

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-05-88/1-PT

IN THE REFERRAL BENCH

Before Judge Alphons Orié, Presiding  
Judge O-Gon Kwon  
Judge Kevin Parker

Registrar: Mr. John Hocking

Date Filed: 25 January 2010

THE PROSECUTOR

v.

MILORAD TRBIĆ

PUBLIC

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PROSECUTION'S ELEVENTH PROGRESS REPORT

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The Office of the Prosecutor  
Mr. Serge Brammertz

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

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PROSECUTION'S ELEVENTH PROGRESS REPORT

1. Pursuant to the Referral Bench's Decision on Referral of Case Under Rule 11 *bis* with Confidential Annex ("Referral Decision") of 27 April 2007, the Prosecution hereby files its eleventh progress report in this case.
  
2. The Decision on referral ordered:
 

...the Prosecutor to file an initial report to the Referral Bench on the progress made by the Prosecutor's Office of Bosnia and Herzegovina in this case six weeks after transfer of the evidentiary material. Thereafter, the Prosecution shall file a report every three months. These reports shall include information on the course of the proceedings before the competent national court after commencement of trial, and shall include any reports or other information received from any international organizations also monitoring the proceedings.<sup>1</sup>
  
3. The tenth progress report in the *Trbić* case was filed on 21 October 2009.<sup>2</sup>
  
4. Following the agreement between the Chairman in Office of the Organization for Security and Co-operation in Europe's Mission to Bosnia and Herzegovina (the "OSCE") and the Office of the Prosecutor ("OTP"), the Prosecution received OSCE's tenth report on 18 January 2010.<sup>3</sup>


<sup>1</sup> *Prosecutor v. Milorad Trbić* ("Trbić case"), Case No. IT-05-88/1-PT, Referral Decision, p. 26.

<sup>2</sup> Trbić case, Prosecution's Tenth Progress Report, 21 October 2009 ("Prosecution's Tenth Progress Report").

<sup>3</sup> OSCE's Tenth Report in the *Milorad Trbić* Case Transferred to the State Court pursuant to Rule 11 *bis*, January 2010 ("Report").

5. OSCE reports that the BiH State Court has not yet rendered the written verdict in this case. As reported earlier, the oral verdict was rendered on 16 October 2009.<sup>4</sup>
6. Attached to this report is a copy of the OSCE's Report.

Word Count: 274

  
for Serge Brammertz  
Prosecutor

Dated this twenty fifth day of January 2010  
At The Hague  
The Netherlands

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<sup>4</sup> Prosecution's Tenth Progress Report, para. 6.

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ANNEX A

TO

PROSECUTION'S ELEVENTH PROGRESS REPORT



**Organization for Security and Co-operation in Europe  
Mission to Bosnia and Herzegovina**

**Tenth Report in the**

***Milorad Trbić Case***

**Transferred to the State Court pursuant to Rule 11*bis***

**January 2010**

### SUMMARY OF DEVELOPMENTS

The case of Milorad Trbić (hereinafter also Defendant) is the sixth case transferred from the ICTY to the BiH State Court for trial pursuant to Rule 11*bis* of the ICTY Rules of Procedure and Evidence (RoPE). This is the ninth report in this case that the OSCE Mission to Bosnia and Herzegovina (Mission) submits to the ICTY Prosecutor, covering the period from 17 October 2009 to 10 January 2010.

During the previous reporting period, on 16 October 2009, the Trial Panel rendered its oral verdict finding Milorad Trbić guilty of Genocide and sentencing him to 30 years' long-term imprisonment. The Panel found that, between July and November 1995, the Defendant participated together with Colonel Ljubiša Beara, Lieutenant Colonel Vujadin Popović, Lieutenant Drago Nikolić and others in a joint criminal enterprise in the zone of responsibility of the Zvornik Brigade with the common purpose and plan to capture, detain, summarily execute, and bury all able bodied Bosniak males from the Srebrenica enclave and then conceal the evidence of those crimes through the reburial of victims in unmarked graves.<sup>1</sup> This included crimes committed at the detention sites in Orahovac, Ročevići, and Petkovci, as well as the execution sites near Lažete, Kozluk, and Petkovci Dam.

In addition to the findings on guilt, the Trial Panel referred all compensation claims filed during the criminal proceedings to civil proceedings. The Panel also relieved the Defendant of the obligation to pay the costs of the proceedings.

As of the drafting of this report, the Court has yet to render its written verdict. The Mission will analyse the verdict in greater detail when that has occurred.

The Defendant remains in custody because of risk of flight and threat to public security.

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<sup>1</sup> Article 171(a) & (b) of the Criminal Code of Bosnia and Herzegovina in conjunction with Article 181.