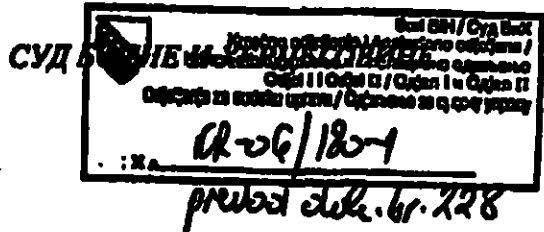


**SUD BOSNE I HERCEGOVINE**



Number: **X-KR-06/180-1**  
Sarajevo, 22-October 2008

**IN THE NAME OF BOSNIA AND HERZEGOVINA**

The Court of Bosnia and Herzegovina, Section I for War Crimes, the Panel comprised of Judge Senadin Begtašević as the Panel President and Judges Vesna Jesenković and David Re as Panel members, with legal officer Sabina Hota as the minutes taker, in the criminal case of the Accused Vaso Todorović, for the criminal offence of Crimes against Humanity under Articles 172(1)(a)(d) of the Criminal Code of BiH (CC BiH), in conjunction with Article 31 CC BiH, upon the Indictment of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ-43/08 of 15 October 2008, after the hearing for consideration of the Plea Agreement and public sentencing hearing on 20 October 2008, in the presence of the prosecutor of the Prosecutor's Office of BiH, Ibro Bulić, Accused Vaso Todorović and his defense counsel Haris Bojić, attorney from Sarajevo, on 22 October 2008 rendered and publicly pronounced the following

**VERDICT**

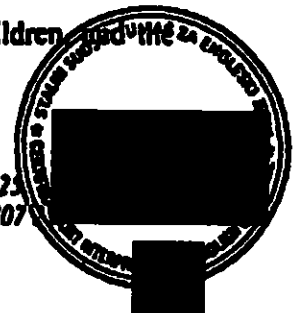
**ACCUSED:**

**TODOROVIĆ Vaso**, son of Stojan and mother Mitra, nee Ristić, born on 2 March 1968, in Žabokvica, the Municipality of Srebrenica, personal ID number 0203968183123, married, father of two minor children, Serb, citizen of BiH, blue-collar worker, indigent, no prior convictions, served compulsory military service in 1989/90 in Niš and Bosilegrad, no rank, no decorations, residing in Veliki Crljeni, the Municipality of Lazarevac, Republic of Serbia,

**IS GUILTY**

**In as much as he:**

In the course of the armed conflict in Bosnia and Herzegovina, as the Army and MUP of the Republic of Srpska in the period from July 10 to July 19 1995 undertook a widespread and systematic attack on the Bosniak population within the UN Protected Zone of Srebrenica, as part of the plan to forcibly displace the Bosniak civil population, women, children and



elderly, outside the UN Protected Zone of Srebrenica, and separate, capture, and execute the men, the Accused Todorović Vaso, being aware of the attack and the plan, assisted in executing the Bosniak men and forcible transfer of the Bosniak population based on ethnic, cultural, and religious basis, in the manner that he, in the capacity of a special police member – police officer, together with a number of other members of the 2<sup>nd</sup> Detachment of the Šekovići Special Police, the Republic of Srpska MUP:

1. On July 12 1995, participated in the search of the villages populated by Bosniaks within the area of the UN Protected Zone of Srebrenica in the vicinity of Potočari with an aim to dislocate the Bosniak population, expel them from their houses and take them to the area of Potočari, where the Bosniak population was gathering, being aware that the population would be forcibly transferred from Potočari and permanently displaced to the area controlled by the R BiH Army, and on the same day in the afternoon hours and in the course of the next day, July 13, on the section of the Bratunac- Konjević Polje road at the place of Sandići, Municipality of Bratunac, participated in keeping the road communication open for the purpose of unhindered passing of the Bosniak population by buses and trucks and

2. On July 13, participated in capturing thousands of Bosniak men trying to escape from the protected zone through the woods being afraid of capturing and execution done by the RS MUP and Army, and then, participated in escorting a few hundred Bosniak men from the place of Sandići to the Agricultural Co-operative Kravica Warehouse, knowing that they would be executed, and after imprisoning the Bosniaks inside the warehouse, while the other members of the 2<sup>nd</sup> Detachment were killing the imprisoned Bosniak men with rifles, machine-guns, and hand-grenades, the Accused Vaso Todorović performed his duty of a guard, so that no prisoner under attack could escape, and on that occasion more than a thousand imprisoned Bosniak men were executed.

Whereby:

As part of the wide-spread and systematic attack aimed against the civilian Bosniak population, being aware of the attack, the Accused assisted in depriving other people of their lives (murders) and forcible displacement of the Bosniak population on political, national, ethnic, cultural, and religious basis,



**Vaso Todorović committed the criminal offence of Crimes against Humanity in violation of Article 172(1)(a) and (d) in conjunction with Article 31 of the Criminal Code of BiH.**

**Therefore, pursuant to Article 231(3) of the Criminal Procedure Code (CPC BiH) and Article 39 and 48 of the CC BiH, the Court**

**SENTENCES HIM  
TO PRISON SENTENCE OF 6 (six) YEARS**

**Pursuant to Article 56 CC BiH, the Accused will be credited for his time in custody from 28 May 2007 onwards.**

**Pursuant to Article 198(2) CPC BiH, the Court refers the injured parties to take civil action under property law for any potential claims.**

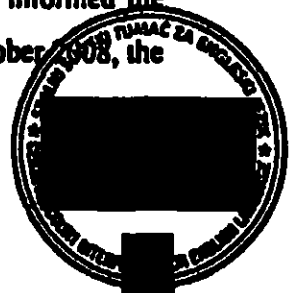
**Pursuant to Article 188(4) CPC BiH Vaso Todorović is entirely exempted from the payment of costs of the proceedings which will be covered from the budget.**

**Reasoning**

**- I. The Indictment and Plea Agreement**

**The Prosecutor's Office of Bosnia and Herzegovina in the Indictment number KT-RZ-43/08 of 27 May 2008, as confirmed on 3 June 2008, charged Vaso Todorović with the criminal offence of Genocide under Article 171 CC BiH, in conjunction with Articles 29 and 180(1) of the Code. At the plea hearing held on 23 June 2008, the Accused Todorović entered a plea of not guilty to the offences charged against him.**

**At the status conference on 17 September 2008, the parties to the proceedings informed the Court that plea bargaining was ongoing. At the main trial hearing held on 15 October 2008, the**



defense proposed that the Accused should present his defense, in other words, that he should testify as a witness. Following the prosecutor's consent to that proposal, the Panel made a decision to change the order of evidence pursuant to Article 261(2) CPC BiH, and the Accused Vaso Todorović was heard as a witness. The prosecutor presented evidence by submitting and reading the Suspect Examination Record number KT-RZ-43/08 of 8 April 2008, and the Record number KT-RZ-43/08 of 18 April 2008 and filed an Amended Indictment at the hearing. The Amended Indictment charged the Accused with the criminal offence of Crimes against Humanity under Article 172(1)(a) and (d) in conjunction with Article 31 of the Criminal Code of BiH.<sup>1</sup>

On 16 October 2008, the Accused entered into a Plea Agreement with the Prosecutor's Office of BiH, in the presence of his defense counsel, attorney Haris Bojić. The Plea Agreement along with the Statement of Facts and Admission of Guilt, documentary evidence and Motion to admit facts established in the final judgments of the International Criminal Tribunal for Former Yugoslavia (ICTY) was filed on the same day.<sup>2</sup>

Under the Agreement the Accused Vaso Todorovic pleaded guilty of the commission of the offence he was charged with and agreed to the prison sentence between 5 (five) and 10 (ten) years. In addition the Agreement indicates that the Accused accepts all legal consequences arising from the Agreement, including claims under property law and costs of the criminal proceedings.

Following the deliberation and voting, the Court accepted the Agreement in its entirety. The Court was satisfied that all requirements under Article 231(6) CPC BiH were met. The Court was satisfied that the Accused Vaso Todorovic concluded the Agreement voluntarily, consciously and with understanding, after he had been informed of possible consequences relative to claims under property law and costs of the criminal proceedings. The Court was also satisfied that there was ample evidence of the guilt of the Accused and that the Accused

<sup>1</sup> Amended Indictment number KT-RZ-43/08 of 13 October 2008.

<sup>2</sup> Plea Agreement number KT-RZ-43/08 of 16 October 2008.



understood that by the Court accepting the Agreement, he waived his right to trial and could not appeal the criminal sanction he would be imposed.

## **2. Evidence submitted**

In reaching its verdict the Court examined and assessed all evidence tendered in the course of the proceedings including that specifically detailed below. The evidence submitted falls into three categories, namely, established facts from ICTY judgments,<sup>3</sup> specified in Annex 1 which is an integral part of this Verdict, the testimony and statement of Vaso Todorović, and the evidence submitted by the Prosecutor with the Plea Agreement, specified in Annex 2, which is also an integral part of this Verdict.

The defense of the Accused adduced evidence at the hearing on 15 October 2008, by hearing the Accused as a witness.

## **3. Procedural decisions**

### **Admission of established facts from ICTY cases**

On 16 October 2008, the Prosecution moved the Court, pursuant to Article 4 of the Law on the Transfer of Cases from the ICTY to the Prosecutor's Office of BiH and the Use of Evidence collected by the ICTY in Proceedings before the Courts in BiH, to accept 87 facts as established facts.<sup>4</sup> All 87 facts are listed in the table in Annex 1.<sup>5</sup>

Vaso Todorović and his counsel consented to the motion. Defense counsel submitted that it could even be considered a "joint motion". After deliberation the Court has accepted the facts.

The main aim of accepting established facts is to ensure the expediency of the proceedings while preserving the right of the Accused to a fair, public and expeditious trial or sentence

<sup>3</sup> International Criminal Tribunal for the Former Yugoslavia.

<sup>4</sup> "Motion for Acceptance of Facts Established in Final Judgments of the ICTY" filed 15 October 2008.

<sup>5</sup> The numbering of the facts and the supporting explanation for each fact is set out in the motion.



hearing, as guaranteed by Article 13 of the CPC BiH and Article 6 (1) of the European Convention on Human Rights and Fundamental Freedoms.

The Court of BiH has generally utilized Rule 94 (B) of the ICTY's Rules of Procedure and Evidence as a guideline to evaluate the facts to be established. Following this practice, the Court has admitted the 87 facts as meeting the following criteria:

- The fact must be distinct, concrete and identifiable;
- The fact must be relevant to the current proceedings;
- The fact forms part of an original judgment which has not been appealed, has been finally settled on appeal or falls within issues which are not in dispute during the appeal;
- The fact must not be based on an agreement between the parties; and
- The fact is not subject of reasonable dispute between the parties.

The Court has also adopted the following criteria, although the practice of the panels of the Court of BiH has varied in relation to its interpretation:

- The facts must not relate to the acts, conduct or mental state of the Accused; and
- The fact must be restricted to factual findings and does not include legal characterizations.

#### **4. Closing arguments – entertained at the sentencing hearing**

At the sentencing hearing, the parties submitted that they maintained the Plea Agreement in its entirety and presented extenuating and aggravating circumstances that might affect the sentence. The prosecution and the defense urged the Court to exercise leniency in imposing sentence.

The Prosecutor pointed out the utility to the criminal justice system in BiH of the decision of the Accused to plead guilty and to provide his assistance to the Prosecutor's Office.



out that the Kravica trial had been tried over three years and, in one year, had occupied 70 court days.<sup>6</sup> He submitted that the facts of the present case were very similar and a lengthy trial could be expected if Vaso Todorović had elected to go to trial. The two survivors of the warehouse massacre would have had to testify again.

