janković to relieve me. I went to my apartment in town and slept for a few hours. I returned to duty at the Bratunac Brigade HQ at about 07:00 hrs. on the 13th July.

At about 09:30 hrs. that morning, a meeting took place at the Bratunac Brigade HQ. It was attended by General Mladić, Colonel Vasić, Lt. Colonel Popović and General Krstić. I do not know what was discussed at this meeting, as I never participated. About 10 to 15 minutes after the meeting, I spoke to my commander, Colonel Blagojević in his office.

I was tasked by Colonel Blagojević to continue the Potočari operation to transport the Muslim women and children to Kladanj and separate and detain the able-bodied Muslim men.

My first task of the day (13th July) was to go to Potočari and check on the progress of the transportation and separation of the Muslim men and other tasks. I established that all was going well. I directed the work of the forces present in Potočari.

While I was in Potočari, I met Duško Jević and told him to pass an order to his units which were on the Bratunac-Konjević Polje road that all the captured Muslims on this road be transported to Bratunac. I then left Potočari and went back to the Bratunac Brigade HQ. According to my information which I got from the members of the Bratunac Brigade Military Police, General Mladić, on that day, intended to use the road Bratunac-Konjević Polje and my task was to check security and accessibility of that road. I drove along the Bratunac-Konjević Polje road in a Volkswagen Golf motor vehicle with a Military Policeman.

On the way I saw MUP forces along the road. I saw MUP at Sandići with heavy weapons. There were approximately 80 to 100 prisoners at Sandići meadow at this time. I arrived in Konjević Polje at about 12:30 hrs. that day. There was a civilian police checkpoint at the intersection. I sat in a burnt out house and waited for General Mladić to pass. Together with me in this house were five to six Muslim prisoners.

While I was in Konjević Polje I saw approximately ten prisoners in a building used by the 5th Engineering Battalion of the Drina Corps at Konjević Polje. I also saw police from Bratunac at the checkpoint and soldiers who I did not recognise. I also saw Nenad Deronjić and Mirko Perić there. When I arrived at Konjević Polje I contacted the MUP commanders and directed them that the Muslim prisoners should be detained and would be moved to Bratunac later that day.

I was at Konjević Polje for approximately 45 minutes before General Mladić arrived. His car arrived from the direction of Bratunac and stopped at the intersection at Konjević Polje. He got out of his vehicle and we met in the middle of the road. I reported to him that there were no problems. He looked around and saw the prisoners. Some of the prisoners asked him what would happen, to which he responded that they would all be transported away and they should not worry.

After General Mladić left, I took a prisoner, Rešid Sinanović, in my car back to Bratunac. Sinanović was an important prisoner as he was on a war criminal list and he was also the former police chief in Bratunac. On the way back to Bratunac, I saw large columns of captured men, numbering about 500 being marched towards Konjević Polje. Further along the road I saw another column of prisoners being taken towards Sandići. As I passed on the road near the Kravica Warehouse I noticed a few soldiers but nothing else. I handed Sinanović over to the Military Police at the Bratunac Brigade HQ, specifically to a legal officer, Zlatan Čelanović.

I then went to the building of the Military Police of the Bratunac Brigade and met with Mirko Janković, the commander of the Bratunac Military Police Platoon, and Mile Petrović, a MP member. Janković knew how to drive one of the captured Dutch APCs and he, Petrović and I drove along the Bratunac-Konjević Polje road. Mile Petrović sat on top of the APC with a megaphone calling for the Muslims to surrender. It was clear that some were already surrendering at that stage. Just after we had passed Sandići, we stopped the APC when about six Muslim men surrendered to us. We took them in the APC to Konjević Polje. When we arrived there I told Mile and Mirko to take the prisoners and leave them with the rest of the approximate 250 prisoners already held there. I went to the house where I had sat before. There were about 30 Muslims being held in this house. I then heard two bursts of gunfire close by. About ten minutes later, Mile Petrović came to me and said: "Boss, I just took revenge for my brother...I've killed them." He was referring to the six prisoners who had surrendered to us a short time before. He said he had executed them down a riverbank behind a yellow building. There is a gas station built on this site now.

Mirko had driven off in the APC, in the direction of Zvornik. We stayed in Konjević Polje for about twenty minutes and when Janković returned with the APC we left for Bratunac.

I saw that Janković had Deutsche Marks with him and I asked him where he got the money. He said that he had received it from some Special Police members along the road.

On the way back to Bratunac, I saw many prisoners being marched in both directions. I also saw dead bodies lying on the side of the road near Pervani and Lolići. I saw groups of three or so bodies at a time. At Sandići, I saw about 10 to 15 corpses and a large mass of prisoners in a meadow.

On the way back to Bratunac, we drove past the Kravica warehouse and I saw some soldiers there but did not notice any Muslim prisoners. The next day I heard that an incident had occurred where a member of the MUP had been killed by a prisoner there. I looked into the incident and determined that after the killing of a MUP individual, the MUP forces became very angry resulting in the military and MUP forces present executing the prisoners held there.

