

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-02-60-PT

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**VIDOJE BLAGOJEVIC,
DRAGAN OBRENOVIC,
DRAGAN JOKIC,
MOMIR NIKOLIC**

AMENDED JOINDER INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal, charges:

VIDOJE BLAGOJEVIC

with COMPLICITY IN GENOCIDE; Murder, Persecutions, Forcible Transfer, and Inhumane Acts as CRIMES AGAINST HUMANITY; and Murder as a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as set forth herein; and

DRAGAN OBRENOVIC

with COMPLICITY IN GENOCIDE; Murder, Persecutions, and Inhumane Acts as CRIMES AGAINST HUMANITY; and Murder as a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as set forth herein; and

DRAGAN JOKIC

with Murder, Persecutions, and Inhumane Acts as CRIMES AGAINST HUMANITY; and Murder as a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as set forth herein; and

MOMIR NIKOLIC

with GENOCIDE or, in the alternative, COMPLICITY IN GENOCIDE; Murder, Persecutions, Forcible Transfer, and Inhumane Acts as CRIMES AGAINST HUMANITY; and Murder as a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as set forth herein:

THE ACCUSED

1. **VIDOJE BLAGOJEVIC** was born in the Bratunac Municipality on 22 June 1950. He rose to the rank of Lieutenant Colonel in the Army of the Socialist Republic of Yugoslavia (JNA). On 1 June 1992, during the armed conflict in Bosnia and Herzegovina, he became the commander of the Zvornik Brigade, a newly formed unit of the Army of Republika

Srpska (VRS). He later served on VRS Drina Corps Staff, and served for several months as the acting Chief of Staff/Deputy Commander of the Bratunac Brigade in 1993. In May 1995, he was appointed the Commander of the 1st Bratunac Light Infantry Brigade (Bratunac Brigade). His brigade was responsible for the security of the territory opposite the northern, eastern and southern boundaries of the Srebrenica "safe area" and directly participated in the actual capture of the Srebrenica "safe area". He was working on the General Staff of the Army of the Republika Srpska in August 2001 when he was arrested.

SUPERIOR AUTHORITY / POSITION OF THE ACCUSED

2. During the VRS attack on the Srebrenica "safe area" and the subsequent killings and executions of Bosnian Muslim men, **VIDOJE BLAGOJEVIC** was a Colonel in command of the 1st Bratunac Light Infantry Brigade and was present in Bratunac Brigade zone of responsibility exercising command through at least 17 July 1995; after 17 July he lead a battalion of his troops as part of a VRS operation attacking the Muslim enclave of Zepa. After the fall of Zepa, he returned to the Bratunac zone of responsibility where he remained until 22 September 1995. On that day, the Bratunac Brigade was attached to the Sarajevo-Romanjia Corps (SRK). Despite this attachment, however, he did not remain exclusively in the sector of SRK, but frequently travelled back to his brigade's garrison location in Bratunac. He remained the Bratunac Brigade Commander until mid-1996 when he was re-assigned to the VRS Main Staff, later named the VRS General Staff.
3. As a brigade commander he was responsible for planning, directing and monitoring the activities of all the subordinate formations of his brigade, in accordance with the directives received from his higher command at the Corps and Main Staff levels.

THE ACCUSED

4. **DRAGAN OBRENOVIC** was born on 12 April 1963 in the Bosnian Serb village of Matino-Brdo (Rogatica). When armed conflict broke out in Bosnia and Herzegovina, he held the rank of Captain in the Armour and Mechanised Forces Branch of the JNA and was garrisoned in the Zvornik Municipality. From December 1992 through November 1996, he was Chief of Staff/Deputy Commander of the 1st Zvornik Infantry Brigade (Zvornik Brigade) of the VRS. He was promoted from the rank of Major to the rank of Lieutenant Colonel in December 1995. On 29 April 1996, **DRAGAN OBRENOVIC** became the Acting Commander of the 303rd Motorised Brigade and in August 1998, he was appointed Commander of the 503rd Motorised Brigade in Zvornik. These two brigades had formerly been designated as the Zvornik Brigade.

SUPERIOR AUTHORITY / POSITION OF THE ACCUSED

5. On 1 July 1995, **DRAGAN OBRENOVIC** was a Major and held the position of Chief of Staff of the Zvornik Brigade. As Chief of Staff he was responsible for directing the activities of the Brigade Staff. He was responsible for monitoring, controlling, and organising the activities of all units and activities within the Brigade zone of responsibility, to give supplementing orders to ensure implementation of the Commander's orders and act as primary adviser to his Brigade Commander.
6. As Chief of Staff, he was concurrently the Brigade Deputy Commander, where, in the absence of his Commander he was in charge of the Zvornik Brigade and had the right to give assignments to subordinates.

7. When the Srebrenica operation began on 6 July 1995, Vinko Pandurevic, the Commander of the Zvornik Brigade, was absent on other duties outside the Zvornik Brigade zone of responsibility and **DRAGAN OBRENOVIC**, as the Deputy Commander, was in charge of the Zvornik Brigade on 6 July 1995 through mid-day 15 July 1995 when Vinko Pandurevic returned to the Zvornik Brigade area. **DRAGAN OBRENOVIC** resumed his duties as Chief of Staff from mid-day of 15 July 1995.
8. **DRAGAN OBRENOVIC** became Acting Commander of the Zvornik Brigade from 4 August to 16 September 1995 and again from 18 September to 24 September 1995. On 29 April 1996, **DRAGAN OBRENOVIC** became Acting Commander of the 303rd Motorised Brigade and remained as such until August 1998, when he was appointed Commander of the 503rd Motorised Brigade in Zvornik. These Brigades were formerly designated as the Zvornik Brigade.

THE ACCUSED

9. **MOMIR NIKOLIC**, son of Vaso, was born on 20 February 1955 in Bratunac. After finishing school for civil engineering, he attended the Faculty for Political Affairs in Sarajevo. By profession, **MOMIR NIKOLIC** is a teacher. He was mobilised into the army on 18 April 1992, at which time he was stationed at the Headquarters of the Territorial Defence as the Assistant Commander for Intelligence. In July 1995, he was assigned to the VRS First Light Infantry Brigade in Bratunac (Bratunac Brigade), where he held the rank of Captain First Class and served as the Assistant Commander for Security and Intelligence. This brigade, which was responsible for the security of the territory opposite the northern, eastern, and southern boundaries of the Srebrenica enclave, directly participated in the actual capture of the Srebrenica enclave.