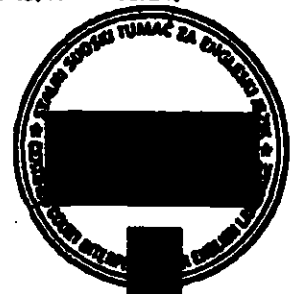
He also submitted that the Court's acceptance of the Plea Agreements struck the correct balance between the interests of justice and that of the victims in that it would encourage other suspects to take advantage of this to admit their guilt. Taking such a course would create a climate of trust and reconciliation. In addition, the Prosecutor emphasized that prior to the conclusion of the agreement, he informed the representatives of the injured parties, namely the association "Movement of Mothers of Srebrenica and Žepa Enclaves" who consented to this agreement.

Vaso Todorović has also undertaken to testify in similar cases. The Prosecutor submitted that he had co-operated substantially with the Prosecution and had been truthful in his co-operation. The Prosecutor described Vaso Todorović's assistance to the Prosecution as of "great value". The Prosecutor attached large significance to the value of his testimony against others who may have participated in the events in Srebrenica.

The Prosecutor submitted the following mitigating features applied to this case: Vaso Todorović was of modest education; he was a lowest ranking member of his unit; he tried to do as little damage as possible; he is married with two children of minor age; his failing to murder the prisoners resulted in his and his family facing numerous problems afterwards; he had co-operated with the Prosecution in other cases; he had confessed early; and, he had expressed his remorse.

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<sup>6</sup> *Prosecutor's Office of BiH v Miloš Šupar, Milenko Trifunović, Brano Džinić, Aleksandar Radovanović, Slobodan Jakovljević, Velibor Makšimović, Dragiša Žvanović, Branislav Medan and Milovan Matić, X-KR-05/14, "First instance verdict", 28 July 2008.*



Defense counsel submitted that the circumstances of this case were similar to those of Dražen Erdemović, sentenced by the ICTY on a plea of guilty to Crimes against Humanity, and that the Court should impose a *similarly lenient sentence*.<sup>7</sup>

Vaso Todorović addressed the Court and said that he wished to apologize to the victims and their families. He expressed his personal regret at being present when the victims were murdered.

The Prosecutor referred to the possible consequences of Vaso Todorović failing to obey the orders including possible exposure to "very serious criminal sanction" by military courts in the Republika Srpska. Both parties submitted that the Court could consider as a mitigating factor Vaso Todorović's potential fear of facing very serious criminal sanction if failed to carry out the orders to participate in the deportation and forcible transfer and murder of the entire Bosniak civilian population of the Srebrenica enclave. In support of this argument the Prosecutor referred to the mobilization decrees issued by Radovan Karadžić as the Supreme Commander of the VRS on 16 June 1995.

## 5. Findings

Under the Plea Agreement, the Accused confessed guilt for all criminal offences charged in the Indictment of the Prosecutor's Office of BiH number KT-RZ-43/08. However, the Court was obliged to evaluate the authenticity of that confession, which it did, and to check whether sufficient evidence existed of the Accused's guilt.

### A. General information

On 16 April 1993, the UN Security Council, by Resolution 819/1993 declared the area of Srebrenica in eastern Bosnia and Herzegovina a "'safe area' that should be free from armed attack or any other hostile act". The population, within territory held by the VRS (Bosnian Serb

<sup>7</sup> Counsel mistakenly submitted that Erdemović had received a sentence of seven years; the correct figure was five years.





Army), was predominantly Bosniak. The village of Kravica is on the main road between Konjević Polje and Bratunac, near the village of Sandići. An Agricultural Cooperative in Kravica had four buildings including a large warehouse or sometimes also described as a "hangar".

**aa) The facts established and admitted into evidence**

The established facts are set out in full in Annex 1. Those most relevant to the Court's assessment of the evidence appear directly below. The Court has assessed each in determining the guilt of Vaso Todorović.

- There was an armed conflict in eastern Bosnia between 11 July and 1 November 1995. The attack was widespread or systematic. In July 1995, following the take-over of Srebrenica, Bosnian Serb forces executed several thousand Bosnian Muslim men. The total number is likely to be within the range of 7,000 to 8,000 men.
- The attack, carried out by the VRS and MUP [Ministry of Interior] was planned and defined in the "Krivaja 95" order.
- The civilian police of the Republika Srpska was organized under the MUP. In July 1995, Tomislav Kovač was the acting Minister of Interior. The civilian police was organized in two sections: the regular police force and the special police brigade. The Special Police Brigade was a combat unit of the MUP. Colonel Goran Sarić was the commander and Colonel Ljubiša Borovčanin was the deputy commander. The normal activities of this brigade included securing airports and providing security for important events.
- The Special Police Brigade consisted of approximately eight Detachments, including the 2<sup>nd</sup> Detachment from Šekovići commanded by Miloš Stupar, and a Training Centre at Jahorina, commanded by Duško Jević. Members of the Detachments were armed.



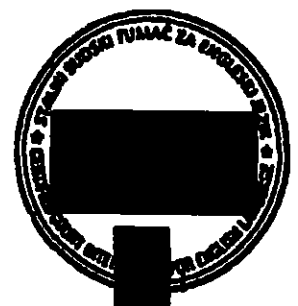
automatic and semi-automatic weapons and were trained differently than the regular police force. The Detachments also had heavy weapons and vehicles, such as tanks, armored personnel carriers ("APCs") and Pragas.

- The attack continued after the fall of Srebrenica and affected the approximately 40,000 people who lived within the Srebrenica enclave at the time of the attack.
- The attack was clearly directed against the Bosnian Muslim civilian population in the Srebrenica enclave. Although the younger and older men could still be capable of bearing arms, they did not present a serious military threat. The massacred men amounted to about one fifth of the overall Srebrenica community.
- Almost to a man, the thousands of Bosnian Muslim prisoners captured, following the take-over of Srebrenica, were executed. Some were killed individually or in small groups by the soldiers who captured them and some were killed in the places where they were temporarily detained. Most, however, were slaughtered in carefully orchestrated mass executions, commencing on 13 July 1995, in the region just north of Srebrenica.
- Prisoners not killed on 13 July 1995 were subsequently bussed to execution sites further north of Bratunac, within the zone of responsibility of the Zvornik Brigade.
- The large-scale executions in the north took place between 14 and 17 July 1995. Most of the mass executions followed a well-established pattern. The men were first taken to empty schools or warehouses. After being detained there for some hours, they were loaded onto buses or trucks and taken to another site for execution. Usually, the execution fields were in isolated locations. The prisoners were unarmed and, in many cases, steps had been taken to minimize resistance, such as blindfolding them, binding their wrists behind their backs with ligatures or removing their shoes.
- Once at the killing fields, the men were taken off the trucks in small groups, lined up and shot. Immediately afterwards, and sometimes even during the executions, earth

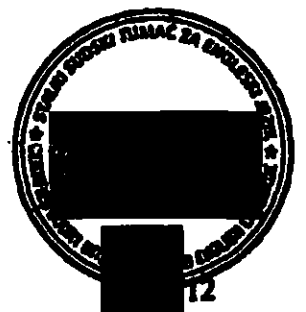


moving equipment arrived and the bodies were buried, either in the spot where they were killed or in another nearby location.

- On 11 July 1995, before the VRS found out about the formation and movement of the Bosnian Muslim column, the Main Staff ordered the Drina Corps to take pre-emptive steps, "by arrangement and co-operation with the MUP" to block the passage of Bosnian Muslims to and from the enclave.
- Plans to transport the Bosnian Muslim civilians out of the enclave crystallized at this second meeting. [...] it was General Mladić who initiated the meetings at the Hotel Fontana when he made it abundantly clear that he wanted the Bosnian Muslims out of the area.
- On 12 July 1995, as the bus convoys were being organized, General Mladić was heard to say during an intercepted conversation: "They've all capitulated and surrendered and we'll evacuate them all – those who want to and those who don't want to." [...] the Bosnian Muslim refugees were not consulted or given a choice about their final destination.
- An intercepted conversation on 13 July 1995 indicates that about 6,000 men had been captured by 17:30 hours. The soldiers guarding the men forced them to drop their belongings into big piles and to hand over their valuables. The Bosnian Serb forces on the scene began shepherding the men out of the meadow. Some were put on buses or marched towards the nearby Kravica Warehouse.
- Others were loaded on buses and trucks and taken to Bratunac and other nearby locations. [...] on 13 July 1995, MUP forces were deployed along the stretch of road between Konjević Polje and Bratunac where the bulk of the Bosnian Muslim prisoners were captured from the column.



- A series of intercepted conversations shows close co-operation and co-ordination between MUP units and Drina Corps units, particularly the Engineers Battalion, who were jointly engaged in action to block the Bosnian Muslim column. The Drina Corps Command was also in contact with the MUP unit along the Bratunac-Konjević Polje road, monitoring their progress.
- The largest groups of Bosnian Muslim men from the column were captured on 13 July 1995 (...) In some places, ambushes were set up and, in others, the Bosnian Serbs shouted into the forest, urging the men to surrender (...).
- Identification papers and personal belongings were taken away from both Bosnian Muslim men at Potočari and from men captured from the column; their papers and belongings were piled up and eventually burnt.
- Between 1,000 and 1,500 Bosnian Muslim men from the column fleeing through the woods, who had been captured and detained in the Sandići meadow, were bussed or marched to the Kravica Warehouse on the afternoon of 13 July 1995.
- A conversation, intercepted on 13 July 1995 at 20:40 hours, reveals that General Krstić spoke to Colonel Borovčanin, the Deputy Commander of the MUP unit, and asked how things were going and stated that he would be in touch.
- On 14 July 1995, the UN Security Council expressed concern about the forced relocation of civilians from the Srebrenica "safe area" by the Bosnian Serbs, asserting it was a clear violation of their human rights. [...] General [Mladić] ordered Major Obrenović to take urgent steps to ensure he did not "let anything through".
- On 14 July 1995, Bosnian Muslim prisoners, who had been detained in Braunac and Kravica, were taken by bus to the Petkovec School in the Zvornik municipality.



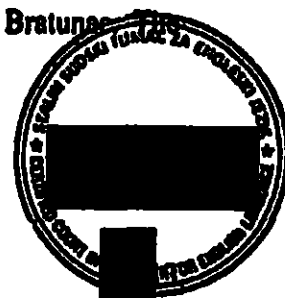
- In April 1996 they [i.e. the ICTY's Office of the Prosecutor, "the OTP"] commenced forensic examinations of suspected execution points and exhumation of mass graves. Forensic evidence showed that there were two types of mass graves, "primary graves", in which individuals were placed soon after their deaths and "secondary graves", into which the same individuals were later reburied.
- Exhumations conducted between 7 August and 20 October 2000 at the primary gravesite of Glogova I also revealed matches between broken masonry and door frames, and other artifacts found at both the gravesite and at the Kravica Warehouse execution site, suggesting that some of the victims from the Kravica Warehouse were buried there. ... there was close co-operation and co-ordination between the MUP and Drina Corps units.

**ab) Evidence and statement of Vaso Todorović and other evidence submitted by the Prosecutor**

Vaso Todorović testified before the Court. The Prosecution also tendered into evidence a signed statement "Statement regarding facts and confession of guilt – Todorović Vaso". Vaso Todorović's statement and testimony provided the evidence establishing his knowledge and participation in the events charged. Evidence from other sources is interspersed below.

In early July 1995 Vaso Todorović was a member of the 15 to 20 member 3<sup>rd</sup> platoon of the 2<sup>nd</sup> Detachment of the Šekovići Special Police in Srednje. The commander of the 2<sup>nd</sup> platoon, Rade Čuturić, issued an order to platoon commanders, from Ljubomir Borovčanin, that the platoon should go to Srebrenica to expel the Bosniak women and children from the UN safe haven and to capture the men and to execute them, and that the assignment should be kept secret. Čuturić conveyed this order to the 3<sup>rd</sup> platoon commander, Milenko Trifunović, who in turn issued it to the members of the Skelani platoon.