I established that among those participating in the execution were: Nikola Popović from Kravica who was attached to the Bratunac Brigade Military Police; Milovan Matić who was attached to the 1st Infantry Battalion of the Bratunac Brigade; Ilia Nikolić who was attached to the 1st Infantry Battalion of the Bratunac Brigade; Rašo Milanović who was the commander of the Police Unit in Kravica.

I also found out that the director of the warehouse, Jovan Nikolić witnessed the execution. Further, I learned that shortly after the executions on 13 July machines were brought from Zvornik and Bratunac to bury the bodies. I reported about what I have learned to Colonel Vidoje Blagojević about one or two days after the event.

While the Muslim were detained in Potočari and around Bratunac, they were not given any food or medical aid and only given enough water to sustain them until the time they were transported to Zvornik.

10

In the evening of 13th July I was having dinner at the Bratunac Brigade HQ when I received a call from the communication room to report directly to Colonel Beara in the centre of Bratunac. I travelled to the centre and met with Colonel Beara at about 20:30 hrs. Colonel Beara ordered me to travel to the Zvornik Brigade and inform Drago Nikolić, the Zvornik Brigade Security Officer, that thousands of Muslim prisoners were being held in Bratunac and would be sent to Zvornik that evening. Colonel Beara also told me that the Muslim prisoners should be detained in the Zvornik area and executed. I drove alone to Zvornik from Bratunac via Konjević Polje and arrived at the Zvornik Brigade Headquarters at around 21:45 hrs. I went to the Duty Officer's desk and requested to see Drago Nikolić. A person whom I believe was from the Brigade Intelligence branch met me in the Duty Officer's room and I explained to him that I needed to see Drago Nikolić. He told me that Drago Nikolić was at the Forward Command Post (FCP) and provided me with a Military Police (MP) escort to go to the FCP. I then left the Zvornik Brigade HQ and travelled with the MP to the FCP. The trip from the Zvornik Brigade HQ to the FCP took almost 45 minutes along a very rough road. I met with Drago Nikolić and explained to him what Colonel Beara had told me. Drago Nikolić told me he would inform his command. I spent around 10 minutes at the FCP and then drove back to the Zvornik Brigade HQ where I dropped the Military Policeman at the gates. I drove back to Bratunac via Konjević Polje. On the way back to Bratunac I passed some of the busses containing prisoners, at Kušlat, who were traveling towards Zvornik. I later established that another convoy had left for Zvornik along the Drina river road to Zvornik.

I returned to Bratunac, around midnight, and reported to Colonel Beara at the Hotel Fontana. I told him that I met with Drago Nikolić and had passed on his (Beara's) orders.

At that time the Bratunac town was overcrowded with Muslim prisoners that had been brought from the area of the Milici-Bratunac road. It was late at night and there was insufficient transportation to move these prisoners to Zvornik. This created an unstable situation around Bratunac town. To deal with this situation, Colonel Beara, M. Deronjić (the civilian commissioner appointed by Karadžić to deal with the Muslim civilians), Dragomir Vasić and myself met in the SDS office in Bratunac. Deronjić was concerned that the prisoners in the town created a security risk and did not want the killing of these prisoners to be carried out in and around Bratunac. The killing operation was openly discussed at the meeting and all participants indicated that they had been reporting to their various chains of command. Logistic, transportation and security support was also discussed. It was decided at the meeting that the Muslim men in and around Bratunac should be continued to be guarded by elements of the Bratunac Brigade Military Police, various civilian MUP forces and armed volunteers from Bratunac town. The meeting ended at 00:30 hrs. on 14 July and I returned to the Bratunac Brigade Headquarters where I informed my commander, Colonel Blagojević, of my trip to Zvornik and the instructions I had received from Colonel Beara and that all the prisoners would be moved

to Zvornik where they would be detained and killed. He accepted what I said and never queried me. I also informed him of the meeting at the SDS office that night.

11

The vast majority of the Muslim men in Bratunac were transported to Zvornik the morning of 14 July in a column of buses and trucks well over 1 ½ kilometers in length led by Mirko Janković in a stolen Dutch APC. Later that day Mirko Janković reported to me that, that day, many Muslim prisoners were detained in schools and gyms in the Zvornik area. I was also aware that a patrol consisting of two Bratunac Military Policemen were also left overnight from 16 to 17 July in Pilica to assist in securing prisoners detained there.

It was reported to me that approximately 80 to 100 Muslims were murdered in the hangar near the Vuk Karadžić school in Bratunac on the evening of the 13 July. Their bodies were deposited over a hillside and covered with dirt.

12

From 14 July through October 1995, Bratunac Brigade forces, working with the MUP and other VRS forces continued to capture and execute Muslim prisoners attempting to escape from the Srebrenica and Žepa areas.

13

From September through October 1995 the Bratunac Brigade, working with the civilian authorities, exhumed the mass grave at Glogova and other mass graves of Muslim victims of the murder operation, and reburied them in individual mass graves throughout the greater Srebrenica area. In September 1995 I was contacted by Lt. Colonel Popović, the Drina Corps Chief of Security, and told to conduct a reburial of the Muslim bodies at Glogova. I coordinated the effort to exhume and re-bury Muslim bodies from mid-September to October 1995. This was done in coordination with the Bratunac Brigade Military Police, civilian police, and elements of the 5th Engineering Battalion of the Drina Corps. I reported on a Bratunac Brigade Command meeting in October 1995 to the assembled Command including Colonel Blagojević that we were tasked with conducting the reburial operation of the Muslim bodies for the VRS Main staff.