SUPERIOR AUTHORITY / POSITION OF THE ACCUSED

10. During the VRS attack on the Srebrenica enclave and the subsequent killings and executions of Bosnian Muslim men, **MOMIR NIKOLIC** was a Captain First Class and served as the Assistant Commander (Chief) for Security and Intelligence of the Bratunac Brigade. He was present in the Bratunac Brigade zone of responsibility during the attack on the Srebrenica enclave from 4 July 1995 to 1 November 1995.
11. As Assistant Commander for Security and Intelligence, **MOMIR NIKOLIC'S** responsibilities, under the security aspect of his position, were to monitor enemy activities within and against Bratunac Brigade units and to propose measures to the brigade commander to counter security threats posed by the enemy. This included identifying traitors or other security threats inside Bratunac Brigade units, as well as dealing with enemy threats from outside, such as sabotage, surveillance, and intervention activities of the enemy. He was also responsible for directing and co-ordinating the activities of the Bratunac Brigade Military Police Company including proposing ways to utilise members of the Company in compliance with the Brigade Commanders orders. He was also responsible, in general, for co-ordinating with the bodies of the MUP in the brigade zone of responsibility. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, by virtue of the authority vested in him by his commander, Vidoje Blagojevic, and as defined by the Yugoslav People's Army (JNA) regulations adopted by the VRS, **MOMIR NIKOLIC** had responsibility for dealing with captured Bosnian Muslim prisoners from Srebrenica from 11 July 1995 until at least 1 November 1995.

THE ACCUSED

12. **DRAGAN JOKIC** was born on 20 August 1957 in the Bosnian Serb village of Grbavci in the Zvornik Municipality. He attended the military school for non-commissioned officers and the Military Academy. He completed a battalion commander's course in engineering. He joined the Zvornik Brigade at the beginning of the war in 1992, when the brigade was formed, and remained until after the war. During the time period relevant to the Amended Joinder Indictment, he was the Chief of Engineering of the 1st Zvornik Infantry Brigade and held the rank of Major. Prior to his detention in The Hague, he was a Lieutenant Colonel working for the VRS 5th Corps located in Sokolac, Bosnia and Herzegovina.

POSITION OF THE ACCUSED

13. In July 1995, **DRAGAN JOKIC** held the rank of Major with the position Chief of Engineering of the Zvornik Brigade. As Chief of Engineering he was a member of the Zvornik Brigade staff, and was the advisor to the Zvornik Brigade Commander and to the Chief of Staff/Deputy Commander for matters relating to Engineering Services such as defence works, mining activities, road construction and excavation projects. He was also responsible for planning, directing, organising and monitoring the activities of the Zvornik Brigade Engineering Company, and was empowered to issue orders to the Engineering Company which implemented the directives of the Brigade Commander and/or the Chief of Staff/Deputy Commander.
14. In addition, **DRAGAN JOKIC** was the Duty Officer of the Zvornik Brigade for a 24-hour period from the morning of 14 July 1995 through the morning of 15 July 1995. In that capacity, he was the designated representative of the Brigade Commander or Chief of Staff/Deputy Commander, and remained present at the Brigade Headquarters during this period of duty. In that regard, operational orders from the Superior Command (Drina Corps and Main Staff) passed through him, and reports from the Zvornik Brigade to the Superior Command were either written by him, or relayed through him. In the event that the Commander or Chief of Staff was temporarily absent from the Headquarters during the duty period, the Duty Officer would ensure that their orders to subordinates were sent, and reports from these subordinates were received in a timely manner. These reports would be relayed by the Duty Officer to the Commander or Chief of Staff/Deputy Commander as required. The Duty Officer is the central point of co-ordination and communications for the Zvornik Brigade zone of responsibility.

GENERAL ALLEGATIONS

15. At all times relevant to this Amended Joinder Indictment, a state of armed conflict existed in the Republic of Bosnia and Herzegovina.
16. At all relevant times, each of the accused was required to abide by the laws and customs governing the conduct of war.
17. All acts and omissions charged as crimes against humanity were part of a widespread or systematic attack directed against the Bosnian Muslim civilian population of Srebrenica and its surroundings.

STATEMENT OF FACTS

18. On 12 May 1992, Momcilo Krajisnik, President of the RS National Assembly executed the following "DECISION ON STRATEGIC OBJECTIVES OF THE SERBIAN PEOPLE IN BOSNIA AND HERZEGOVINA"; this Decision was published in the Official Gazette of the Republika Srpska on 26 November 1993:

"The strategic objectives or priorities of the Serbian people in Bosnia and Herzegovina are to:

1. Establish State borders separating the Serbian people from the other two ethnic communities.
 2. Set up a corridor between Semberija and Krajina.
 3. Establish a corridor in the Drina river valley, that is, eliminate the Drina as a border separating Serbian States.
 4. Establish a border on the Una and Neretva rivers.
 5. Divide the city of Sarajevo into Serbian and Bosnian Muslim parts and establish effective State authorities in both parts.
 6. Ensure access to the sea for Republika Srpska."
19. After armed conflict erupted in the Republic of Bosnia and Herzegovina ("BiH") in the spring of 1992, Bosnian Serb military and paramilitary forces attacked and occupied cities, towns and villages, including Zvornik, in the eastern part of the country and participated in an ethnic cleansing campaign which resulted in an exodus of Bosnian Muslim civilians to enclaves in Srebrenica, Gorazde and Zepa.
20. On 19 November 1992, General Ratko Mladic, the Commander of the VRS Main Staff, issued Operational Directive 04. This Directive, in part, ordered the Drina Corps to "... inflict the heaviest possible losses on the enemy, and force him to leave the Birac, Zepa and Gorazde areas together with the Bosnian Muslim population. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them."
21. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a "safe area" which was to be free from any armed attack or any other hostile act.
22. On 4 July 1994, Lieutenant Colonel Slavko Ognjenovic, then Commander of the Bratunac Brigade, issued a report to all members of the Bratunac Brigade stating in relevant part; "We must continue to arm, train, discipline, and prepare the RS Army for the execution of this crucial task — the expulsion of Muslims from the Srebrenica enclave. There will be no retreat when it comes to the Srebrenica enclave, we must advance. The enemy's life has to be made unbearable and their temporary stay in the enclave impossible so that they leave the enclave *en masse* as soon as possible, realising that they cannot survive there."
23. On 8 March 1995, the Supreme Command of the Armed Forces of the Republika Srpska issued Operational Directive 07. In this Directive, Republika Srpska President Radovan Karadzic directed the VRS (specifically the VRS Drina Corps) to "...complete the physical separation of the Srebrenica and Zepa enclaves as soon as possible, preventing even communication between individuals between the two enclaves. By planned and well-thought-out combat operations, create an unbearable situation of total insecurity, with no hope of further survival or life for the inhabitants of Srebrenica or Zepa."