Vaso Todorović testified that the unit's assignment was to round up civilians in villages in the area of Srebrenica and bring them to the collection centers in Potočari and Bratunac.



military objective of this assignment was to expel all Bosniak civilians from the area and to execute the men and expel and exile the women. This objective was known to all members of the platoon the day before going to search the villages.

Vaso Todorović's unit carried out a house to house search for Bosniaks but found none. The 2<sup>nd</sup> Detachment then went through Potočari past Bosniak people. Vaso Todorović saw buses and trucks coming and women and children boarding them. Other members of the Detachment told him that the men were being separated from women and children in order to be executed.

Milenko Pepić, a member of the 2<sup>nd</sup> platoon of the same Detachment, gave a statement to the Prosecutor's Office, stating that on 12 July 1995 his unit searched terrain around Potočari for several hours but without seeing anyone. His unit was then deployed along the road between Sandići and Kravica.

Petar Mitrović – another member of the Skelani platoon, gave a statement to the Prosecutor's Office stating that the unit was transferred to Kravica and deployed along the road to intercept surrendering Bosniaks.<sup>8</sup>

Marko Aleksić, the acting commander of the 1<sup>st</sup> platoon, gave a statement to the Prosecutor's Office saying his unit was ordered to secure the road to prevent Bosniaks from Srebrenica crossing over the road and to allow the passage of the convoys of women and children out of Srebrenica. He saw members of the CJB (Public Security Sector) Special Purposes Unit from Zvornik using megaphones to call on Bosniaks in the woods to surrender.<sup>9</sup>

While in Potočari, Vaso Todorović found out that the women and children would be transported to Tuzla and Kladanj and the men of military age would be separated and executed. He concluded that the plan he learned of in Srednje, about expelling women and children and execution of men of military age, was being implemented.

<sup>8</sup> Record of questioning of the suspect, KT-RZ-10/05 dated 21 June 2005.

<sup>9</sup> Witness Examination Record, ref. number 14-04/2-327/05 dated 12 October 2005, State Investigation and Protection Agency (SIPA).



After staying in Potočari for about half an hour Vaso Todorović's unit left, on orders to travel to Kravica to secure the road as a large influx of Bosniaks who were to be first captured and then executed was expected there. Vaso Todorović believed that the Bosniak population was leaving Potočari for good, that is, that they would not come back and that they would not be safe if they stayed.

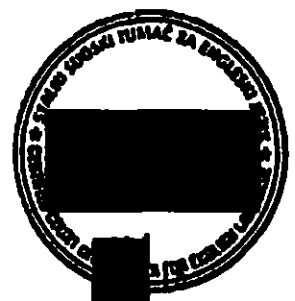
The Skelani platoon was deployed in the area from the Agricultural Cooperative at Kravica to Sandići. Vaso Todorović stated that Zvornik police were deployed towards Konjević Polje. The 1<sup>st</sup> or 2<sup>nd</sup> platoon of the 2<sup>nd</sup> Šekovići Detachment was deployed towards Bratunac.

The following day Bosniaks were captured coming out of the woods and surrendering at Sandići. Milenko Trifunović ordered the unit to capture Bosniaks and to escort them to a meadow at Sandići, to search them and to take any items, money and jewellery and then to form a circle around the prisoners. A special police officer from the 2<sup>nd</sup> Detachment, Lukić Zoro, was calling Bosniaks over a megaphone to surrender.

Bosniak men started to surrender in smaller groups. Vaso Todorović saw members of the 2<sup>nd</sup> Detachment, not from the Skelani platoon, searching them and taking their money, jewellery and documents. Rumours spread that those police officers split the money and the jewellery among themselves. Some spoke of taking away as much as 20,000 marks.

Upon their arrival on the road between Kravica and Sandići, Vaso Todorović's unit received a special order to take the captured Bosniaks to the warehouse at Kravica. They were also ordered to separate children and the infirm and to place them on the buses passing towards Tuzla.

To Vaso Todorović, the surrendering Bosniaks looked battered, rugged and worn out. Some were aged over 50, 60 or 70. Vaso Todorović recognised his neighbour, Omer, calling his son Nermin to come over to the Serbs. Milenko Trifunović had ordered Omer to call Bosniaks to



come out of the woods. (Vaso Todorović has watched video footage and recognises Trifunović's voice when he said, "Come over to the Serbs, to the Serbian police").

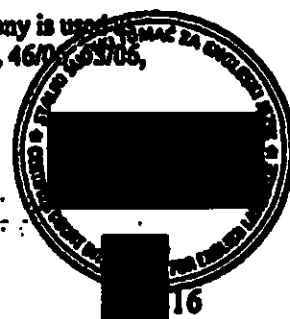
Vaso Todorović stated he knew that this was not Trifunović's intention because Omer, the man who was calling to the Bosniaks, was also taken to the Kravica warehouse and murdered. He also recognised three others - Zikrija, his father's friend from Pajići, Ismet Malko's son, a truck operator who was married to a Serb woman, and Jusuf. He spoke to Zikrija, who asked what would happen to the prisoners, but he did not dare tell Zikrija because he knew what was planned.

Wounded people were among the surrendering and captured Bosniaks. Vaso Todorović helped them to walk. They were not provided any medical aid. They were escorted to the warehouse where they were later executed. He testified that no children or women were in the column and that none of the Bosniak men were bearing arms but some wore camouflage clothes.

That afternoon the 2<sup>nd</sup> Detachment secured the captured Bosniaks on the meadow in Sandići. Vaso Todorović stated that General Ratko Mladić arrived and addressed the prisoners, guaranteeing them their security. He presumed it was a lie because on the previous day, in Bratunac, it had been ordered that men should be executed yet now Mladić was promising security.

Witness K, who testified in the *Krstić* case at the ICTY, was a member of the ABiH who surrendered to the VRS in the Srebrenica enclave on 13 July 1995. He was in the column of Bosniaks trekking through the woods trying to break out of the VRS lines to get to Tuzla; the majority of the column was civilian. The VRS soldiers searched the prisoners and took everything of value. The prisoners were then taken to the Sandići meadow and guarded there during the day. They were intermittently sprayed with water so that they did not faint.<sup>10</sup>

<sup>10</sup> Transcript of witness testimony before the ICTY Trial Chamber in the *Krstić* case; the testimony is used as evidence pursuant to Article 5 (1) of the Law on Transfer of Cases (BiH Official Gazette, 61/04, 46/05, 61/06, 76/06).





Witness K also tells of General Mladić addressing the prisoners, telling them that they would all be exchanged for Serbs. After Mladić left, a VRS commander selected the more-able bodied prisoners telling them that they would be exchanged. The selected men, including Witness K, were put onto waiting buses and taken to Kravica where they were taken into the warehouse. He realised as soon as they were put onto crowded buses in the direction of Bratunac that they were not going to be exchanged. This was especially obvious when they reached the warehouse.

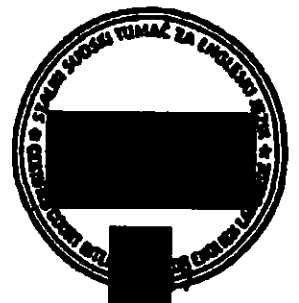
The second survivor, Witness S1, who provided a statement to the Prosecutor's Office, also described Mladić addressing the prisoners and saying:

"Your families, children, women and elderly have been evacuated and they are in Tuzla, Kladanj and Živinice, and you will be exchanged in two days and you will reunite with them, but now it is too hot for you here. We will put you someplace where it's cooler."

Witness S1 described his reaction to this:

"After these events, I concluded that what he had in mind was the very Kravica warehouse, as had they started executing us there on the meadow, many of us would have managed to escape as there was a great many young and strong men who would manage to escape. The place where Ratko Mladić was at that moment was in the immediate vicinity of the dead body of this young man whom they killed but Mladić did not react to that at all."

Vaso Todorović also saw Ljubiša Borovčanin near Mladić. Borovčanin stayed after Mladić left. Rado Čturić was also there. Vaso Todorović was aware that Trifunović then ordered the Skelani platoon members to escort captured Bosniaks from the meadow to the Kravica warehouse. The Skelani platoon gathered at the meadow and Rade Čturić ordered a column be formed on the road of four prisoners in a line holding each other's hand. Vaso Todorović



received an assignment to secure the column on the left-hand side looking towards the Kravica warehouse.

Miladin Stevanović, as a member of the Skelani platoon, stated that his Detachment was deployed to direct all Bosniak men towards Potočari. The next day, they were tasked to secure the road communication between the village of Kravica and Konjević polje where a Detachment member called on Bosniaks to surrender through a megaphone, saying that no harm would come to them. Following their surrender, the captives were frisked and deprived of money, and escorted across the road to a meadow.<sup>11</sup>

Petar Mitrović stated that his unit was guarding approximately 500 surrendered Bosniaks. That group was taken to the Kravica warehouse.<sup>12</sup>

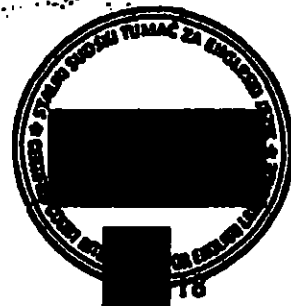
Vaso Todorović testified that as soon as the column set off from Sandići to the Kravica warehouse, the platoon received the assignment to kill the column of Bosniak civilians upon arriving at the warehouse. Some members of the platoon protested the assignment. Some in the column were exhausted. Some were wounded. Some had their clothes torn apart. None tried to escape from the column.

A police officer was on the side of the column every 5 to 10 metres escorting the column. When on the move, the column of captured Bosniaks was about 100 metres long. Ljubiša Borovčanin was present when the column set off towards the warehouse. Before the column started, Miloš Stupar passed by several times in a jeep type of vehicle.

A number of police escorted the column towards the warehouse including Rado Čuturić, Milenko Trifunović, Vaso Todorović and others. Around 10 police officers from the 1<sup>st</sup> or 2<sup>nd</sup> platoon of the 2<sup>nd</sup> Detachment escorted the column.

<sup>11</sup> Record of questioning of the suspect, KT-RZ-10/05 dated 1 July 2005.

<sup>12</sup> Record of questioning of the suspect, KT-RZ-10/05 dated 21 June 2005.



Milenko Pepić stated that he was ordered to prevent the passage of buses containing women and children to allow the police to escort a column of civilians along the road to Kravica. Rade Ćuturić, "Oficir" drove him to a bridge in Kravica and ordered him to stop vehicles containing women and children until he was given a signal to let them pass.<sup>13</sup>

Upon arrival at the warehouse, the prisoners were ordered into the right side of the warehouse. When that part was full, the remaining prisoners went into its left side. Vaso Todorović was given the assignment to secure, with other police officers, the area in front of the warehouse to prevent the prisoners from running away, because the executions were expected to begin. They formed a semi-circle in front of the warehouse.

Several police went behind the building to secure windows to prevent an escape from the rear. Vaso Todorović did not hear or see any shooting from the rear of the warehouse. At that moment he assumed that the prisoners would be executed. He was about 5 to 6 metres from the entrance to the right side of the warehouse and could see inside part of it.

Vaso Todorović stated that police officer Krsto Dragičević went into the warehouse and spoke to a prisoner. Milenko Trifunović ordered Dragičević out and not to speak to the prisoner or re-enter the warehouse. Dragičević, however, went in again and spoke to Vaso Todorović's schoolmate, Jusuf. They were talking about the Jusuf's brothers and whether his house was destroyed when Jusuf took a rifle from Krsto and fired it, hitting Krsto in the neck. Rade Ćuturić ran up and grabbed the rifle.

Vaso Todorović stated that the shooting at the prisoners began immediately. One police officer first started to shoot, followed by all the others. Most of the escorting police were shooting.