14

In May 1996 when I was already demobilised from the VRS and worked in the Ministry of Refugees and Exiled Persons in Bratunac, the safe (containing intelligence and security documents, including decisions and orders, and valuables such as money) which was the property of the Security and Intelligence Organ of the Bratunac Brigade was handed over from me to my successor Captain Lazar Ostojić. In the presence of a commission comprised of the Chief of Security of the Drina Corps, Rade Pajić, two more officers from the Drina Corps whose names I don't recall, and Lazar Ostojić the documents which could have compromised myself and the Bratunac Brigade were destroyed. These documents related to the events in Srebrenica in 1995. I have not informed Colonel

Blagojević nor anybody else about this and I don't know whether Captain Ostožić has informed Colonel Blagojević.

15

I was summonsed to an interview by the ICTY in December 1999. Just prior to attending this interview, I was called to a meeting at the Zvornik Brigade Headquarters. I met General Andrić, Dragan Jokić, Lazar Ostožić, Dragan Jevtić and General Miletić there. There were also some civilian lawyers from Belgrade present.

The lawyers instructed us on our legal rights, General Miletić appealed to our patriotism and asked us not to divulge information which would damage the state and General Andrić said we should say as little as possible. After my meeting with the ICTY, I met again with General Andrić. The topic of the conversation was the same and he wanted to know if I had spoken about the killings to the ICTY. I was also visited by State Security just prior to my meeting with the ICTY, and was threatened that I should not speak of their involvement.

Several months after the first meeting I attended again a similar meeting that was held again in the Zvornik Brigade headquarters, with the same individuals including, I think, Dragan Obrenović who had been recently summonsed by the ICTY. General Miletić and Andrić again told us not to provide any information related to the Srebrenica events to the ICTY.

In relation to the Amended Joinder Indictment of 27 May 2003 (Prosecutor v. Blagojević et al.) and in addition to the issues dealt with in paragraph 5 of the "Annex A to the Joint Motion for Consideration of Plea Agreement made between Momir Nikolić and the Office of the Prosecutor", dated 6 May 2003, I would like to make the following corrections:

- Paragraph 10: Heading: delete "Superior Authority /"
- Paragraphs 9 and 10: instead of "Captain First Class" -- "Captain"
- Paragraph 11 and 45: instead of "Bratunac Brigade Military Police Company" -- "Bratunac Brigade Military Police Platoon"
- Paragraph 46.6: instead of "Military Police Company of the Bratunac Brigade" – "Military Police Platoon of the Bratunac Brigade"

Date

Momir Nikolić

Izjava o činjenicama i prihvatanje krivice

(“Tab A” “Aneksa A” “Zajedničkog prijedloga za razmatranje Sporazuma o izjašnjavanju o krivici između Momira Nikolića i Tužilaštva”)

1.

Kao načelniku za obavještajne poslove i bezbjednost Bratunačke brigade, a i iz mojih ličnih saznanja i učešća, poznato mi je sljedeće:

Namjera snaga VRS-a u toku napada na srebreničku enklavu i njenog osvajanja od strane snaga VRS-a u julu 1995. godine bila je da se prouzroči prisilno premještanje cjelokupnog muslimanskog stanovništva iz Srebrenice na teritoriju pod kontrolom Muslimana.

2.

Dana 11. jula 1995. godine snage VRS-a su osvojile i zauzele grad Srebrenicu, izazvavši time odlazak muslimanskog stanovništva u bazu nizozemskih snaga Ujedinjenih nacija u Potočarima. Tokom tog dana i večeri primao sam obavještajne izvještaje u kojima je bila navedena procjena da se među stanovništvom okupljenim kod nizozemske baze, među ženama i djecom nalazi i 1000-2000 vojno sposobnih muškaraca. Ovu informaciju sam dobio od oficira za obavještajne poslove Drugog pješadijskog bataljona Bratunačke brigade. Napisao sam izvještaj u kojem sam hronološki naveo sve relevantne obavještajne i bezbjednosne informacije od tog dana, uključujući i procjenu o 1000-2000 vojno sposobnih muslimanskih muškaraca u Potočarima, i proslijedio ga svojoj komandi i oficirima za obavještajne poslove i bezbjednost Drinskog korpusa za koje sam znao da se nalaze u hotelu “Fontana” u Bratuncu.

3.