24. On 2 July 1995, in the Drina Corps operational order for the attack on the Srebrenica enclave, General Milenko Zivanovic ordered that the attack of the enclave should result in "reducing the enclave to its urban area". The size of the enclave on 2 July 1995 was approximately 58 square kilometres and the urban area of the enclave was about two (2) square kilometres. Large numbers of the Bosnian Muslim population of the enclave lived outside the urban area of Srebrenica prior to 2 July 1995.
25. On or about 6 July 1995, units of the Drina Corps shelled Srebrenica and attacked Dutch-manned United Nations observation posts which were located in the enclave. The Drina Corps attack on the Srebrenica enclave, including the shelling, continued through 11 July 1995, when forces from the Zvornik Brigade's Drina Wolves, the Bratunac Brigade, the 10th Sabotage Detachment and other units of the VRS entered Srebrenica.
26. In the several days following this attack on Srebrenica, VRS forces captured, detained, summarily executed, and buried over 7000 Bosnian Muslim men and boys from the Srebrenica enclave, and forcibly transferred the Bosnian Muslim women and children of Srebrenica out of the enclave. The details of these events and the role of each accused therein are presented in the paragraphs below.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Direct Criminal Responsibility

27. Pursuant to Article 7(1) of the Statute of the Tribunal, **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** are individually responsible for the crimes charged against them in this Amended Indictment. **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** committed, planned, instigated, ordered, and otherwise aided and abetted in the planning, preparation, and execution of these charged crimes. By using the word "committed" in this Amended Joinder Indictment, the Prosecutor does not intend to suggest that any of the accused necessarily physically and personally perpetrated any of the crimes charged. "Committing" the crimes can be accomplished by virtue of participation in the joint criminal enterprise.
28. **VIDOJE BLAGOJEVIC** is also criminally responsible as commander for the acts of his subordinates pursuant to Article 7(3) of the Tribunal Statute if he knew or had reason to know that his subordinates were about to commit such acts or had done so and he failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.
29. **DRAGAN OBRENOVIC**, during the time periods when he was the Deputy Commander, Acting Commander or Commander, is criminally responsible for the acts of his subordinates pursuant to Article 7(3) of the Statute of the Tribunal if he knew or had reason to know that his subordinates were about to commit criminal acts or had done so and he failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

Joint Criminal Enterprise

30. **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC**, together with other VRS and MUP officers and units as identified in this Amended Joinder Indictment, were members of and knowingly participated in a Joint Criminal Enterprise, the common purpose of which was: to forcibly transfer the women and children from the Srebrenica enclave to Kladanj, on 12 July and 13 July 1995; and to capture, detain, summarily execute by firing squad, bury, and rebury thousands of Bosnian Muslim men and boys aged 16 to 60 from the Srebrenica enclave from 12 July 1995 until and about 19 July 1995. The last known primary burial of Srebrenica victims occurred on or about 19 July 1995 in Glogova. The initial plan was to summarily execute more than 1000 Bosnian Muslim men and boys, aged 16 to 60, who were separated from the group of Bosnian Muslims in Potocari on 12 and 13 July. On 12 July, this plan was broadened to include the summary execution of over 6000 men and boys, aged 16 to 60, who were captured from the column of Bosnian Muslim men escaping the Srebrenica enclave on 12 July through about 19 July 1995. Most of these men and boys from the column were captured along the Bratunac/Milici road on 13 July 1995. While the Joint Criminal Enterprise contemplated organised and systematic executions, it was foreseeable to **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** that opportunistic criminal acts, such as those described in this Amended Joinder Indictment, would be carried out by VRS and MUP forces during and after the Joint Criminal Enterprise. VRS and MUP forces carried out such opportunistic criminal acts from 12 July 1995 to about 1 November 1995. The implementation of this Joint Criminal Enterprise resulted in the summary execution of approximately 7000 Bosnian Muslim men and boys from the Srebrenica enclave.
31. **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** possessed the criminal intent and state of mind required to commit the individual crimes charged in the Amended Joinder Indictment, and their acts significantly assisted and facilitated the commission of the crimes. The participation of each of the accused in the Joint Criminal Enterprise and the specific acts and responsibilities described in this Amended Joinder Indictment satisfy the elements required for a finding that, pursuant to the meaning of Article 7(1) of the Statute of the Tribunal, **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** "committed," "planned," "instigated," "ordered," and otherwise "aided and abetted" genocide or complicity in genocide, crimes against humanity (including murder, persecutions, forcible transfer, and inhumane acts), and murder as a violation of the laws or customs of war. These specific acts and responsibilities of **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** pursuant to this Joint Criminal Enterprise are described in the Amended Joinder Indictment in paragraphs 30, 35-36, 39, and 40-51. Additionally, **VIDOJE BLAGOJEVIC** and **DRAGAN OBRENOVIC** knew or had reason to know that their subordinates would and did participate in these criminal acts, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.
32. The Joint Criminal Enterprise, of which **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** were members and key participants, was conceived and designed by General Ratko Mladic and others on 11 and 12 July 1995, and administered and carried out by members of the VRS and MUP forces through the time period and by the means alleged in this Amended Joinder Indictment.
33. Members of this Joint Criminal Enterprise included: General Ratko Mladic, the Commander of the VRS, General Milenko Zivanovic, Commander of the Drina Corps through about 2000 hours on 13 July 1995; General Radislav Krstic, Chief of Staff/Deputy Commander

through about 2000 hours on 13 July 1995 and thereafter Commander of the Drina Corps; Colonel Ljubisa Beara, Chief of Security of the VRS Main Staff; Colonel Vujadin Popovic, Assistant Commander for Security of the Drina Corps; **VIDOJE BLAGOJEVIC**, Commander of the Bratunac Brigade; Colonel Vinko Pandurevic, Commander of the Zvornik Brigade; **DRAGAN OBRENOVIC**, Deputy Commander and Chief of Staff of the Zvornik Brigade; **MOMIR NIKOLIC**, Assistant Commander for Security and Intelligence of the Bratunac Brigade; **DRAGAN JOKIC**, Chief of Engineering of the Zvornik Brigade; and various other individuals and military and police units, including but not limited to the following:

Drina Corps Units

Elements of the Bratunac Brigade
Elements of the Zvornik Brigade
Elements of the Vlasenica Brigade
Elements of the 5th Engineering Battalion

Main Staff Units

Elements of the 10th Sabotage Detachment
Elements of the 65th Protection Regiment

MUP Units

Elements of the Republika Srpska "Special Police"
Elements of the Bratunac Municipal Police
Elements of the Milici Municipal Police
Elements of the Zvornik Municipal Police

On 11 July 1995, four units of the Ministry of the Interior (MUP) were placed under the command of the VRS.