Vaso Todorović did not shoot. When the shooting stopped two police threw two cases of hand grenades into the warehouse. Some prisoners unsuccessfully attempted to escape. After discharging their magazines the shooting police officers swapped with each other and got new

<sup>13</sup> Witness Examination Record, ref. number 14-0472-338/05 dated 26 October 2005.



magazines. One person was supplying ammunition to the police. The door was wide open and the police were firing in a cross fire across the warehouse.

The survivor, Witness S1 described what was happening inside the warehouse;

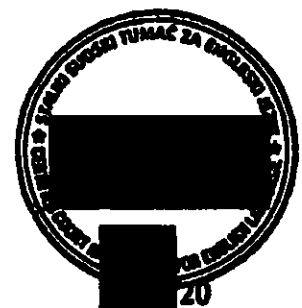
"From the place where I sat down I could see the interior of the warehouse was filling up and everybody was ordered to sit down so the last prisoner did not have a place to sit. While he was trying to figure out what to do the soldier at the door cursed his sun and ordered him in a harsh voice to sit down. The prisoner said "You see that I do not have a place to sit", and the soldiers pointed the rifle at him and at all of us and fired a burst. At that same moment I saw how each two soldiers would stand at the door and gun us down with bursts of fire. We heard grenade explosions, bursts; the warehouse became dark with all the smoke, explosions and gunpowder. This did not stop until it got dark outside."

Vaso Todorović stated that Ljubiša Borovčanin appeared some 10 to 15 minutes after the shooting commenced. He was with another man. They stopped on the road and he did nothing to stop further shooting at the captured Bosniak. The executions continued. Vaso Todorović testified that the shooting lasted for some time. The shooting lasted until everyone was considered dead inside the warehouse. While the shooting was taking place he heard voices and curses from the warehouse such as "Chetnik's mother", "Serbian mother", "attack them", "take weapons from them", "there are not many of them".

Witness K estimated that between 1,000 and 1,500 prisoners were in the warehouse with him. He described what happened;<sup>14</sup>

"While I was inside the warehouse, they fired from all kinds of weapons. They first fired infantry weapons, automatic rifles. Then they would stop doing that. They would shoot for about half an hour, then take a little rest, and then there would be a new series of shooting. They would throw hand grenades through the windows, and

<sup>14</sup> Page T.2524, ICTY proceedings, *Krstić*, 10 April 2000.



grenades fell some two or three metres away from me. I could just feel the explosion, the detonation, and as a result of that I was injured by small shrapnel coming from those shells.

So I got wounded, I was injured, but I felt well. I wasn't seriously injured. People started screaming, and it was terrible. It is hard for me to describe it. I haven't seen anything like it in any of the horror movies that I saw. This was far worse than any film.

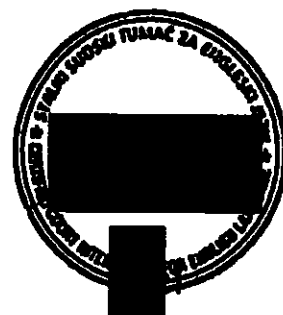
And this lasted all night long, with short breaks. Bosnian Serbs would take some rest, make a short break, and then they would resume. They opened fire from anti-aircraft weapons that were positioned on the asphalt road, with Zoljaš as well. All I saw was some kind of lightning coming from weapons.

A bullet hit me which came from, I believe, an infantry weapon, but I'm not sure".

Vaso Todorović stated that the road was free of traffic while the column of prisoners was being escorted towards the warehouse and while the execution of the prisoners was taking place. He did not see either buses or trucks with civilians from Potočari; he realised that the traffic had been stopped. He believes that someone ordered the traffic stopped while the shooting was being carried out.

Vaso Todorović estimated that the shooting at the prisoners in the warehouse lasted for about one and a half hours. The execution was first carried out in the right-hand part of the warehouse and then in the left-hand, smaller part of the warehouse. Some of the police officers from the Detachment called Vaso Todorović a traitor, some cursed his mother. Some called him a coward. One said, "You fucking bastard, why don't you shoot? "traitor", "coward".

An older man who came with a semi-automatic rifle PAP who told Vaso Todorović that he had come to revenge his two sons and he was shooting at the prisoners. Before leaving, Milenko Trifunović said that it was a horrible thing that so many people were killed and that they would be punished in the end.



Miladin Stevanović also stated that the prisoners were taken to the Kravica warehouse and killed. Given the size of the two rooms in which they were murdered held, he estimated the number of dead could have been between 700 and 1,000.<sup>15</sup>

Ilija Nikolić, a member of the 1<sup>st</sup> battalion of the Bratunac Brigade, gave a statement to the Prosecutor's Office, stating that he was on leave on 13 July 1995. He saw 200 civilians in the Sandići meadow, guarded by police. He drove to the Kravica warehouse. He saw the column of civilians arriving there. He witnessed 10-15 police shooting the prisoners in the warehouse. He stayed to watch the executions for about 15 minutes.<sup>16</sup>

Nikolić stated that the police were shooting from about two to three meters from the entrance door into the hangar. He saw at three to four buses with women and children from Srebrenica on the asphalt road, while trucks with tarpaulin carrying men in civilian clothes were halted further away from the cooperative towards Kravica. As he was leaving the site, he heard explosions of hand grenades at a distance of about 300 meters from the cooperative.

Several days later Nikolić was passing along the road through the village of Glogova and saw recently dug out ground about 100 meters from the main road. He witness learned that the bodies of those murdered at Kravica were buried there. The grave was about 200 square meters in area. He heard that the bodies were transported by two trucks from the Bratunac public utility company and a loader was used to load the bodies.

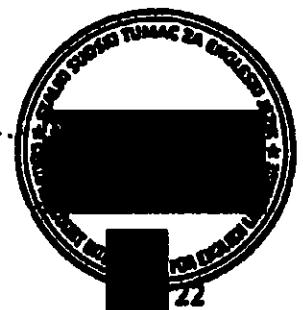
Milenko Pepić stated that he could hear the sound of shooting and explosions coming from the directions of the Kravica warehouse. At night, after the shooting had finished he was ordered to allow the buses to continue taking the women and children out of the Srebrenica enclave.<sup>17</sup>

Luka Marković was the works manager at the Kravica farming co-operative. He gave a statement to the Prosecutor's Office. He described buses full of civilian males arriving at the

<sup>15</sup> Record of questioning of the suspect, KT-RZ-10/05 dated 1 July 2005.

<sup>16</sup> Witness Examination Record, ref. number 14-04/2-308/05 dated 27 September 2005, SIPA.

<sup>17</sup> Witness Examination Record, ref. number 14-0472-338/05 dated 26 October 2005.



warehouse mid-morning on 13 July 1995 with the civilians remaining on the buses under police guard. Each bus contained between 50 and 70 prisoners. Marković counted 17 buses in total. The prisoners were taken off the bus and led into the warehouse. That night he watched from his office as police and soldiers fired automatic weapons and then hand grenades into the hanger. He saw reinforcements of about 30 soldiers arriving. In front of the hanger he saw a "big heap" of bodies stretching almost to the road. All prisoners were murdered except one he saw attempting to escape on 15 July by running past the warehouse. The soldiers shot the prisoner dead.

Early in the morning of 14 July 1995 the collection of bodies commenced. Two tip trucks, a loader and a water tanker arrived. The loader put the bodies on the tip trucks. The loader knocked down a part of the wall to get into the hanger. The loading of bodies went from 8:00 on Friday 14 July until about 15:00 on Saturday 15 July. Hay was put over the bodies on the trucks as they were transported towards Bratunac.<sup>18</sup>

Milenko Pepić described in passing by the warehouse that night seeing scattered hay, he thought, covering the bodies to prevent the women and children on the buses seeing them.<sup>19</sup>

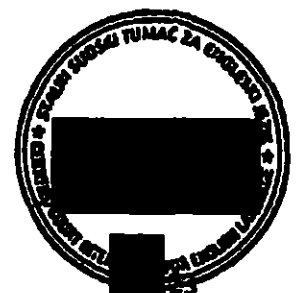
Witness S1 described staying in the warehouse overnight, amidst the bodies of the murdered while hearing the screams of the injured. The soldiers remained outside talking. The witness found at daybreak that he was in a puddle of blood. Another prisoner stood up, saying he was looking for water. He was gunned down. Witness S1 pretended to be dead and pulled two bodies onto him and lay there for the entire day. The soldiers called for those who were still alive to come out. Anyone who did was shot dead.<sup>20</sup>

Witness S1 heard the loading of corpses and the sound of a truck and loader collecting the corpses and loading them. He stated that "The loader made the entire building shake. I thought the loader was going to load me alive with the corpses and I thought I would have been better off dead too. I suddenly heard a voice saying: "Stop it, it's dark, wash the asphalt, cover the

<sup>18</sup> Witness Examination Record, ref. number 14-0472-290/05 dated 20 September 2005, SIPA.

<sup>19</sup> Witness Examination Record, ref. number 14-0472-338/05 dated 26 October 2005.

<sup>20</sup> Witness Examination Record, KT-RZ-10/05 dated 30 November 2005.



corpses with hay" which told me that they had finished with loading of the corpses for the day. I heard them washing the asphalt with water and everything went quiet after that". He waited until it was late at night when he managed to escape with another prisoner under the cover of darkness.

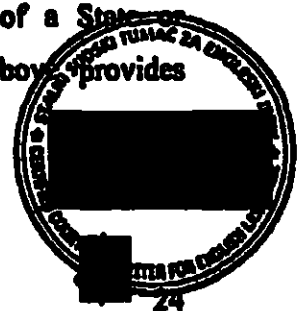
Witness K managed to escape out a window into a corn field but was noticed by soldiers who shot him in the shoulder. Witness K lay pretending to be dead for that night and the next day. The next morning he heard soldiers going through the warehouse shooting anyone who was still alive. Witness K, pretending to be dead in the corn field, also saw the excavator collecting the bodies and heard the sound of bodies being loaded onto a truck. Later that day, he too, managed to crawl away to safety through a corn field.

#### **B. Legal requirements for crimes charged**

The elements of a Crime against Humanity require the Prosecution to prove beyond reasonable doubt (1) the existence of a widespread or systematic attack directed against any civilian population and (2) that the Accused knew of the act and that his or her was part of the attack. A nexus must exist between the act of the Accused and the attack against the civilian population. The attack must be a course of conduct involving the perpetration of multiple acts against a civilian population in furtherance of a State or organizational policy to commit such an attack. The elements of the criminal offense in this case are also (3) deportation and forcible transfer of population and (4) depriving another person of his life (murder).

##### **(1) Existence of widespread or systematic attack on a civilian population**

The established facts and the evidence tendered by the Prosecution and the statement and testimony of Vaso Todorović provide the necessary evidence to prove beyond reasonable doubt that a widespread or systematic attack against a civilian population was occurring in Srebrenica between 10 and 19 July 1995. The Court is satisfied that the same evidence clearly establishes that the attack on the civilian population was committed in furtherance of a State or organizational plan to commit such an attack. The evidence detailed above provides





compelling proof that the plan to expel the women and children and to execute the men was committed in furtherance of an organizational plan. The level of co-ordination and co-operation between the VRS and police units and civilian authorities in implementing the plan is such that no other conclusion is possible.

### **(2) Accused Vaso Todorović's knowledge of the attack**

The Court concluded that the Accused knew of the attack based on the statement<sup>21</sup> attached to the Plea Agreement and the evidence provided by the Accused in his testimony on 15 October 2008. In the statement the Accused stated that in early July 1995 as a member of the 2<sup>nd</sup> Šekovići Detachment of the Special Police he was on a field mission in Srednje, when Rade Čuturać aka "Oficir" as the Detachment commander, issued an order coming, as he said, from Ljubomir Borovčanin, that the Detachment should go to Srebrenica to expel the Bosniak civilians, women and children from the UN safe haven and to capture the men and then to execute them.