Kasnije iste večeri bio sam na dva sastanka u hotelu “Fontana” u Bratuncu. Prvi sastanak je održan u 20:00 časova, a prisustvovali su mu general Ratko Mladić, general Milenko Živanović, pukovnik Radislav Janković i tri oficira Nizozemskog bataljona među kojima i komandant Nizozemaca, pukovnik Karremans. Na prvom sastanku, general Mladić je prijetio nizozemskim oficirima i zastrašivao ih, što se može vidjeti na dijelovima video-snimka tog sastanka koji se nalaze u posjedu tužioca. Drugi sastanak je održan u 22:00 časa u hotelu “Fontana”, a prisustvovali su mu general Ratko Mladić, general Radislav Krstić, pukovnik Karremans, predstavnik Muslimana koji se zvao Nesib Mandžić, ja i drugo vojno osoblje VRS-a. Na tom sastanku general Mladić je prijetio prisutnim nizozemskim oficirima i Nesibu Mandžiću i zastrašivao ih, što se takođe može vidjeti na dijelovima video-snimka ovog sastanka u posjedu tužioca. U jednom momentu u toku ovog sastanka, general Mladić je gospodinu Mandžiću rekao da želi da se muslimanska vojska preda i da je budućnost njegovog naroda u njegovim (Mandžićevim) rukama, te da mogu birati hoće li opstatи ili nestati. Poslije ovog sastanka sam nizozemske oficire i gospodina Mandžića opratio nazad u Potočare. Te večeri nisam ponovno odlazio u hotel “Fontana”, nego sam se vratio u komandu Bratunačke brigade i otišao na spavanje.

4.

Ujutro 12. jula 1995. godine snage VRS-a, uključujući dijelove Bratunačke brigade, ušle su u Potočare i zauzele sâmo mjesto i prostor oko kruga baze Nizozemskog bataljona UN-a. Zakazan je i treći sastanak u hotelu "Fontana", za 10:00 časova, sa istim učesnicima.

Ujutro 12. jula, prije gorepomenutog sastanka, ispred hotela "Fontana" sastao sam se sa potpukovnikom Vujadinom Popovićem, načelnikom bezbjednosti Drinskog korpusa, i potpukovnikom Kosorićem, načelnikom za obavještajne poslove Drinskog korpusa. Tom prilikom potpukovnik Popović mi je rekao da će sve muslimanske žene i djeca koji se nalaze u Potočarima biti odvezeni iz Potočara u pravcu teritorije pod muslimanskim kontrolom u blizini Kladnja, a da će vojno sposobni muškarci koji se nalaze u masi muslimanskih civila biti izdvojeni, privremeno pritvoreni u Bratuncu i ubrzo nakon toga pobijeni. Rečeno mi je da je moj zadatak da pomognem koordinirati i organizovati ovu operaciju. Potpukovnik Kosorić je ponovio ovu informaciju, te smo prodiskutovali lokacije pogodne za pritvor muslimanskih muškaraca prije pogubljenja. Ja sam naznačio nekoliko konkretnih lokacija: staru osnovnu školu ~~Vuk Karadžić~~ "Vuk Karadžić" (uključujući njenu fiskulturnu salu), staru zgradu srednjoškolskog centra "Đuro Pucar Stari" i hangar (udaljen 50 metara od te zgrade srednjoškolskog centra). Potpukovnici Popović i Kosorić sa mnom su razgovarali o mjestima pogubljenja privremeno pritorenih muslimanskih muškaraca u Bratuncu te smo prodiskutovali dvije lokacije van grada Bratunca. To su bili: državno preduzeće "Ciglane" i rudnik "Sase" u Sasama.

5.

Nakon razgovora sa potpukovnicima Popovićem i Kosorićem, čekao sam kod hotela "Fontana". Nakon trećeg sastanka pukovnik Janković je izašao iz hotela "Fontana" i rekao mi da koordiniram transport svih žena i djece i izdvajanje vojno sposobnih muslimanskih muškaraca. On tom prilikom nije pominjao ubijanje muslimanskih muškaraca.

Nedugo zatim, na prostor ispred hotela "Fontana" gdje sam stajao sa potpukovnikom Kosorićem, došla su dva nizozemska oficira i pitala nas kakav je plan za prijevoz muslimanskog stanovništva. Tim nizozemskim oficirima sam rekao da se vrate u Potočare jer će uskoro početi pristizati autobusi za prijevoz ljudi prema Kladnju.

6.

Većinu dana 12. jula proveo sam u Potočarima koordinirajući i radeći sa Duškom Jevićem, komandantom specijalnih policijskih snaga MUP-a, i sa sljedećim drugim vojnim jedinicama i jedinicama MUP-a: vojnim policajcima iz Drinskog korpusa pod komandom majora Petrovića; pripadnicima "Vukova sa Drine" iz Zvorničke brigade; dijelovima 10. diverzantskog odreda; dijelovima vojne policije 65. zaštitnog puka; 2. i 3. pješadijskim bataljonom Bratunačke brigade, vojnom policijom Bratunačke brigade i civilnom policijom sa njemačkim ovčarima. U sadejstvu sa ovim jedinicama, koordinirao sam i nadzirao transport žena i djece za Kladanj, te izdvajanje i pritvaranje vojno sposobnih muslimanskih muškaraca.

Tokom tog dana, u Potočarima, snage VRS-a i MUP-a su zastrašivale i zlostavljale muslimansko stanovništvo da bi ljudi natjerale da se ukrcaju u autobuse i kamione za Kladanj. U prvim konvojima koji su napustili Potočare u autobusima je ostavljeno nekoliko muškaraca, iz propagandnih razloga. To je upriličeno za nizozemske vojнике i srpske televizijske kamere, ali te su muškarce kasnije izdvojili na kontrolnim punktovima, prije nego što su mogli stići do Kladnja. U toku 12. jula snage VRS-a su zlostavljale i fizički napadale mnoge Muslimane, muškarce i žene, koji su se okupili oko nizozemske baze u Potočarima.