As Assistant Commander (Chief) for Security and Intelligence of the Bratunac Brigade, **MOMIR NIKOLIC** was directly subordinate to **VIDOJE BLAGOJEVIC**, Commander of the Bratunac Brigade, who in turn was directly subordinate to General Radislav Krstic, Commander of the Drina Corps. As Chief of Engineering of the Zvornik Brigade, **DRAGAN JOKIC** was directly subordinate to **DRAGAN OBRENOVIC** in his capacity as Chief of Staff and Deputy Commander of the Zvornik Brigade, who in turn was directly subordinate to Colonel Vinko Pandurevic, Commander of the Zvornik Brigade, and to General Krstic. A detailed summary of the military structure of the VRS is affixed to this Amended Joinder Indictment as Annex A.

34. These allegations concerning individual criminal responsibility, including those cited in the Joint Criminal Enterprise paragraphs, are realleged and incorporated into each of the charges set forth below.

CHARGES

COUNTS 1A-1B

(Genocide)
(Complicity to Commit Genocide)

By his acts and omissions described in the paragraphs below, **MOMIR NIKOLIC** committed:

COUNT 1A: Genocide, punishable under Articles 4(3)(a) and 7(1) of the Statute of the Tribunal;

Or, in the alternative,

COUNT 1B: Complicity to commit genocide, punishable under Articles 4(3)(e) and 7(1) of the Statute of the Tribunal.

By their acts and omissions described in the paragraphs below, **VIDOJE BLAGOJEVIC** and **DRAGAN OBRENOVIC** committed:

COUNT 1B: Complicity to commit genocide, punishable under Articles 4(3)(e), 7(1), and 7 (3) of the Statute of the Tribunal.

35. Between 11 July 1995 and 1 November 1995, **VIDOJE BLAGOJEVIC**, **DRAGAN OBRENOVIC**, and **MOMIR NIKOLIC**, with intent to destroy a part of the Bosnian Muslim people as a national, ethnical, or religious group:

- (a) killed members of the group by summary execution as described in paragraphs 30, 35-36, 39, and 40-51; and,
- (b) caused serious bodily or mental harm to members of the group.

36. By virtue of their respective positions as Commander of the Bratunac Brigade and Assistant Commander for Security and Intelligence of the Bratunac Brigade, **VIDOJE BLAGOJEVIC** and **MOMIR NIKOLIC** were responsible for all prisoners captured, detained, or killed within the Bratunac Brigade zone of responsibility, including those prisoners captured in the Bratunac Brigade zone and subsequently transported with their knowledge to the Zvornik Brigade zone for further detention and execution. In his various capacities as Deputy Commander and Acting Commander of the Zvornik Brigade as described in this Amended Joinder Indictment, **DRAGAN OBRENOVIC** had responsibility for all prisoners captured, detained, or killed in the Zvornik Brigade zone, including those prisoners captured in the Bratunac Brigade zone and subsequently killed in the Zvornik Brigade zone. In his capacity as Chief of Staff as described in this Amended Joinder Indictment, **DRAGAN OBRENOVIC** was responsible for facilitating the planning, controlling, monitoring, organising, and carrying out of the overall operation. **DRAGAN JOKIC**, as Chief of Engineering of the Zvornik Brigade, assisted in the planning, monitoring, organising and carrying out of the burials involved in the murder operation. **DRAGAN JOKIC**, as Brigade Duty Officer on 14 and 15 July 1995, assisted in co-ordinating communication between VRS officers and commands involving the transportation, detention, execution and burial of Srebrenica Muslims and issued or transmitted reports and updates to superiors on the progress of the overall murder operation.

37. Immediately after the fall of Srebrenica on 11 July 1995, senior VRS officers including Ratko Mladic and Radislav Krstic surveyed the town. At this time, Ratko Mladic announced

that "the moment has finally come for us to take revenge upon the Turks here."

38. Thousands of Bosnian Muslims from the enclave, including women, children, and some men, fled to the UN Compound in Potocari on 11 July 1995, where they sought the protection of the Dutch battalion. Meanwhile, approximately 15,000 Bosnian Muslim men from the enclave, with some women and children, gathered at the villages of Susnjari and Jaglici during the evening of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian Muslim military personnel. The rest were civilians and unarmed military personnel.
39. On the evening of 11 July and the morning of 12 July, Ratko Mladic and other VRS officers convened three critical meetings at the Hotel Fontana in Bratunac concerning the fate of the refugees who had fled to Potocari. At the first meeting, held at approximately 2000 hours on 11 July, Ratko Mladic met with other members of the VRS, including **MOMIR NIKOLIC**, and with the Dutchbat command. At this first meeting, Ratko Mladic intimidated and threatened the Dutchbat commander. The second meeting was convened by Ratko Mladic, Radislav Krstic, **MOMIR NIKOLIC**, and other members of the VRS at approximately 2300 hours on 11 July, and was attended by members of the Dutchbat command and representatives of the Bosnian Muslim refugees at Potocari. At this second meeting, Ratko Mladic warned the Bosnian Muslim representatives that their people could either "survive or disappear." At the third meeting, convened at about 1000 hours on 12 July 1995 by Ratko Mladic, Radislav Krstic, and other VRS and Bosnian Serb civilian representatives, and attended by Dutchbat officers and representatives of the Bosnian Muslim refugees, Ratko Mladic explained that he would supervise the "evacuation" of refugees from Potocari and that he wanted to see all military-aged Bosnian Muslim men so that they could be screened as possible war criminals. During the meetings at the Hotel Fontana from the evening of 11 July to the early morning of 12 July 1995, the plan to transport the civilian refugee population from Potocari was developed. By his presence in these meetings and his subsequent actions in Potocari, **MOMIR NIKOLIC** took part in the planning and implementation of the forcible transfer of civilians from Potocari.
40. The Bosnian Muslim refugee population remained in and around Potocari from 11 July until 13 July 1995, during which time they were terrorised by members of the VRS and the MUP. The separations of men took place in the presence of **MOMIR NIKOLIC**.
41. On or about 12 July 1995, in the presence of Ratko Mladic, Radislav Krstic, **MOMIR NIKOLIC**, and others, approximately 50 to 60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the forcible transfer process of Bosnian Muslim women and children began. As the Bosnian Muslim women, children, and men started to board the buses and trucks, VRS and/or MUP soldiers separated over 1000 Bosnian Muslim men from the women and children and transported these men to temporary detention sites in Bratunac on 12 and 13 July 1995. **MOMIR NIKOLIC** was present and on duty in Potocari during this period, and he participated in the separation and transportation of the Bosnian Muslim population.
42. Beginning around 12 July 1995 and continuing throughout the period of organised executions, personal property and effects belonging to the Bosnian Muslim male prisoners, including their identification documents and valuables, were confiscated and destroyed by members of the VRS and the MUP. This confiscation and destruction of personal property and effects occurred while **MOMIR NIKOLIC** was present in Potocari under the command and control of **VIDOJE BLAGOJEVIC**, at various points of capture and collection along the Bratunac/Milici road, and at various execution sites. In addition, the