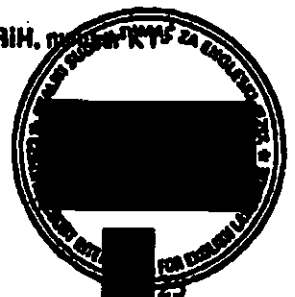
### **(3) Deportation or forcible transfer of population**

In Section 1 of the Verdict, the Accused was found guilty of aiding and abetting deportation or forcible transfer of the population of the UN-protected enclave of Srebrenica.

The evidence detailed above clearly confirms that Bosniak women and children were rounded up and expelled from the Srebrenica enclave, without a basis in international law. The irrefutable evidence clearly indicates that the aim of the plan was the permanent expulsion of the Bosniak population from the enclave. With that aim, the Accused searched the villages and participated in keeping the road open for the unimpeded transport of the Bosniak population on buses and trucks.

He acted with direct intent, as he was aware of his actions and wanted the prohibited consequence to occur. The prohibited consequence in this case was the forcible transfer of

<sup>21</sup> "Statement regarding facts and confession of guilt – Todorović Vaso", Prosecutor's Office of BiH, number K 15 ZA UNK-1995-10, RZ-43/08 of 16 October 2008.



people from the territory where they were lawfully present by expulsion or other means of coercion, without grounds permitted under international law. In doing so, the Accused committed the offence of a Crime against Humanity punishable under Article 172(1)(d) CC BiH.

**(4) Depriving another person of his life (murder)**

In Section 2 of the Verdict, the Accused was found guilty of aiding and abetting the murder of more than a thousand captured Bosniaks in the warehouse of the Kravica Farming Cooperative. The Court concludes that the evidence establishes that the Accused Vaso Todorović, together with other members of the Detachment, on 13 July 1995 participated in capturing several thousand Bosniak men, who tried to escape from the protected zone through the woods. It establishes that the Accused took part in escorting the column of several hundred captured Bosniaks from Sandići to the warehouse of the Kravica Farming Cooperative, and then, while other members of the 2<sup>nd</sup> Detachment were murdering the imprisoned Bosniak men with rifles, light machine-guns, and hand-grenades, he performed the duty of a guard, so that no prisoner under attack could escape.

In doing so, the Accused aided and abetted the crime of murder as a Crime against Humanity under Article 172(1)(a) CC BiH. The Court concludes that the Accused, in perpetrating these acts, also acted with direct intent, as he was aware of his actions and wanted the prohibited consequence to occur. The Court reached this conclusion regardless of the Accused's statement that when he learned about the order and the plan to execute the captured men, he objected to it and protested with his superiors, claiming that he did not desire the prohibited consequence. In deciding on the degree of liability, or the type of intent, the Court makes a distinction between "wanting" and "desiring" the consequence since these are two distinct categories. If the occurrence of the consequence is foreseeable and relatively certain, the wanting (direct intent) will exist even if the perpetrator "did not desire" the forbidden consequence to occur. Therefore, when the occurrence of the consequence is certain, and in this case the Accused himself confirmed he knew of the plan and the order to execute the captives, it is irrelevant whether or not the perpetrator desired for the consequence to occur.



## **Article 31 CC BiH - Accessory**

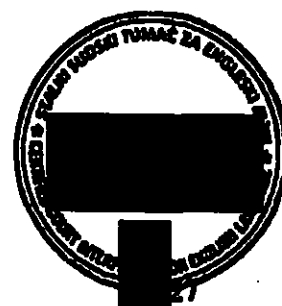
An accessory to a crime, who intentionally helps another to perpetrate a criminal offence, may have the punishment reduced (Article 31(1) CC BiH). Article 31(2) CC BiH provides examples of accessorial conduct in helping the perpetration of a criminal offence. Relevantly to the facts of this case, accessorial conduct includes, in particular, "removing obstacles to the perpetration of a criminal offence" and "supplying the perpetrator with the means of committing the offence". The Court is satisfied beyond reasonable doubt, from the statement and testimony of Vaso Todorović himself, that his conduct amounted to an accessory to the crime of a Crime against Humanity.

Accordingly, the Court has evaluated individually and collectively every piece of evidence and found that the actions of the Accused constitute the elements of the criminal offence of Crimes against Humanity punishable under Article 172(1)(a) and (d) CC BiH and that the Accused bears individual liability for the commission of the offence pursuant to Article 180(1) and Article 31 CC BiH.

### **6. Sentencing**

The offence of which the Accused was found guilty carries a sentence of imprisonment of at least 10 years or long-term imprisonment. In sentencing the Accused, the Court has fully considered the purpose of punishment as set out in Article 39, CC BiH. The Court has considered the threat the act posed to the public, the gravity of the offense, and the Accused's participation and role.

The Court considers as aggravating the sheer number of victims of this crime and the overall circumstances surrounding this case. The Court accepts that at least 1,000 men were murdered in a period of around an hour and a half over the course of one afternoon. Aggravating this is that the murders occurred pursuant to a plan to separate the women and children and to deport or forcibly transfer them from Srebrenica, and to capture the men and to summarily murder



them. As an aider and abettor in deportation and murder, because he undertook those actions with direct intent the Accused bears a high degree of criminal liability.

The case of Vaso Todorović, however, has several very significant mitigating circumstances operating to reduce the sentence which would otherwise be imposed.

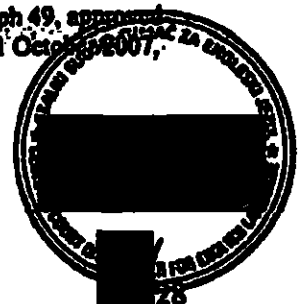
One significant mitigating feature is the Plea Agreement. The plea of guilty has eliminated the need for a trial. This saves Bosnia and Herzegovina the significant cost of a contested trial; it also spares the witnesses, and especially the two survivors, from testifying again. The case law of the ICTY provides some assistance in identifying the latter factor as mitigating on a plea of guilty. For example, in *Zelenović*, the Trial Chamber determined that in cases involving "serious crimes such as torture and rape, with severe consequences to the victims, a guilty plea is likely to save the victims from reliving the trauma through testifying about the crimes committed against them", a court should consider this in determining its weight in mitigation. The Appeals Chamber agreed, holding, that "by admitting the committed offence the Accused frees the victims from testifying, from painful confrontation and retraumatization".<sup>22</sup>

In addition to this, the prosecutor stated that he informed the representatives of the injured parties – the association "Movement of Mothers of the Srebrenica and Žepa Enclaves" before the conclusion of the agreement and that they consented to this Plea Agreement.

The most significant mitigating feature is the valuable assistance that the Accused has given to the Prosecution. He has agreed, pursuant to his Plea Agreement, to provide investigatory help to the Prosecutor's Office and to testify where necessary in other proceedings. The Court must give considerable weight to assistance to the Prosecution of this magnitude and reduce the sentence accordingly. The public policy reasons in doing so are manifest and obvious.

The Accused Vaso Todorović has provided direct evidence of facts otherwise requiring proof by a more lengthy circumstantial route. ICTY case law also provides assistance here. In *Bralo*

<sup>22</sup> *Prosecutor v Dragan Zelenović*, IT-96-23/2-S, "Sentencing Judgement", 4 April 2007, paragraph 49, approved on appeal, *Prosecutor v Dragan Zelenović*, IT-96-23/2-A, "Judgement on Sentencing Appeal", 31 October 2007, paragraph 19.



the Appeals Chamber held, in relation to the weight given in mitigation to assistance to the Prosecution "as part of the assessment of the [...] cooperation, special regard must be had to the Accused's willingness to cooperate as underlined by his actions and evidenced, in particular, by his earnestness when providing information to the Prosecution".<sup>23</sup>

The ICTY case of *Dražen Erdemović* – referred to by Defence Counsel - provides some guidance in that Erdemović pleaded guilty, pursuant to a Plea Agreement, to one count of a violation of the laws and customs of war, contrary to Article 3 of the ICTY Statute,<sup>24</sup> through his participation in murdering by shooting - with other members of the VRS 10<sup>th</sup> Sabotage Detachment - some hundreds of unarmed Bosniak prisoners at the Pilica collective farm on 16 July 1995.<sup>25</sup>

Like Vaso Todorović, Erdemović pleaded guilty. Likewise, Erdemović provided substantial assistance to the Office of Prosecutor at the ICTY by agreeing to testify in other cases. The ICTY Prosecutor described his assistance as "absolutely excellent".<sup>26</sup> Erdemović received a single sentence of five years imprisonment. Although Erdemović, unlike Vaso Todorović, was a direct perpetrator, his case gives assistance to the Court in determining the appropriate sentence.

Another significant feature is that Vaso Todorović has provided direct personal evidence of the existence of the common criminal plan in Srebrenica to forcibly deport the women and children and murder the men at a stage earlier than that established in the ICTY judgments related to the events in Srebrenica.<sup>27</sup> The Accused testified to receiving orders to undertake this task on 11 July 1995. Members of his unit were aware of the plan as early as then.

Both parties submitted that the Court could consider as a mitigating factor Vaso Todorović's potential fear of facing very serious criminal sanction if failed to carry out the orders to participate in the deportation and forcible transfer and murder of the entire Bosniak civilian

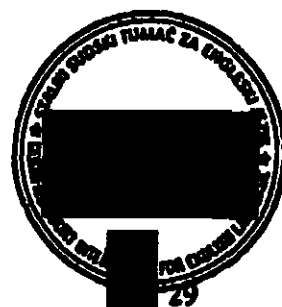
<sup>23</sup> *Prosecutor v Miroslav Bračo*, IT-95-17-A, "Judgement on Sentencing Appeal", 2 April 2007, paragraph 63.

<sup>24</sup> Contrary to Article 3(1)(a) of the Geneva Conventions (murder).

<sup>25</sup> *Prosecutor v Dražen Erdemović*, It-96-22-Tbis. Sentencing Judgement, 5 March 1998.

<sup>26</sup> *Erdemović Sentencing Judgement*, p. 17.

<sup>27</sup> ICTY Judgments in *Krstić* and *Blagojević* cases.



population of the Srebrenica enclave. In support of this argument the Prosecutor referred to the mobilization decrees issued by Radovan Karadžić as the Supreme Commander of the VRS on 16 June 1995.

The Court, however, in the circumstances of this case, specifically rejects this as a mitigating feature. Article 180 (3) CC BiH provides that; "the fact that a person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the court determines that justice so requires". The order to round up and forcibly transfer or deport the entire Bosniak civilian population (women and children) and to murder the entire male population was so manifestly criminal in nature – and so obviously an illegal order – that to treat the threat of criminal sanction for failure to implement the order as a mitigating circumstance, would make a mockery of the fundamental values of international humanitarian law.

Vaso Todorović's personal circumstances are that he is married with two children and is the family provider. He has no previous convictions. He has expressed his remorse and contrition for his actions. The Court considered these as mitigating circumstances.

The Plea Agreement entertains a sentence of between five and ten years. The Court has considered all the aggravating and mitigating circumstances detailed above and has determined, that by the prison sentence of 6 (six) years the purpose of punishment provided for in Article 39 CC BiH will be achieved, and that this sentence corresponds to the liability of the Accused and the gravity of the offence.

In this regard, the Court particularly took into consideration that the mitigating circumstances relate only to the gravity of the sanction and does not by any means diminish the gravity of the offence committed. This reinforces the holding of the ICTY *Erdemović* Judgment.<sup>28</sup>

The Accused was in extradition custody as of 28 May 2007. Following the extradition to the judicial authorities of Bosnia and Herzegovina the Court of BiH ordered him into custody by

<sup>28</sup> " ...One has to note also that the mitigation of the sentence does not reduce the gravity of the crime."



the Decision number X-KRN-06/180-1 of 8 April 2008. Pursuant to Article 56 CC BiH, the Court credits the Accused for the time he spent in custody from 28 May 2007.