Ja lično znao sam za te postupke, no nisam učinio ništa da ih zaustavim niti da snage pod mojim nadzorom spriječim u vršenju tih nedjela. Čuo sam i da su neki muslimanski muškarci odvedeni na mesta na osami oko Potočara i tamo ubijeni.

Te večeri, između 18:00 i 21:00 časa, o ovim nedjelima sam podnio i usmeni izvještaj svom komandantu, pukovniku Vidoju Blagojeviću. Govorio sam i o operaciji transporta žena i djece u Kladanj i izdvajanja, pritvaranja i ubijanja vojno sposobnih muslimanskih muškaraca u Potočarima. Bilo mi je jasno da je pukovnik Blagojević u potpunosti upoznat s operacijom transporta i ubijanja, i da od mene očekuje da nastavim vršiti dužnosti vezane za te operacije koje sam bio započeo tog jutra. Tom prilikom smo bili sami u kancelariji. U operativnoj sali sam razgovarao i sa drugim oficirima iz štaba Bratunačke brigade, npr. sa Trišićem, Mičićem i Pajićem. Neslužbeno smo razgovarali o ovim nedjelima, o izdvajanjima i evakuaciji. Oni nisu izrazili nikakvu zabrinutost. Tom prilikom nismo razgovarali o operaciji ubijanja.

7.

Tokom 11. i 12. jula primio sam obavještajne izvještaje da se većina vojno sposobnih muškaraca iz Srebrenice okupila kod sela Jaglići i u dugačkoj koloni krenula prema muslimanskoj teritoriji, krećući se jednim poznatim pravcem kroz minska polja na borbenoj liniji prema Konjević Polju.

U toku 12. jula i u ranim jutarnjim časovima 13. jula iz obavještajnih izvještaja i drugih informacija saznao sam da snage VRS-a i MUP-a zarobljavaju veliki broj muslimanskih muškaraca na području između Ravnog Buljima, Nove Kasabe i Konjević Polja.

8.

Te večeri (12. jula) bio sam dežurni oficir, no kako sam bio iscrpljen, negdje oko 03:00 časa 13. jula nazvao sam Mirka Jankovića da me zamijeni na dužnosti. Otišao sam u svoj stan u gradu i odspavao nekoliko sati. Na dužnost u štab Bratunačke brigade sam se vratio oko 07:00 časova 13. jula.

Oko 09:30 časova toga jutra održan je jedan sastanak u štabu Bratunačke brigade. Prisustvovali su general Mladić, pukovnik Vasić, potpukovnik Popović i general Krstić. Ne znam o čemu se razgovaralo jer nisam bio na ovom sastanku. Oko 10-15 minuta po završetku sastanka razgovarao sam sa svojim komandantom, pukovnikom Blagojevićem, u njegovoj kancelariji.

Pukovnik Blagojević mi je dao zadatak da nastavim s operacijom transporta žena i djece iz Potočara u Kladanj i izdvajanja i pritvaranja vojno sposobnih muslimanskih muškaraca.

9.

Moj prvi zadatak tog dana (13. jula) bio je da odem u Potočare i provjerim kako napreduju transport, izdvajanje muslimanskih muškaraca i drugi zadaci. Ustanovio sam da sve ide po planu. Rukovodio sam radom jedinica prisutnih u Potočarima.

Dok sam bio u Potočarima, video sam Duška Jevića i rekao mu da svojim jedinicama koje su se nalazile na cesti Bratunac - Konjević Polje prenese naređenje da se svi Muslimani uhvaćeni na toj cesti prevezu u Bratunac. Zatim sam otisao iz Potočara i vratio se u štab Bratunačke brigade. Prema mojim informacijama, koje sam dobio od pripadnika vojne policije Bratunačke brigade, general Mladić je toga dana namjeravao da prođe cestom Bratunac - Konjević Polje, a moj zadatak je bio da provjerim bezbjednost i prohodnost te ceste.

Cestom Bratunac - Konjević Polje vozio sam se sa jednim vojnim policajcem u motornom vozilu marke "Volkswagen Golf".

Putem sam duž ceste video snage MUP-a. U Sandićima sam video snage MUP-a sa teškim naoružanjem. U tom momentu je na poljani u Sandićima bilo oko 80-100 zarobljenika.

U Konjević Polje sam stigao oko 12:30 časova tog dana. Na raskršcu je bio kontrolni punkt civilne policije. Sjedio sam u jednoj spaljenoj kući i čekao da prođe general Mladić.

Osim mene, u toj kući je bilo pet-šest zarobljenih Muslimana.

Dok sam bio u Konjević Polju, u jednoj zgradi koju je koristio 5. inžinjerijski bataljon Drinskog korpusa u Konjević Polju video sam desetak zarobljenika.