prisoners in Potocari and in Bratunac were not provided with food or medical treatment, nor with any meaningful rations of water, during their days in detention pending execution.

Opportunistic Killings in Potocari

43. VRS and MUP officers and soldiers committed a number of opportunistic killings of the Bosnian Muslims in Potocari on 12 and 13 July 1995. Such opportunistic killings occurred as a natural and foreseeable consequence of the unfolding Joint Criminal Enterprise. These Bosnian Muslims were taken prisoner in Potocari before being killed. **MOMIR NIKOLIC** personally supervised the handling of prisoners in Potocari and was present and on duty in Potocari during this period, along with members of the Drina Corps, the Bratunac Brigade, and the MUP. The opportunistic killings in Potocari resulted in the following:
- a) On 12 July, the bodies of nine Bosnian Muslim men who had been shot, were found in the woods near the UN Compound on the Budak side of the main road.
 - b) On 12 July, the bodies of nine or ten Bosnian Muslim males were found about seven hundred metres from the UN Compound behind the White House in a creek.
 - c) On the morning of the 13 July, the bodies of six Bosnian Muslim women and five Bosnian Muslim men were found in a stream near the UN Compound in Potocari.
 - d) On 13 July, one Bosnian Muslim man was taken behind a building near the "White House" and summarily executed.
44. Between 12 July and about 17 July 1995, approximately 6000 Bosnian Muslim men from the column of men escaping the Srebrenica enclave were captured by, or surrendered to, VRS and MUP forces. **MOMIR NIKOLIC** was present along the Bratunac/Milici road on 13 July 1995 and was involved in the capture and detention of Bosnian Muslim prisoners in that area. Apart from those prisoners transported directly to execution sites, the prisoners captured from the column on 13 July 1995 were taken to the same temporary detention sites in and around Bratunac as those men separated from Potocari.

Opportunistic Killings in Bratunac

45. VRS and MUP officers and soldiers committed a number of opportunistic killings of Bosnian Muslim prisoners temporarily detained in Bratunac in schools, buildings, and vehicles parked along the road. Such opportunistic killings occurred as a natural and foreseeable consequence of the Joint Criminal Enterprise. These opportunistic killings occurred between 12 July and about 15 July 1995 in several different locations in Bratunac, namely:
- a) On 12 July, beginning at approximately 2200 hours and continuing through 13 July, more than 50 Bosnian Muslim men were taken from a hangar behind the Vuk Karadzic elementary school in Bratunac and summarily executed.
 - b) On 13 July, at approximately 2130 hours, two Bosnian Muslim men were taken off a truck in Bratunac town, taken to a nearby garage and summarily executed.
 - c) On 13 July, in the evening, a Bosnian Muslim man who was mentally retarded was taken off a bus parked in front of the Vuk Karadzic elementary school in Bratunac and summarily executed.

d) On 13 July, during the day, one Bosnian Muslim man was beaten about the head with a rifle at the Vuk Karadzic School and was subsequently taken away and summarily executed. Numerous other Bosnian Muslim men detained at the Vuk Karadzic elementary school were also summarily executed during the day of 13 July.

e) On the evening of 13 July, four young Bosnian Muslim males were taken from the area of the Vuk Karadzic School and were summarily executed.

f) Between the evening of 13 July and the morning of 15 July, Bosnian Muslim males were frequently and consistently taken from the Vuk Karadzic elementary school and summarily executed.

Those Bosnian Muslim prisoners who survived their temporary detention in Bratunac were transported to the Zvornik area between 13 and 15 July 1995 for further detention and execution. Members of the Bratunac Brigade Military Police Company under the command and control of **VIDOJE BLAGOJEVIC** and under the direction of **MOMIR NIKOLIC** participated in guarding the prisoners and escorting them to holding and execution sites in the Zvornik Brigade zone of responsibility. **MOMIR NIKOLIC** directed and co-ordinated the Bratunac Brigade Military Police Company regarding issues relating to the transportation detention and execution of prisoners in compliance with the orders of **VIDOJE BLAGOJEVIC** the Brigade Commander. As Deputy Commander of the Zvornik Brigade, **DRAGAN OBRENOVIC** was responsible for scouting and identifying sites for such detention and execution, as well as undertaking preparations for the intake of thousands of prisoners into his brigade zone of responsibility.

Organised Mass Executions

46. Over a seven-day period from 12 July until about 19 July 1995, VRS and MUP forces participated in a planned and organised mass execution and burial of thousands of captured Bosnian Muslim men from the Srebrenica enclave. This wide-scale and organised killing operation occurred in several different locations in and around Srebrenica, Bratunac, and Zvornik, including the following:

46.1 **Potocari:** On 12 July 1995, in between the Zinc Factory and "Alija's" house, VRS and/or MUP soldiers summarily executed by decapitation approximately eighty to one hundred Bosnian Muslim men. The bodies were then taken away on a truck. **MOMIR NIKOLIC** was present in Potocari not far from Alija's house on 12 July 1995.

46.2 **Jadar River:** At approximately 1100 hours on 13 July 1995, a small squad of soldiers consisting of at least one Bratunac police officer (Bratunac MUP), working with individuals and units of the VRS and/or MUP, captured approximately 16 Bosnian Muslim men from the column of men retreating from the Srebrenica enclave, transported them from Konjevic Polje to an isolated area on the bank of the Jadar River and summarily executed 15 of them. One individual was wounded and managed to escape.