#### **7. Decision on costs of the proceedings**

By signing the Plea Agreement dated 16 October 2008, the Accused Vaso Todorović undertook to cover the costs of the proceedings. However, pursuant to Article 188(4) CPC BiH, the Court decided that the costs should be covered from the budget, given that the Accused is unemployed and a father of two minor children. His paying for the costs of the proceedings would harm his and his family's economic position.

#### **8. Decision on property law claims**

Bearing in mind that the Accused entered into a Plea Agreement with the Prosecutor's Office and that no main trial was held in which the injured parties could make a statement as to property law claims and their value, the Court refers them to take civil action pursuant to Article 198(2) CPC BiH.

**Minutes taker-legal officer**

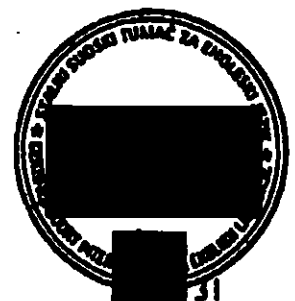
**Sabina Hota**

**PANEL PRESIDENT**

**JUDGE**

**Senadin Begtašević**

**INSTRUCTION ON APPEAL:** An appeal from this Verdict may be lodged with the Appellate Division of this Court within 15 days as of the day of the receipt of the Verdict. Pursuant to Article 231(6)(c) CPC BiH no appeal lies against the criminal sanction pronounced in this verdict.



## Annex 1- admitted facts

| EFT<br><sup>29</sup> no. | ACCEPTED FACT ESTABLISHED IN A FINAL<br>JUDGMENT OF THE ICTY <sup>30</sup>   | Paragraph<br>in ICTY<br>Judgment |
|--------------------------|--|----------------------------------|
| 1.                       | There was an armed conflict in eastern Bosnia between 11 July and 1 November 1995.   | BP <sup>31</sup> -549            |
| 2.                       | The attack was widespread or systematic. The attack, carried out by the VRS and MUP was planned and defined in the "Krivaja 95" order.   | BP- 551                          |
| 3.                       | The attack continued after the fall of Srebrenica and affected the approximately 40,000 people who lived within the Srebrenica enclave at the time of the attack.  | BP- 551                          |
| 4.                       | The attack was clearly directed against the Bosnian Muslim civilian population in the Srebronica enclave.  | BP- 552                          |
| 5.                       | Over 7,000 Bosnian Muslim men from Srebrenica were massacred.  | BP- 671                          |
| 6.                       | Although the younger and older men could still be capable of bearing arms, they did not present a serious military threat.   | KZ <sup>32</sup> - 27            |
| 7.                       | The massacred men amounted to about one fifth of the overall Srebrenica community.   | KZ- 28                           |
| 8.                       | In March 1995, Radovan Karadžić, President of Republika Srpska ("RS"), issued a directive to the VRS concerning the long-term strategy of the VRS forces in the enclave. The directive, known as "Directive 7", specified that the VRS was to: | KP <sup>33</sup> -28             |

<sup>29</sup> The number of the established fact in this case (established fact Todorović)

<sup>30</sup> Judgments in: *Prosecutor v. Radoslav Krstić*, IT-98-33-T, ICTY Trial Chamber Judgment, 2 August 2001, upheld by the Appeals Chamber in the same case number IT-98-33-A, "Judgement", 19 April 2004. *Prosecutor v. Blagojević and Jokić* IT-02-60 Trial Chamber Judgment, 17 January 2005, upheld by the Appeals Chamber in the same case number IT-02-60-A, 9 May 2007.

<sup>31</sup> BP - *Blagojević and Jokić* Trial Chamber judgment, number IT-02-60, published at the ICTY web site <http://www.un.org/icty/ohs/frames/cases.htm>

<sup>32</sup> KZ - *Krstić* Appeals Chamber judgment, number IT-98-33-A, published at the ICTY web site <http://www.un.org/icty/ohs/frames/cases.htm>



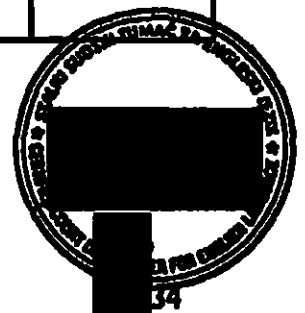


|     |   |               |
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|     | <b>[C]omplete the physical separation of Srebrenica from Žepa as soon as possible, preventing even communication between individuals in the two enclaves. By planned and well-thought out combat operations, create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica.</b> |               |
| 9.  | <b>Just as envisaged in this decree, by mid 1995, the humanitarian situation of the Bosnian Muslim civilians and military personnel in the enclave was catastrophic.</b>  | <b>KP -28</b> |
| 10. | <b>On 31 March 1995, the VRS Main Staff issued Directive 7.1, signed by General Mladić. Directive 7.1 was issued "on the basis of Directive No. 7" and directed the Drina Corps to, <i>inter alia</i>, conduct "active combat operations...around the enclaves".</b>  | <b>KP -29</b> |
| 11. | <b>The VRS offensive on Srebrenica began in earnest on 6 July 1995.</b>   | <b>KP -31</b> |
| 12. | <b>In the following days, the five UNPROFOR observation posts, in the southern part of the enclave, fell one by one in the face of the Bosnian Serb forces advance.</b>   | <b>KP -31</b> |
| 13. | <b>On 9 July 1995, President Karadžić issued a new order authorizing the VRS Drina Corps to capture the town of Srebrenica.</b>   | <b>KP- 33</b> |
| 14. | <b>Late in the afternoon of 11 July 1995, General Mladić, accompanied by General Živanović (then Commander of the Drina Corps), General Krstić (then Deputy Commander and Chief of Staff of the Drina Corps) and other VRS officers, took a triumphant walk through the empty streets of Srebrenica town.</b>                                   | <b>KP- 36</b> |
| 15. | <b>By the evening of 11 July 1995, approximately 20,000 to 25,000 Bosnian Muslim refugees were gathered in Potočari.</b>  | <b>KP- 37</b> |
| 16. | <b>Thousands of Bosnian Muslim residents from Srebrenica fled to Potočari seeking protection within the UN compound.</b>  | <b>KP- 37</b> |
| 17. | <b>Several thousand had pressed inside the UN compound itself, while the rest were spread throughout the neighboring factories and fields.</b>  | <b>KP- 37</b> |

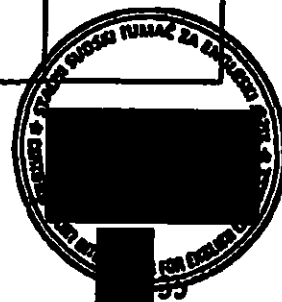
<sup>21</sup> KP – Trial Chamber judgment in the *Krstić* case, no. IT-98-33-T, published at the ICTY web site <http://www.un.org/icty/bhs/frames/cases.htm>.



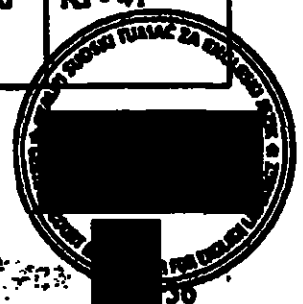
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| 18. | Conditions in Potočari were deplorable. There was very little food or water available and the July heat was stifling.   | KP- 38  |
| 19. | Drina Corps Command officers and units were present in Potočari monitoring the transportation of the Bosnian Muslim civilians out of the area on 12 and 13 July 1995. | KP- 432 |
| 20. | On 12 and 13 July 1995, the women, children and elderly were bussed out of Potočari, under the control of VRS forces, to Bosnian Muslim-held territory near Kladanj.  | KP- 48  |
| 21. | The removal of the Bosnian Muslim civilian population from Potočari was completed on the evening of 13 July 1995 by 2000 hours.                                       | KP- 51  |
| 22. | As the buses carrying the women, children and elderly headed north towards Bosnian Muslim-held territory, they were stopped along the way and again screened for men. | KP- 56  |
| 23. | The VRS and MUP, walking among the Bosnian Muslim refugees, were separating all Bosnian Muslim men aged 16 to approximately 60 or 70 from their families.             | BP- 168 |
| 24. | The separations continued throughout 12 and 13 July.  | BP- 168 |
| 25. | From the morning of 12 July, Bosnian Serb forces began gathering men from the refugee population in Potočari and holding them in separate locations.                  | KP- 53  |
| 26. | On 13 July 1995, the Dutch Bat troops witnessed definite signs that the Bosnian Serbs were executing some of the Bosnian Muslim men who had been separated.           | KP- 58  |
| 27. | The Bosnian Muslim men who had been separated from the women, children and elderly in Potočari (numbering approximately 1,000) were transported to Bratunac.          | KP- 66  |
| 28. | The men and boys in Potočari were separated from the women, children and elderly and taken to the White House for interrogation.                                      | KP- 157 |
| 29. | Drina Corps officers were also seen in the vicinity of the White House during the time the separated men were detained there.   | KP- 158 |



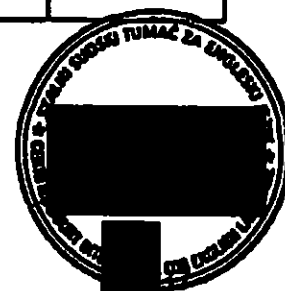
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| 30. | Beginning on the afternoon of 12 July 1995 and continuing throughout 13 July 1995, men detained in the White House were bussed out of the Potočari compound to detention sites in Bratunac.   | KP- 159 |
| 31. | Most of the Bosnian Muslim men separated at Potočari and captured from the woods were held in Bratunac for one to three days before being transferred to other detention and execution sites.   | KP- 179 |
| 32. | Later in the day of 12 July heavy shooting on the column began. The Bosnian Serb armed forces, including many MUP units, who were patrolling the road between Kravica and Konjević Polje and the road between Konjević Polje and Nova Kasaba started firing at the column, using artillery, machine guns and hand grenades. | BP- 221 |
| 33. | The largest groups of Bosnian Muslim men from the column were captured on 13 July 1995; several thousand were collected in or near the Sandići Meadow and on the Nova Kasaba football field.  | KP- 64  |
| 34. | Aerial reconnaissance photos confirm the presence of masses of people in these locations on 13 July 1995.   | KP- 64  |
| 35. | Only about one third of the men successfully made it across the asphalt road and the column was split in two parts.   | KP- 62  |
| 36. | Most of the Bosnian Muslim men separated at Potočari and captured from the woods were held in Bratunac for one to three days before being transferred to other detention and execution sites.   | KP- 179 |
| 37. | On the evening of 13 July, at least 1,000 Bosnian Muslim men were killed in the Kravica Warehouse.  | BP- 296 |
| 38. | A large group of the prisoners who had been held overnight in Bratunac were bussed in a convoy of 30 vehicles to the Grbavci school in Orahovac early in the morning of 14 July 1995.   | KP- 220 |
| 39. | It is estimated that there were 2,000 to 2,500 Bosnian Muslim men were detained in this school gym.   | KP- 320 |
| 40. | Aerial images show that these secondary gravesites were created between 7 September and 2 October 1995 and all of them were exhumed by the OTP in 1998.   | KP- 223 |