Na kontrolnom punktu sam video policiju iz Bratunca i vojнике koje nisam prepoznao. Tamo sam video i Nenada Deronjića i Mirka Perića. Kada sam stigao u Konjević Polje, stupio sam u kontakt sa starješinama iz MUP-a i dao im uputstvo da muslimanske zarobljenike treba pritvoriti i da će kasnije u toku dana prebačeni u Bratunac.

U Konjević Polju sam proveo otprilike 45 minuta prije nego što je stigao general Mladić. Stigao je automobilom iz pravca Bratunca i zaustavio se na raskršcu u Konjević Polju. Izašao je iz vozila i sreli smo se na sredini ceste. Raportirao sam mu da nema problema. Pogledao je naokolo i video zarobljenike. Neki od zarobljenika su ga pitali šta će biti s njima, na šta je on odgovorio da će ih sve odvesti odatle, da neka ne brinu.

Nakon što je Mladić otisao, jednog zarobljenika, Rešida Sinanovića, odvezao sam svojim kolima u Bratunac. Sinanović je bio važan zarobljenik jer se nalazio na spisku ratnih zločinaca, a prije je bio načelnik policije u Bratuncu. Na povratku u Bratunac sam video velike kolone zarobljenih muškaraca, otprilike oko 500 ljudi, koje su vodili prema Konjević Polju. Dalje sam putem video još jednu kolonu zarobljenika koju su vodili prema Sandićima. Dok sam prolazio cestom pored skladišta u Kravici zapazio

sam nekoliko vojnika, ali ništa drugo. Sinanovića sam predao vojnoj policiji u štabu Bratunačke brigade, tačnije, pravniku Zlatanu Čelanoviću.

Zatim sam otišao u zgradu vojne policije Bratunačke brigade i sastao se sa Mirkom Jankovićem, komandirom voda vojne policije iz Bratunca, i pripadnikom vojne policije Miletom Petrovićem. Janković je znao upravljati jednim od otetih nizozemskih transporteru i onda smo se on, Petrović i ja odvezli cestom Bratunac - Konjević Polje. Mile Petrović je sjedio na transporteru i megafonom pozivao muslimanske muškarce da se predaju. Bilo je jasno da su se neki već u tom momentu predali. Odmah nakon što smo prošli Sandiće, zaustavili smo transporter kada nam se predalo oko šest Muslimana. Transporterom smo ih odvezli u Konjević Polje. Kad smo stigli, Miletu i Mirku sam rekao da odvedu zarobljenike i stave ih zajedno s oko 250 zarobljenika koje su tamo već držali. Otišao sam u onu kuću u kojoj sam ranije sjedio. U toj kući su držali oko 30 muslimanskih muškaraca. Tada sam iz blizine čuo dva rafala iz vatrenog oružja. Desetak minuta kasnije prišao mi je Mile Petrović i rekao: "Šefe, upravo sam osvetio brata... Pobio sam ih". Mislio je na onih šest zarobljenika koji su nam se malo prije predali. Rekao je da ih je pogubio dolje na rijeci, iza jedne žute zgrade. Na tom mjestu je sada izgrađena benzinska pumpa. Mirko se odvezao transporterom u pravcu Zvornika. Mi smo ostali u Konjević Polju dvadesetak minuta, a kad se Janković vratio s transporterom, krenuli smo u Bratunac.

Vidio sam da Janković ima njemačke marke i pitao sam ga odakle mu taj novac. Rekao je da ga je dobio od nekih pripadnika specijalne policije koji su se nalazili duž ceste.

Na povratku u Bratunac sam video mnogo zarobljenika kako ih u stroju vode u oba pravca. Video sam i leševe kako leže uz cestu u blizini Pervana i Lolića. Na više mjesta sam video otprilike po tri leša. U Sandićima sam video oko 10-15 leševa i veliku masu zarobljenika na poljani.

Na povratku u Bratunac provezli smo se pored skladišta u Kravici i video sam тамо neke vojниke, ali nijednog muslimanskog zarobljenika. Sutradan sam čuo da se тамо desio incident u kojem je jedan zarobljenik ubio jednog pripadnika MUP-a. Raspitao sam se o incidentu i ustanovio da su se nakon ubistva tog pojedinca iz MUP-a prisutni pripadnici snaga MUP-a razbjesnili i počeli likvidirati zarobljenike koje su тамо držali.

Ustanovio sam da su među onima koji su učestvovali u ovim ubistvima bili: Nikola Popović iz Kravice, koji je pripadao vojnoj policiji Bratunačke brigade; Milovan Matić, koji je pripadao 1. pješadijskom bataljonu Bratunačke brigade; Ilija Nikolić, koji je pripadao 1. pješadijskom bataljonu Bratunačke brigade; Rašo Milanović, komandir policijske jedinice u Kravici.

Takođe sam saznao da je Jovan Nikolić, direktor skladišta, bio svjedok ovog pogubljenja. Nadalje, saznao sam da su ubrzo nakon egzekucija 13. jula dovezene mašine iz Zvornika i Bratunca kako bi se tijela zakopala. O tome što sam saznao, dan ili dva nakon tog događaja sam obavijestio pukovnika Vidoja Blagojevića.

Dok su bili pritvoreni u Potočarima i oko Bratunca, muslimanski muškarci nisu dobili nikakvu hranu niti medicinsku pomoć, a dobili su tek toliko vode da ostanu živi do momenta kada će ih odvesti u Zvornik.