46.3 **Cerska Valley:** On 13 July 1995, in the early afternoon hours, VRS and/or MUP soldiers transported about 150 Bosnian Muslim men to an area along a dirt road in the Cerska Valley about three (3) kilometres from Konjevic Polje, summarily executed them and, using heavy equipment, covered them with dirt.

46.4 Kravica Warehouse: On 13 July 1995, in the early evening hours, VRS and/or MUP soldiers summarily executed over 1000 Bosnian Muslim men detained in a large warehouse in the village of Kravica. The soldiers used automatic weapons, hand grenades, and other weaponry to kill the Bosnian Muslims inside the warehouse. Between 14 and 16 July 1995, heavy equipment arrived and removed the victims' bodies to two large mass graves located in the nearby villages of Glogova and Ravnice. Zvornik Brigade Engineering Company troops under the direction of **DRAGAN JOKIC** participated in this body removal and burial operation.

46.5 Tisca: Throughout the day on 13 July 1995, VRS and/or MUP soldiers transported Bosnian Muslim women and children who had been separated from male members of their families in Potocari, to Luke, a village near Tisca. VRS soldiers from the Vlasenica Brigade of the Drina Corps identified and separated some remaining Bosnian Muslim men and boys and some of the Bosnian Muslim women from this group at Tisca, while the rest of the group was forcibly transferred to Bosnian Muslim territory. Throughout the day on 13 July 1995, VRS soldiers forced the selected Bosnian Muslim men and women to walk to a nearby school, where they were abused and assaulted. On or about the evening of 13 July 1995 and the day of 14 July 1995, VRS and/or MUP soldiers loaded 25 Bosnian Muslim men from the school onto a truck, drove them to an isolated pasture nearby, and summarily executed them with automatic weapons.

46.6 Orahovac (near Lazete): In the late evening hours of 13 July and during the day of 14 July 1995, personnel from the Military Police Company of the Bratunac Brigade working together with other individuals and units transported hundreds of Bosnian Muslim males from in and around Bratunac to the Grbavci School in the village of Orahovac. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On 14 July 1995, VRS personnel including members of the Military Police Company of the Zvornik Brigade under the command and control of **DRAGAN OBRENOVIC** guarded and blindfolded the Bosnian Muslim males detained at the Grbavci School. In the early afternoon of 14 July 1995, VRS personnel transported these Bosnian Muslim males from the school at Grbavci to a nearby field, where personnel including members of the 4th Battalion of the Zvornik Brigade under the command and control of **DRAGAN OBRENOVIC** ordered the prisoners off the trucks and summarily executed them with automatic weapons. Approximately 1000 Bosnian Muslim males were killed. On 14 and 15 July 1995, members of the Zvornik Brigade Engineering Company under the direction of **DRAGAN JOKIC** used heavy equipment to bury the victims in mass graves at the execution site, while the executions continued. On the evening of 14 July, lights from the engineering machinery illuminated the execution and burial sites during the executions.

46.7 The Petkovci School: On 14 July 1995, VRS and/or MUP personnel transported approximately 1000 Bosnian Muslim males from detention sites in and around Bratunac to the school at Petkovci. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On 14 July and the early morning hours of 15 July 1995, VRS and/or MUP personnel struck, beat, assaulted and shot with automatic weapons Bosnian Muslim males being detained at the school. **DRAGAN OBRENOVIC**, as Deputy Commander commanding the Zvornik Brigade in the absence of the Commander, exercised command, control, and co-ordination duties associated with the detention of prisoners at the Petkovci School.

46.8 The "Dam" near Petkovci: On or about the evening of 14 July 1995 and the early morning hours of 15 July 1995, VRS personnel from the Zvornik Brigade under the

command and control of **DRAGAN OBRENOVIC**, including drivers and trucks from the 6th Infantry Battalion of the Zvornik Brigade, transported the surviving members of the group of approximately 1000 Bosnian Muslim males from the school at Petkovci to an area below the Dam near Petkovci. They were assembled below the Dam and summarily executed by VRS or MUP soldiers with automatic weapons. In the morning of 15 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade, working under the direction of **DRAGAN JOKIC** and together with other individuals and units, used excavators and other heavy equipment to bury the victims while the executions continued.

46.9 Pilica School: On or about 14 and 15 July 1995, VRS and/or MUP personnel transported approximately 1200 Bosnian Muslim males from detention sites in Bratunac to the school at Pilica. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On or about 14 and 15 July 1995, VRS military personnel with automatic weapons summarily executed many of the Bosnian Muslim males who had arrived, or were being detained, at the school. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff of the Zvornik Brigade retrieved the bodies of the victims from the Pilica School and transported them to the Branjevo Military Farm. On 17 July 1995, the Engineering Company of the Zvornik Brigade under the direction of **DRAGAN JOKIC** buried the victims of the Pilica School executions in a mass grave at the Branjevo Military Farm.

46.10 Branjevo Military Farm: On the morning of 16 July 1995, VRS personnel transported the remaining members of the group of approximately 1200 Bosnian Muslim males from the Pilica school by bus to the Branjevo Military Farm. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. After the Bosnian Muslim males arrived at the Branjevo Military Farm, they were summarily executed by automatic weapon fire from members of the 10th Sabotage Detachment as well as elements of the Bratunac Brigade under the command and control of **VIDOJE BLAGOJEVIC**, working together with other individuals and units. On 17 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade, under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff of the Zvornik Brigade and **DRAGAN JOKIC**, and together with other individuals and units, buried hundreds of victims in a nearby mass grave.

46.11 Pilica Cultural Centre: On 16 July 1995, VRS personnel from the Bratunac Brigade under the command and control of **VIDOJE BLAGOJEVIC** travelled a short distance to the village of Pilica and worked with other VRS and/or MUP personnel to summarily execute, with automatic weapons, approximately 500 men inside the Pilica Cultural Centre. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff of the Zvornik Brigade retrieved the bodies of the victims from the Pilica Cultural Centre and transported them to the Branjevo Military Farm. On 17 July 1995, the Engineering Company of the Zvornik Brigade, under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff of the Zvornik Brigade and **DRAGAN JOKIC**, buried the victims of the Pilica School executions in a mass grave at the Branjevo Military Farm.