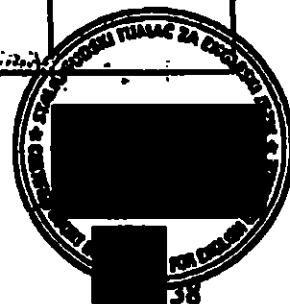
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| 41. | On 14 July, Bosnian Muslim prisoners, who had been detained in Bratunac and Kravica, were taken by bus to the Petkovci School in the Zvornik municipality.  | BP- 337 |
| 42. | On 14 July, Bosnian Muslim prisoners were taken by bus from Bratunac through Zvornik to Pilica, where they were detained in the sports hall of the Pilica School.   | BP- 347 |
| 43. | At least 132 male individuals, all wearing civilian clothes, were buried in a large cultivated field approximately 130 meters north from Branjevo Military Farm.  | BP- 354 |
| 44. | In a secondary grave along the Čančari road, the remains of people initially buried at the Branjevo Farm were discovered. According to one report, 283 victims were found in the grave along the Čančari Road. Of those victims, three were determined to have been between 8 and 12 years old, 49 were determined to have been between 13 and 24 years old and 231 were determined to have been older than 24. At least 269 victims were male. | BP- 354 |
| 45. | A large scale execution and burial operation was carried out at Kozluk between 15 and 16 July. Extensive forensic evidence exists that around 500 men were executed at the edge of the Drina River. There are no known survivors of this execution site.  | BP- 357 |
| 46. | In April 1996 they commenced forensic examinations of suspected execution points and exhumation of mass graves.   | BP- 381 |
| 47. | Forensic evidence showed that there were two types of mass graves, "primary graves", in which individuals were placed soon after their deaths and "secondary graves", into which the same individuals were later reburied.  | BP- 381 |
| 48. | In July 1995, following the take-over of Srebrenica, Bosnian Serb forces executed several thousand Bosnian Muslim men.<br>The total number is likely to be within the range of 7,000 -8,000 men.  | KP- 84  |
| 49. | The refugees in the compound could see Serb soldiers setting houses and haystacks on fire.  | KP- 41  |



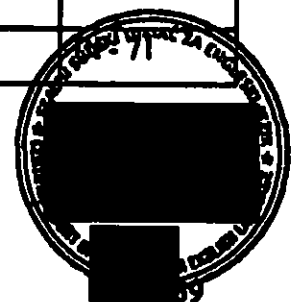
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| 50. | By the afternoon of 12 July 1995, or the early evening hours at the latest, the Bosnian Serb forces were capturing large numbers of these men in the rear.  | KP- 63  |
| 51. | In some places, ambushes were set up and, in others, the Bosnian Serbs shouted into the forest, urging the men to surrender (...).  | KP- 63  |
| 52. | The largest groups of Bosnian Muslim men from the column were captured on 13 July 1995 (...)  | KP- 64  |
| 53. | Identification papers and personal belongings were taken away from both Bosnian Muslim men at Potočari and from men captured from the column; their papers and belongings were piled up and eventually burnt.                 | KP- 547 |
| 54. | Between 1,000 and 1,500 Bosnian Muslim men from the column fleeing through the woods, who had been captured and detained in Sandići Meadow, were bussed or marched to the Kravica Warehouse on the afternoon of 13 July 1995. | KP-205  |
| 55. | Almost to a man, the thousands of Bosnian Muslim prisoners captured, following the take-over of Srebrenica, were executed.  | KP-67   |
| 56. | Some were killed individually or in small groups by the soldiers who captured them and some were killed in the places where they were temporarily detained.   | KP-67   |
| 57. | Most, however, were slaughtered in carefully orchestrated mass executions, commencing on 13 July 1995, in the region just north of Srebrenica.  | KP-67   |
| 58. | Prisoners not killed on 13 July 1995 were subsequently bussed to execution sites further north of Bratunac, within the zone of responsibility of the Zvornik Brigade.   | KP-67   |
| 59. | The large-scale executions in the north took place between 14 and 17 July 1995.   | KP-67   |
| 60. | Most of the mass executions followed a well-established pattern. The men were first taken to empty schools or warehouses.   | KP-68   |
| 61. | After being detained there for some hours, they were loaded onto buses or   | KP-68   |



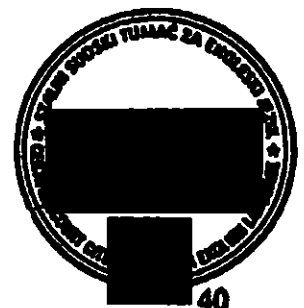
|     |   |         |
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|     | trucks and taken to another site for execution. Usually, the execution fields were in isolated locations.   |         |
| 62. | The prisoners were unarmed and, in many cases, steps had been taken to minimize resistance, such as blindfolding them, binding their wrists behind their backs with ligatures or removing their shoes.  | KP-68   |
| 63. | Once at the killing fields, the men were taken off the trucks in small groups, lined up and shot.   | KP-68   |
| 64. | Immediately afterwards, and sometimes even during the executions, earth moving equipment arrived and the bodies were buried, either in the spot where they were killed or in another nearby location.   | KP-68   |
| 65. | Plans to transport the Bosnian Muslim civilians out of the enclave crystallized at this second meeting.   | KP- 129 |
| 66. | Further, it was General Mladić who initiated the meetings at the Hotel Fontana when he made it abundantly clear that he wanted the Bosnian Muslims out of the area.   | KP- 147 |
| 67. | On 12 July 1995, as the bus convoys were being organized, General Mladić was heard to say during an intercepted conversation:<br><br>They've all capitulated and surrendered and we'll evacuate them all – those who want to and those who don't want to. | KP- 147 |
| 68. | Certainly, the Bosnian Muslim refugees were not consulted or given a choice about their final destination.  | KP- 147 |
| 69. | On 14 July 1995, the UN Security Council expressed concern about the forced relocation of civilians from the Srebrenica "safe area" by the Bosnian Serbs, asserting it was a clear violation of their human rights.                                       | KP- 148 |
| 70. | The General ordered Major Obrenović to take urgent steps to ensure he did not "let anything through".   | KP- 165 |
| 71. | An intercepted conversation on that day indicates that about 6,000 men had been captured by 1730 hours.   | KP- 171 |
| 72. | The soldiers guarding the men forced them to drop their belongings into big piles and to hand over their valuables.   | KP- 171 |



|     |  |         |
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| 73. | The Bosnian Serb forces on the scene began shepherding the men out of the meadow.  | KP- 171 |
| 74. | Some were put on buses or marched towards the nearby Kravica Warehouse:  | KP- 171 |
| 75. | Others were loaded on buses and trucks and taken to Bratunac and other nearby locations.   | KP- 171 |
| 76. | ... on 13 July 1995, MUP forces were deployed along the stretch of road between Konjević Polje and Bratunac where the bulk of the Bosnian Muslim prisoners were captured from the column.  | KP- 172 |
| 77. | A series of intercepted conversations show close co-operation and co-ordination between MUP units and Drina Corps units, particularly the Engineers Battalion, who were jointly engaged in action to block the Bosnian Muslim column.  | KP- 176 |
| 78. | The Drina Corps Command was also in contact with the MUP unit along the Bratunac -Konjević Polje road, monitoring their progress.  | KP- 176 |
| 79. | A conversation, intercepted on 13 July 1995 at 2040 hours, reveals that General Krstić spoke to Colonel Borovčanin, the Deputy Commander of the MUP unit, asked how things were going and stated that he would be in touch.  | KP- 176 |
| 80. | Exhumations conducted between 7 August and 20 October 2000 at the primary gravesite of Glogova I also revealed matches between broken masonry and door frames, and other artifacts found at both the gravesite and at the Kravica Warehouse execution site, suggesting that some of the victims from the Kravica Warehouse were buried there.  | KP- 210 |
| 81. | ... there was close co-operation and co-ordination between the MUP and Drina Corps units. On 11 July 1995, before the VRS found out about the formation and movement of the Bosnian Muslim column, the Main Staff ordered the Drina Corps to take pre-emptive steps, "by arrangement and co-operation with the MUP" to block the passage of Bosnian Muslims to and from the enclave. | KP- 287 |
| 82. | The civilian police of the Republika Srpska was organized under the  |         |



|            |   |               |
|------------|---|---------------|
|            | <b>Ministry of Interior ("MUP"). In July 1995, Tomislav Kovač was the acting Minister of Interior. The civilian police was organized in two sections: the regular police force and the special police brigade.</b>            |               |
| <b>83.</b> | <b>The Special Police Brigade was a combat unit of the MUP. Colonel Goran Sarić was the commander and Colonel Ljubiša Borovčanin was the deputy commander.</b>  | <b>BP- 75</b> |
| <b>84.</b> | <b>The normal activities of this brigade included securing airports and providing security for important events.</b>  | <b>BP- 75</b> |
| <b>85.</b> | <b>The Special Police Brigade consisted of approximately eight Detachments, including the 2<sup>nd</sup> Detachment from Šekovići commanded by Miloš Stupar, and a Training Centre at Jahorina, commanded by Duško Jević.</b> | <b>BP- 75</b> |
| <b>86.</b> | <b>Members of the Detachments were armed with automatic and semi-automatic weapons and were trained differently than the regular police force.</b>  | <b>BP- 75</b> |
| <b>87.</b> | <b>The Detachments also had heavy weapons and vehicles, such as tanks, armored personnel carriers ("APCs") and Pragas.</b>  | <b>BP- 75</b> |





## **Annex 2-evidence<sup>34</sup>**

- Record on examination of the suspect Vaso Todorović, BiH Prosecutor's Office, No: KT-RZ-10/05 dated 8 April 2008,
- Record on examination of the suspect Vaso Todorović, BiH Prosecutor's Office, No: KT-RZ-10/05 dated 18 April 2008, with transcript,
- Record on examination of the suspect Petar Mitrović, BiH Prosecutor's Office, No: KT-RZ-10/05 dated 21 June 2005,
- Record on examination of the suspect Miladin Stevanović, BiH Prosecutor's Office, No: KT-RZ-10/05 dated 1 July 2005,
- Record on examination of the suspect Miladin Stevanović, BiH Prosecutor's Office, No: KT-RZ-10/05 dated 24 June 2005,
- Record on hearing the witness Milovan Matić, MUP Republika Srpska, Bijeljina Public Security Centre (CJB), Bratunac Police Station, No: 12-1-7/02-230-468/03 dated 21 August 2003,
- Record on examination of the witness Milovan Matić, MUP Republika Srpska, Bijeljina Public Security Centre (CJB), No: 12-02/4 dated 19 June 2005,
- Record on examination of protected witness S-1, Prosecutor's Office of BiH, No: KT-RZ-10/05 dated 30 November 2005,
- Record on examination of witness Jovan Nikolić, Prosecutor's Office of BiH, No: KT-RZ-10/05 dated 10 October 2005,
- Record on examination of witness Dragomir Stupar, Prosecutor's Office of BiH, No: KT-RZ-10/05 dated 9 November 2005,
- Record on hearing of witness Đorđo Vuković, SIPA, No. 14-04/2-332/05 dated 13 October 2005,

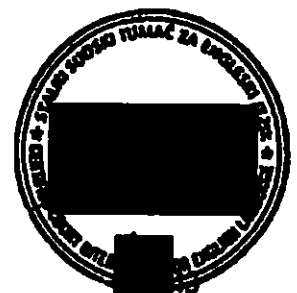
<sup>34</sup> Exhibits 1-26 are kept in the case file as copies, whereas the other exhibits are on CDs in electronic form. The originals of those exhibits are kept in the case file of the Court of Bosnia and Herzegovina of the "Kravica" case, number X-KR-05/24.