10.

Uveče 13. jula sam večerao u štabu Bratunačke brigade kada su me nazvali iz centra veze da se javim direktno pukovniku Beari u centru Bratunca. Otišao sam do centra i našao se sa pukovnikom Bearom oko 20:30 časova. Pukovnik Beara mi je naredio da odem u Zvorničku brigadu i da Dragu Nikolića, oficira za bezbjednost Zvorničke brigade, informišem da u Bratuncu drže hiljade muslimanskih zarobljenika i da će ih te večeri poslati u Zvornik. Pukovnik Beara mi je takođe rekao da zarobljene Muslimane treba pritvoriti na području Zvornika i pogubiti ih. Iz Bratunca sam se preko Konjević Polja odvezao u Zvornik, sam, a u štab Zvorničke brigade sam stigao otprilike u 21:45 časova. Otišao sam do dežurnog i tražio da se vidim sa Dragom Nikolićem. U sobi dežurnog me dočekao čovjek za kojeg mislim da je bio iz odjela za obavještajne poslove brigade i kojem sam objasnio da se moram vidjeti sa Dragom Nikolićem. Rekao mi je da je Drago Nikolić na isturenom komandnom mjestu (IKM) i dao mi je jednog vojnog policajca kao pratnju do IKM-a. Ja sam onda sa tim vojnim policajcem otišao iz štaba Zvorničke brigade na taj IKM. Vožnja od štaba Zvorničke brigade do IKM-a potrajala je gotovo 45 minuta, po vrlo lošem putu. Sastao sam se sa Dragom Nikolićem i objasnio mu šta mi je rekao pukovnik Beara. Drago Nikolić mi je rekao da će to prenijeti svojoj komandi. Na IKM-u sam se zadržao oko deset minuta, a onda sam se odvezao nazad u štab Zvorničke brigade, gdje sam vojnog policajca ostavio na kapiji. Krenuo sam nazad u Bratunac preko Konjević Polja. Na povratku u Bratunac, u Kušlatu, prošao sam pored nekoliko autobusa sa zarobljenicima koji su bili na putu za Zvornik. Poslije sam ustanovio da je još jedan konvoj otišao za Zvornik cestom koja vodi prema Zvorniku uz Drinu.

Vratio sam se u Bratunac oko ponoći i podnio izvještaj pukovniku Beari u hotelu "Fontana". Rekao sam mu da sam se sastao s Dragom Nikolićem i da sam mu prenio njegova (Bearina) naređenja.

U to vrijeme Bratunac je bio prepun muslimanskih zarobljenika koje su dovodili sa ceste Milići – Bratunac. Bilo je kasno uveče, a nije bilo dovoljno vozila da se ovi zarobljenici prevezu u Zvornik. To je stvaralo jednu vrlo nestabilnu situaciju u gradu u Bratuncu. Kako bi se ta situacija riješila, pukovnik Beara, M. Deronjić (civilni povjerenik kojeg je Karadžić zadužio za pitanje muslimanskih civila), Dragomir Vasić i ja sastali smo se u prostorijama SDS-a u Bratuncu. Deronjić se bojao da zarobljenici predstavljuju prijetnju bezbjednosti u gradu i nije htio da se ubijanje ovih zarobljenika vrši u Bratuncu i u njegovojo okolini. Na sastanku se otvoreno razgovaralo o operaciji ubijanja i svi učesnici su napomenuli da su podnosili izvještaje svojim nadređenim komandama. Diskutovalo se i o logistici, transportu i bezbjednosnoj podršci. Na sastanku je odlučeno je da će muslimanske muškarce u Bratuncu i njegovojo okolini i dalje čuvati dijelovi vojne policije Bratunačke brigade, razne civilne snage MUP-a i naoružani dobrovoljci iz Bratunca. Sastanak je završio 14. jula u 00:30 časova i ja sam se vratio u štab Bratunačke brigade gdje sam svog komandanta, pukovnika Blagojevića, obavijestio o svom boravku u Zvorniku i o uputstvima koja sam dobio od pukovnika Beare, te o tome da će svi zarobljenici biti prebačeni u Zvornik gdje će biti pritvoreni i pobijeni. Prihvatio je što sam rekao i nije me dalje ništa pitao. Informisao sam ga i o sastanku koji se održao u prostorijama SDS-a te večeri.

11.

Velika većina muslimanskih muškaraca iz Bratunca je prevezena u Zvornik ujutro 14. jula u koloni autobusa i kamiona koja je bila dobrano duža od 1,5 kilometra, sa Mirkom Jankovićem u ukradenom nizozemskom transporteru na čelu. Kasnije tog dana, Mirko Janković me izvijestio da je toga dana mnogo muslimanskih zarobljenika pritvoreno u školama i fiskulturnim salama na području Zvornika. Znao sam i za to da je u Pilici u noći 16. na 17. jula ostavljena jedna patrola od dva pripadnika bratunačke vojne policije da pomogne u obezbjeđivanju zatvorenika pritvorenih na ovom mjestu. Dobio sam izvještaj da je 13. jula uveče otprilike 80 do 100 Muslimana ubijeno u hangaru kod škole "Vuk Karadžić" u Bratuncu. Njihova tijela su bačena na padinu jednog brda i zatrpana zemljom.