46.12 Kozluk: On or before 16 July 1995, VRS and/or MUP soldiers, working together with other individuals and units, transported about 500 Bosnian Muslim males to an isolated

place near Kozluk, in the Zvornik Brigade zone of responsibility, and summarily executed them with automatic weapons. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potocari. On 16 July 1995, VRS soldiers from the Engineering Company of the Zvornik Brigade, under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff of the Zvornik Brigade and **DRAGAN JOKIC**, and together with other individuals and units, buried the victims of the executions in a mass grave nearby.

Opportunistic Killings in the Bratunac Brigade and Zvornik Brigade Zones

47. During and after the campaign of organised executions, the opportunistic killing of captured Bosnian Muslim men from the Srebrenica enclave by VRS and MUP personnel continued to occur through about 1 November 1995. These opportunistic killings, which were a natural and foreseeable consequence of the Joint Criminal Enterprise, of which **VIDOJE BLAGOJEVIC**, **DRAGAN OBRENOVIC**, **DRAGAN JOKIC** and **MOMIR NIKOLIC** were key members and participants in occurred in the zones of responsibility of both the Bratunac Brigade and the Zvornik Brigade. The opportunistic killings in the Bratunac and Zvornik Brigade zones include the following:

Bratunac Brigade Zone

47.1 **Nova Kasaba**: At sometime from 13 July through 27 July 1995 VRS and/or MUP personnel captured and executed 33 Bosnian Muslim men from the column fleeing the Srebrenica enclave. At least 26 of the victims were summarily executed after having been placed in two recently dug graves. Twenty-seven of the 33 men had their hands tied behind their backs when they were executed. These graves were located near the village of Nova Kasaba.

47.2 **Konjevic Polje**: At sometime from 13 July through 27 July 1995, VRS and/or MUP soldiers captured two Bosnian Muslim men from the column, placed them in a pit near the village of Konjevic Polje, and summarily executed and buried them.

47.3 **Glogova**: At sometime from 17 July through 27 July 1995, VRS and/or MUP soldiers captured 12 Bosnian Muslim men from the column, tied them together in six pairs, shot each of them in the head, and buried them in a mass grave near the village of Glogova.

47.4 **Kravica Market**: During the night between 13 July and 14 July near a supermarket in Kravica, a VRS or MUP soldier placed his rifle barrel into the mouth of a Bosnian Muslim prisoner and summarily executed the man. Also during this period, VRS and/or MUP soldiers struck, beat with rifle butts, and summarily executed Bosnian Muslim prisoners who were detained on trucks near the supermarket. All of these prisoners had been captured from the column of men retreating from the Srebrenica enclave or separated at Potocari.

47.5 **Bratunac Brigade**: At sometime from 12 July through 1 November 1995, six Bosnian Muslim men from Srebrenica were captured by MUP forces, turned over to and interrogated by security personnel from the Bratunac Brigade under the command and control of **VIDOJE BLAGOJEVIC** and under the direction of **MOMIR NIKOLIC**, and thereafter summarily executed by unknown persons. One of these persons (Resid Sinanovic) was captured by a MUP soldiers from the Republika Srpska (RS) and turned over personally to **MOMIR NIKOLIC** before being executed. The identification details for these six Bosnian Muslim men are as follows:

- (a) Zazif AVDIC, son of Ramo, date of birth: 15 September 1954.
- (b) Munib DEDIC, son of Emin, date of birth: 26 April 1956.
- (c) Aziz HUSIC, son of Osman, date of birth: 08 April 1966.
- (d) Resid SINANOVIC, son of Rahman, date of birth: 15 October 1949.
- (e) Mujo HUSIC, son of Osman, date of birth: 27 August 1961.
- (f) Hasib IBISEVIC, son of Ibrahim, date of birth: 27 February 1964.

Zvornik Brigade Zone

47.6 **Nezuk:** On 19 July 1995, VRS personnel from the 16th Brigade of the 1st Krajina Corps, re-subordinated to the command of the Zvornik Brigade under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff and pursuant to his direct leadership, captured approximately 10 Bosnian Muslim males from the column and with automatic weapons, summarily executed them at a place near Nezuk.

47.7 **Zvornik Brigade:** On or about 19 July 1995, the following four Bosnian Muslim men were captured from the column by VRS and/or MUP forces in the Zvornik Brigade zone of responsibility and turned over to Zvornik Brigade Security personnel under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff of the Zvornik Brigade:

- (a) Sakib KIVIRIC, son of Salko, date of birth: 24 June 1964.
- (b) Emin MUSTAFIC, son of Rifet, date of birth: 7 October 1969.
- (c) Fuad DJOZIC, son of Senusija, date of birth: 2 May 1965.
- (d) Almir HALILOVIC, son of Suljo, date of birth: 25 August 1980.

On or about 22 July 1995, these men were interrogated by Zvornik Brigade personnel, and were summarily executed sometime thereafter by unknown persons working together with the Zvornik Brigade Security personnel.

47.8 **Zvornik Brigade:** On 20 August 1995, Dzemail SALIHOVIC, a Bosnian Muslim from Srebrenica, was captured by forces of the Zvornik Brigade near Kalesija while attempting to cross over to Muslim-held territory. Mr. Salihovic was interrogated by personnel from the Zvornik Brigade under the direction of **DRAGAN OBRENOVIC** in his capacity as Chief of Staff of the Zvornik Brigade and was summarily executed sometime thereafter by unknown persons.

- 48. From about 18 July through about 1 November, additional members of the Bosnian Muslim column were captured or killed in the Bratunac and Zvornik Brigade zone by VRS and MUP forces.
- 49. Before, during, and after the killings and mass executions which occurred from 12 July until 1 November 1995, **VIDOJE BLAGOJEVIC**, as Commander of the Bratunac Brigade, as previously described in this Amended Joinder Indictment, knew or should have known that his subordinates would and did participate in these criminal acts, and failed to prevent or punish any of those responsible for carrying out the assaults, executions and burials in the Bratunac and Zvornik Brigade zone of responsibility.