- Record on hearing of witness Marko Aleksić, SIPA, No. 14-04/2-321/05 dated 12 October 2005,
- Record on hearing the witness Živojin Milošević, SIPA, No. 14-04/2-398/05 dated 1 November 2005,
- Record on hearing the witness Mirko Sekulić, SIPA, No. 14-04/2-396/05 dated 31 October 2005,
- Record on examination of the witness Milenko Pepić, SIPA No: 14-04/2-388/05 dated 26 October 2005,
- Record on hearing the witness Obradin Balčaković, SIPA, No. 14-04/2-387/05 dated 25 October 2005,
- Record on hearing the witness Nebojša Janković, SIPA, No. 14-04/2-386/05 dated 25 October 2005,
- Record on hearing the witness Nenad Janjić, SIPA, No. 14-04/2-349/05 dated 19 October 2005,
- Record on hearing the witness Ilija Nikolić, SIPA, No. 14-04/2-308/05 dated 27 September 2005,
- Record on hearing the witness Luka Marković, SIPA, No. 14-04/2-290/05 dated 20 September 2005,
- Record on hearing the witness Slavorad Vasić, SIPA, No. 14-04/2-279/05 dated 15 September 2005
- Record on hearing the witness Miloš Vuković, SIPA, No. 14-04/2-/05 dated 16 November 2005,
- Record on hearing the witness Duško Mekić, SIPA, No. 14-04/2-/345 dated 20 October 2005,
- Transcript of testimony of witness K before the ICTY in the Krstić case, accepted pursuant to 92 bis, 17 December 2003,
- Statement by H.E, ICTY Prosecutor's Office, 8 March 1999,
- Transcript of testimony of S-3, the Court of BiH, 21 March 2007,
- Statement made by Jean Rene Ruez before the ICTY, on 15 May, 16 May, 19 May, 21 May, 22 May 2003,



- **Statement made by Dean Manning before the ICTY Prosecutor's Office, on 5/6 February 2004,**
- **Statement made by Miloš Stupar before the ICTY Prosecutor's Office, 26 June 2002, 28 and 29 April 2004,**
- **Statement made by Milenko Trifunović before the ICTY Prosecutor's Office, 29 October 2004,**
- **Statement made by Ljubomir Borovčanin before the ICTY Prosecutor's Office, 20 February 2002, 11 March 2002,**
- **Statement made by Dragomir Vasić before the ICTY Prosecutor's Office, 9 July 2000, 26 August 2002, 10 June 2003,**
- **Statement made by Pieter Boering before the ICTY Prosecutor's Office, 28 September 1995, 3 February 1998,**
- **Statement made by Egbers Vincentius before the ICTY Prosecutor's Office, 24 October 1995, 9 July 1999, 30 April 2000,**
- **Statement made by Franken Robert Aleksander before the ICTY Prosecutor's Office, 26 September 1995,**
- **Statement made by Paul Groenewegen before the ICTY Prosecutor's Office, 26 September 2005,**
- **Statement made by Tomas Kerremans before the ICTY Prosecutor's Office, 28 September, 9 October 1995,**
- **Statement made by Joseph Kingori before the ICTY Prosecutor's Office, 23 September 1997,**
- **Statement made by Hendricu Stoeling before the ICTY Prosecutor's Office, 6 October 1999,**
- **Statement made by Van Dujin before the ICTY Prosecutor's Office, 25 October 1995,**
- **Statement made by Van Kuijen before the ICTY Prosecutor's Office, 29 November 1999,**
- **Statement made by Ostoja Stanojević before the ICTY Prosecutor's Office, 16 March 2002,**



- Statement made by Jovan Nikolić before the ICTY Prosecutor's Office, 28 November 2001,
- Statement made by Miroslav Deronjić before the ICTY Prosecutor's Office, 16 December 1997, 4 February 1998, 21 October 1999, 12 March 2001, 25 November 2003,
- Statement made by Momir Nikolić before the ICTY, 23 June 1999, 15 December 1999, 28 May 2005,
- Statement made by Dragan Obrenović before the ICTY, 2 April 2000, 4 June 2003, 5 February 2004,
- Statement on facts and admission of guilt, Dragan Obrenović,
- Statement on facts and admission of guilt, Momir Nikolić,
- List of members of the 2<sup>nd</sup> Detachment of Šekovići – Platoon Skelani 1-46,
- List of members of the 2<sup>nd</sup> Detachment of Šekovići who earned their salary for July 1995, Special Brigade – 2<sup>nd</sup> Detachment of Special Police of Šekovići,
- List of members of the Special Police Brigade provided by the Republika Srpska MUP – Criminal Police Administration No: 02/3-strictly confidential, 994/05 dated 26 October 2005,
- List of members of the Special Police Brigade provided by the Republika Srpska MUP – Criminal Police Administration (several sections),
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- Structure of the RS Police in the zone of Drina Corps dated 12 July 1995-P363,
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- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 281/95 dated 12 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 282/95 dated 13 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 283/95 dated 13 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 12-6/08-508/95 dated 14 July 1995,



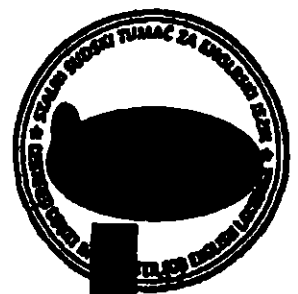
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-205/95 dated 15 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-01/0211-206/95 dated 17 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-206/95 dated 17 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 12-6/08/534/95 dated 19 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-231/95 dated 28 July 1995,
- Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-221/95 dated 22 July 1995,
- Dispatch note by Miloš Stupar, Commander of the 2<sup>nd</sup> Special Police Šekovići Detachment No: 01/1-1-4/2-62 dated 18 July 1995,
- Report on partial clearing up/restoration of the terrain of the Srebrenica terrain, Kravica region, State Commission for Exchange of Prisoners of War and Missing Persons, number 193/97 dated 29 May 1997,
- Excerpt from hospital protocol for 13 July 1995,
- Official note of the Bratunac Police Station dated 24 April 2004,
- Letter of the State Investigation and Protection Agency strictly confidential No: 14-04/2-408-8/05 dated 15 November 2005,
- Official Note of the State Investigation and Protection Agency No: 14/04/2-31/05 dated 14 November 2005,
- Letter of the RS MUP of 22 November 2005 Re: supply of lists of 2<sup>nd</sup> Detachment members,
- 1995-year report of MUP of Republika Srpska, Special Police Brigade, 2<sup>nd</sup> Detachment of Special Police of Šekovići, number 01/1-1-1/2-230/95 dated 5 July 1995,
- Certificate of the RS MUP, number 01/1-1.4/2-650/96 dated 1 October 1996,



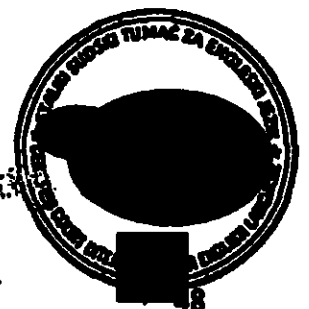
- Record on crime scene investigation and reconstruction with witness Marković Luka, Prosecutor's Office of BiH, number KT-RZ-10/05 dated 29 September 2005, with video footage,
- Record on crime scene investigation and reconstruction with the suspect Matić Milovan, Prosecutor's Office of BiH, number KT-RZ-10/05 dated 29 September 2005 with video footage,
- Record on crime scene investigation and reconstruction with the suspect Mitrović Petar, BiH Prosecutor's Office, number KT-RZ-10/05 dated 4 October 2005,
- Record on crime scene investigation and reconstruction with the witness Nikolić Ilija, Prosecutor's Office of BiH, number KT-RZ-10/05 dated 4 October 2005 with video footage,
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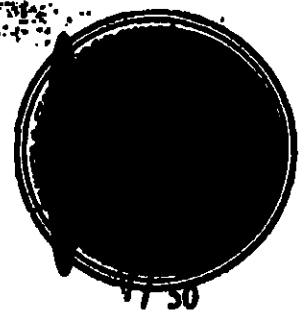
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- **Photo documentation, RS MUP, Bijeljina Public Security Centre, No: 583/03 dated 25 August 2003,**
- **Drawing of the Kravice place, number 14-13/1-7-243/05 dated 4 October 2005,**
- **Sketch of the crime scene, Bijeljina Public Security Centre (CJB), No. 12-02/5-206/05 dated 13 September 2005;**
- **Sketch of the crime scene, Bijeljina Public Security Centre (CJB), Bratunac Police Station, Compound ZZ Kravice,**
- **Report by Ljubiša Borovčanin, ERN 0294-1600-0294-1603,**
- **Report on the activities of the 2<sup>nd</sup> Special Police Šekovići Detachment for 2<sup>nd</sup> quarter of 1995 dated 5 July 1995, drafted by Miloš Stupar,**
- **Report by Commander of the 2<sup>nd</sup> Šekovići Detachment - Miloš Stupar dated 16 August 1995,**
- **Order on Mobilisation of all military-age men by Vidoje Blagojević dated 10 July 1995,**
- **Regular combat report by Radislav Krstić for 13 July 1995,**
- **Security report No: 200 dated 12 July 1995, MUP Bijeljina,**
- **Order to obtain buses for evacuation by Milenko Živanović dated 12 July 1995,**
- **Dispatch note No: 277/95 by Dragomir Vasić dated 12 July 1995,**
- **CV of Richard Butler,**
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- **CV of Richard Wright,**
- **CV of Dean Manning,**
- **CV of Jose Pablo Baraybar,**
- **Order to prevent the groups of Muslims from passing towards Kladanj and Tuzla, by Milenko Živanović dated 13 July 1995,**



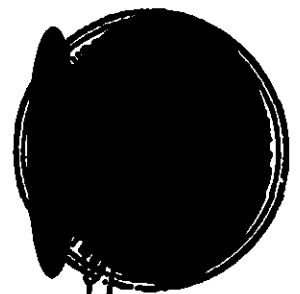


- **Order on application of International Law of War in the Army of the Serbian Republic of Bosnia and Herzegovina, issued by Radovan Karadžić, Glasnik srpskog naroda, dated 13 May 1992,**
- **Guidelines for establishing criteria for criminal prosecution of 1992, by Military Prosecutor's Office,**
- **Order to introduce first level combat readiness by Radovan Karadžić dated 16 June 1995,**
- **Chart – experts and reports, Dean Manning,**
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- **Photograph of Glogova, ICTY,**
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- **Estimate of a minimum number of bodies exhumed by the ICTY from 1996 to 2001 by Jose Pablo Baraybar, January 2004,**

- Srebrenica exhumations, blindfolds, photographs – ICTY,
- Srebrenica exhumations, ligatures, photographs – ICTY,
- Table - found blindfolds and ligatures 1996-2001 – ICTY,
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- Aerial photograph – Sandići, dated 13 July 1995 – ICTY,
- Aerial photograph – Nova Kasaba, football playground, dated 13 July 1995 – ICTY,
- Security report of the 2<sup>nd</sup> Šekovići Police Detachment of 3 August 1995 by Nedeljko Sekula,
- Report by Ljubiša Borovčanin dated 13 July 1995,
- Supply of information to the Deputy Minister by Dragan Kijac dated 14 July 1995,
- Regular combat report dated 14 July 1995 by Mile Simanić,
- Regular combat report dated 17 July 1995 by Mile Simanić,
- Report on the establishment of Red Berets with attachment (list of members) dated 15 May 1993, drafted by Ranko Kuljanin,
- Report on the status of combat readiness dated 17 June 1993, drafted by Rade Rodić,
- Directive No: 7 on further actions dated 8 March 1995, by Radovan Karadžić,
- Treatment of prisoners of war by Milomir Savčić,
- Report by Vedo Tuco, forensic pathologist, dated 12 February 2007.



- **Report on military events in Srebrenica (revised) - operation "Krivaja 95" dated 1 November 2002, Richard Butler (CD and associated materials),**
- **Report on command responsibility of VRS Brigade, Richard Butler (CD),**
- **Expert finding of the Netherlands Institute for Forensic Medicine - Subject: Examination of textile dated 11 February 2000, -P564b,**
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- **Summary of the expert-medical evidence – execution and mass burial sites – ICTY investigator Dean Manning, 16 May 2000,**
- **Report by the Chief Pathologist- mass burial sites of Srebrenica, ICTY, 1999,**
- **Report on review and finding of the evidence from the Kravice Warehouse (September/October 2000),**
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- **Additional reports by Dean Manning,**



- Additional reports by Richard Butler.

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*I confirm that this document is a true translation of the original written in Bosnian/Croatian/Serbian language.*

**Sarajevo, 19 November 2008**

**[REDACTED]**  
**Certified Court Interpreter for English language**