12.

U periodu od 14. jula do oktobra 1995., snage Bratunačke brigade, u sadejstvu sa MUP-om i ostalim snagama VRS-a, nastavile su hvatati i pogubljivati muslimanske zarobljenike koji su pokušavali da pobegnu iz zona Srebrenice i Žepe.

13.

U periodu od septembra do oktobra 1995., Bratunačka brigada, radeći zajedno sa civilnim vlastima, otkopala je masovnu grobnicu u Glogovi i druge masovne grobnice sa muslimanskim žrtvama operacije ubijanja, i premjestila leševe u pojedine masovne grobnice na širem području Srebrenice. U septembru 1995. godine me je kontaktirao potpukovnik Popović, načelnik bezbjednosti Drinskog korpusa, i rekao mi da obavim premještanje leševa Muslimana iz Glogove. Koordinirao sam akciju otkopavanja i ponovnog zakopavanja tijela Muslimana u periodu od sredine septembra do oktobra 1995. godine. Ovo je urađeno u saradnji sa vojnom policijom Bratunačke brigade, civilnom policijom i dijelovima 5. inžinerijskog bataljona Drinskog korpusa. Na sastanku komande Bratunačke brigade u oktobru 1995. godine, okupljenim oficirima iz komande među kojima je bio i pukovnik Blagojević, podnio sam izvještaj da smo dobili zadatak da za Glavni štab VRS-a izvršimo operaciju premještanja leševa Muslimana.

14.

U maju 1996., kad sam već bio demobilisan iz VRS-a i radio u Ministarstvu za izbjeglice i raseljena lica u Bratuncu, izvršio sam primopredaju kase (u kojoj se nalazila obavještajna i bezbjednosna dokumentacija, uključujući odluke i naređenja, te stvari od vrijednosti, npr. novac) koja je bila vlasništvo organa za bezbjednost i obavještajne poslove Bratunačke brigade sa svojim naslijednikom, kapetanom Lazarom Ostojićem. U prisustvu komisije čiji su članovi bili načelnik za bezbjednost Drinskog korpusa, Rade Pajić, još dva oficira iz Drinskog korpusa čijih se imena ne sjećam i Lazar Ostojić, uništeni su dokumenti koji su mogli da kompromituju mene i Bratunačku brigadu. Ti dokumenti odnosili su se na događaje u Srebrenici 1995. godine. O tome nisam informisao ni pukovnika Blagojevića niti bilo koga drugoga, a ne znam da li je pukovnika Blagojevića informisao kapetan Ostojić.

15.

U decembru 1999. godine dobio sam iz MKSJ-a poziv za razgovor. Neposredno pred ovaj razgovor bio sam pozvan na sastanak u štab Zvorničke brigade. Tamo sam se sastao sa generalom Andrićem, Draganom Jokićem, Lazarom Ostojićem, Draganom Jevtićem i generalom Milićem. Tu su bili prisutni i neki civilni advokati iz Beograda.

Advokati su nas upoznali s našim zakonskim pravima, general Milić je apelirao na naš patriotizam i zamolio nas da ne otkrivamo informacije koje bi mogle naškoditi državi, a general Andrić je rekao da treba da kažemo što manje možemo. Nakon tog razgovora sa MKSJ-om, opet sam se sastao sa generalom Andrićem. Tema našeg razgovora je i ovaj put bila ista, a on je htio da zna da li sam MKSJ-u govorio o ubijanjima.

Neposredno pred moj razgovor sa MKSJ-om posjetila me i Državna bezbjednost i zaprijećeno mi je da ne smijem ništa reći o njihovom učešću u ovoj stvari.

Nekoliko mjeseci nakon prvog sastanka, ponovo je održan sličan sastanak u štabu Zvorničke brigade s istim osobama, među kojima je bio, mislim, i Dragan Obrenović, koji je netom dobio poziv na razgovor od MKSJ-a. General Milić i general Andrić su nam ponovili da MKSJ-u ne dajemo nikakve informacije u vezi s dogadjajima koji su se desili u Srebrenici.

Što se tiče Izmijenjene spojene optužnice od 27. maja 2003. godine (Tužilac protiv Blagojevića i dr.), te pored pitanja obrađenih u paragrafu 5 "Aneksa A Zajedničkom prijedlogu za razmatranje Sporazuma o izjašnjavanju o krivici između Momira Nikolića i Tužilaštva" od 6. maja 2003. godine, želio bih da dam sljedeće ispravke:

- | | |
|--------------------|---|
| Paragraf 10: | u naslovu izbrisati "Nadređenost" |
| Paragrafi 9 i 10: | umjesto "kapetan prve klase" -- "kapetan" |
| Paragrafi 11 i 45: | umjesto "četa vojne policije Bratunačke brigade"--
"vod vojne policije Bratunačke brigade" |
| Paragraf 46.6: | umjesto "četa vojne policije Bratunačke brigade"--
"vod vojne policije Bratunačke brigade" |

6.05.2003
Datum

Momir Nikolić