50. Before, during, and after the killings and mass executions which occurred from 12 July until 1 November 1995, **DRAGAN OBRENOVIC**, when he was in charge of and subsequently commanding the Zvornik Brigade as previously described in this Amended Joinder Indictment, knew or should have known that his subordinates would and did participate in these criminal acts, and failed to prevent or punish any of those responsible for carrying out the assaults, executions and burials in the Zvornik Brigade zone of responsibility.
51. From about 1 August 1995 through about 1 November 1995, VRS and MUP personnel participated in an organised and comprehensive effort to conceal the killings and executions in the Zvornik and Bratunac Brigade zones of responsibility by reburying bodies exhumed from initial mass graves at the following locations: Branjevo Military Farm; Kozluk; the "Dam" near Petkovci; Orahovac; and Glogova; and transferring them to secondary graves at: twelve sites along the Cancari Road (containing bodies from Branjevo Military Farm and Kozluk); four sites near Liplje (containing bodies from the "Dam" near Petkovci); seven sites near Hodzici (containing bodies from Orahovac); and seven sites near Zeleni Jadar (containing bodies from Glogova). This reburial operation was a natural and foreseeable consequence of the execution and original burial plan conceived by the Joint Criminal Enterprise. Forces of the Zvornik Brigade Engineering Company participated in this reburial operation under the direction of **DRAGAN JOKIC** and under the command and control and direction of **DRAGAN OBRENOVIC**. On 16 October 1995, **MOMIR NIKOLIC**, under the command and control of **VIDOJE BLAGOJEVIC**, was involved in the exhumation and reburial of the execution victims.
52. The conduct of **MOMIR NIKOLIC** met the requisite four elements of Genocide, namely that:
- a) The accused killed one or more persons;
 - b) Such persons belonged to a particular national, ethnical, racial, or religious group;
 - c) The accused intended to kill the persons; and
 - d) The accused killed the persons in furtherance of the intent to destroy, in whole or in part, that national, ethnical, racial, or religious group, as such.

Or,

53. In the alternative, the conduct of **MOMIR NIKOLIC** met the requisite three elements of Complicity in Genocide, namely that:
- a) The accused was an accomplice in the commission of a crime;
 - b) The crime was committed; and
 - c) The accused knew that the crime was being committed in furtherance of the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such.
54. Additionally, the conduct of **VIDOJE BLAGOJEVIC** and **DRAGAN OBRENOVIC** met the requisite three elements of Complicity in Genocide, namely that:
- a) The accused was an accomplice in the commission of a crime;
 - b) The crime was committed; and
 - c) The accused knew that the crime was being committed in furtherance of the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such.

And,

COUNT 2

(Extermination)

By their acts and omissions described in the preceding paragraphs, **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** committed:

COUNT 2: Extermination, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(b), 7(1), and 7(3) of the Statute of the Tribunal, not to include **MOMIR NIKOLIC** or **DRAGAN JOKIC** under Article 7(3).

55. The conduct of **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** met the requisite four elements of Extermination as a Crime Against Humanity, namely that:

- a) There was an armed conflict;
- b) In a manner relating to a widespread or systematic attack directed against a civilian population, an act or omission of the accused or a subordinate caused the death of the victim;
- c) The act or omission was unlawful and intentional, reckless, or grossly negligent; and
- d) The accused had knowledge of the wider context in which his conduct occurred.

And,

COUNT 3-4

(Murder)

By their acts and omissions described in the preceding paragraphs, **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** committed:

COUNT 3: Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a), 7(1), and 7(3) of the Statute of the Tribunal, not to include **MOMIR NIKOLIC** or **DRAGAN JOKIC** under Article 7(3).

56. The conduct of **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC, and DRAGAN JOKIC** met the requisite four elements of Murder as a Crime Against Humanity, namely that:

- a) There was an armed conflict;
- b) In a manner related to a widespread or systematic attack directed against a civilian population, the accused caused the death of one or more persons;
- c) By such conduct, the accused intended to kill or to inflict serious injury in reckless disregard of human life; and
- d) The accused had knowledge of the wider context in which his conduct occurred.

And,

COUNT 4: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3, 7(1), and 7(3) of the Statute of the Tribunal, not to include **MOMIR NIKOLIC** or **DRAGAN JOKIC** under Article 7(3).

57. The conduct of **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC**, and **DRAGAN JOKIC** met the requisite four elements of Murder as a Violation of the Laws or Customs of War, namely that:

- a) There was a nexus between the murder and an armed conflict;
- b) The conduct of the accused caused the death of one or more persons;
- c) By such conduct, the accused intended to kill or to inflict serious injury in reckless disregard of human life; and
- d) The victim or victims were persons taking no active part in the hostilities.

And,

COUNT 5

(Persecutions)

By their acts and omissions alleged in the preceding paragraphs, **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC**, and **DRAGAN JOKIC** committed:

COUNT 5: Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, including Murder, Cruel and Inhumane Treatment, Terrorising the Civilian Population, Destruction of Personal Property, and Forcible Transfer (not to include **DRAGAN OBRENOVIC** and **DRAGAN JOKIC**), punishable under Articles 5(h), 7(1), and 7(3) of the Statute of the Tribunal, not to include **MOMIR NIKOLIC** or **DRAGAN JOKIC** under Article 7 (3).

58. The conduct of **VIDOJE BLAGOJEVIC, DRAGAN OBRENOVIC, MOMIR NIKOLIC**, and **DRAGAN JOKIC** met the requisite four elements of Persecutions as a Crime against humanity, namely that:

- a) There was an armed conflict;
- b) In a manner related to a widespread or systematic attack directed against a civilian population, the accused committed acts or omissions against a victim or victim population violating a basic or fundamental human right;
- c) The accused's conduct was committed on political, racial, or religious grounds, and was committed with requisite discriminatory intent; and
- d) The accused had knowledge of the wider context in which his conduct occurred.

59. As described in this Amended Joinder Indictment, the crime of persecutions was perpetrated, executed, and carried out by and through the following means:

- a) the murder of thousands of Bosnian Muslim civilians, including men, women, children, and elderly persons;
- b) the cruel and inhumane treatment of Bosnian Muslim civilians, including severe beatings at Potocari and in detention facilities in Bratunac and Zvornik;

- c) the terrorising of Bosnian Muslim civilians in Srebrenica and at Potocari;
- d) the destruction of personal property and effects belonging to the Bosnian Muslims; and
- e) the forcible transfer of Bosnian Muslims from the Srebrenica enclave.

And,

COUNT 6

(Forcible Transfer)

By their acts and omissions described in the preceding paragraphs, **VIDOJE BLAGOJEVIC** and **MOMIR NIKOLIC** committed:

COUNT 6: Inhumane acts (Forcible Transfer), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i), 7(1), and 7(3) of the Statute of the Tribunal.

Dated this 27th day of May 2002
The Hague,
The Netherlands

Graham T. Blewitt
Deputy Prosecutor