

**BOSNIA AND HERZEGOVINA
BiH PROSECUTOR'S OFFICE
SARAJEVO
Number: KT-RZ-46/07
Sarajevo, 4 June 2008**

**COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -**

Pursuant to Article 35(2)(h) and Article 226(1) of the Criminal Procedure Code of BiH, I hereby bring the following:

INDICTMENT

AGAINST:

MILISAV GAVRIĆ, son of Nedo, born on 18 November 1948 in the place of Opravdići, Municipality of Srebrenica, according to the CIPS records the residence reported at Milivoja Mičića bb *no number*, Srebrenica, while according to the case file he resides in Novi Beograd, at Marka Čele Banovića 17/11, with the ID card issued in the town of Ljubovija, the Republic of Serbia, number 34991 on 12 January 2001, married, father of one child, citizen of the Republic of Serbia and BiH, retired, was a member of the RS Ministry of Interior (MUP RS) during the period from 15 April 1992 through 31 August 1998, namely from 15 April 1992 to 12 July 1995 he performed the activities and tasks as a policeman in the police station SJB Bratunac (Public Security Station), and from 12 July 1995 to 31 August 1998 he performed the activities and tasks of a Deputy Commander of the PS Srebrenica.

BECAUSE:

1. During the period from 10 July through 19 July 1995, when the Army and the MUP of Republika Srpska launched a widespread and systematic attack on the Bosniak population in the UN protected zone Srebrenica, with a common goal and plan to persecute Bosniak civilian population on national, ethnic and religious grounds, namely with the intention to participate, aid and abet the partial extermination of Bosniak men as a national or ethnic group by the forcible transfer of women and children from the protected zone Srebrenica, to participate, aid and abet in an organized and systematic capturing, inflicting injuries on members of a group and the execution of Bosniak men, acting individually and in concert with other participants in the joint criminal enterprise, which resulted in a forcible transfer of around 40 thousand Bosniak civilians and killing or extermination of around 8 thousand Bosniak men, knowing of such plan, as a conscious participant in this enterprise, in the capacity of a member of the PS Bratunac, and from 12 July 1995, in the capacity of a Deputy Commander of the PS Srebrenica, committed, incited, aided and abetted the commission of the criminal offences in the manner that:

1. On 12 and 13 July 1995, together with unidentified members of the Serb Army and the MUP RS, from the place of Potočari, the Municipality of Srebrenica, where due to the

attacks of the Serb soldiers, fear, terror, active threats, injuries inflicted, around 40 thousand Bosniak civilians of the UN safe zone Srebrenica fled seeking protection of the UN forces, he attended and aided the forcible transport of thousands of Bosniak civilians, women, children and elderly by buses and trucks, who were transported to the territory under the BiH Army control;

2. Together with unidentified members of the RS Army and the MUP, aided and abetted the separation of men from women from *within a group of Bosniak civilians*, since when some of them have been unaccounted for, and thus armed with an automatic rifle and a pistol, wearing a camouflage blue police uniform:

- a) on 12 July 1995, during the afternoon hours, in the city of Srebrenica, he participated, aided and abetted the enforced disappearance of ██████████ born in 1923, who had been captured together with another 16 Bosniak civilians in a house owned by ██████████ in the manner that he personally took ██████████ in an unknown direction, whose body has never been found, while the remaining 15 Bosniak civilians, including ██████████ ██████████ were forcibly transferred by members of the Republika Srpska military and civil police to the territory under the control of the RBiH Army;
- b) on 12 July 1995, around 16:00 hrs, together with the convicted Momir Nikolić and Miroslav Deronjić, in the circle of the Battery Factory, in a corridor where the wounded Bosniaks brought from the hospital in Srebrenica were interned, addressed them with the words *"you see that you could not escape, and we will be better than you, because we will release you who are injured if you tell us who was in the army"*, and thus, going from one wounded person to another, when he did not receive the requested answer, strongly kicked with his boots on ██████████ in his injured and bare heel and leg, due to which his whole body shook, and his head fell off the stretcher, and thereupon, while walking through the mass of Bosniak people interned in the factory circle, singled out and took away ██████████, born in 1949, about whom no information was known until 31 March 2003 when the exhumation was carried out from the mass grave in Zeleni Jadar 5, the Municipality of Srebrenica;
- c) On the same day, at the same place, in concert with a group of unidentified soldiers, members of the RS Army and the MUP RS, he attended and aided the separation from a group of Bosniak civilians and taking in an unknown direction of ██████████ son of Abid, born in 1930, whose destiny was unknown until 24 June 1999, when the exhumation was carried out from the grave Kozluk 03, the Municipality of Zvornik;
- d) On the same day, during the afternoon hours, together with two unidentified Serb soldiers in camouflage uniforms, he entered the Zinc Factory circle in Potočari where Bosniak people were interned, pointing with his hand at men aged up to 25 years to follow him, and thus, in spite of requests and petitions of their mothers and wives not to take them away, on two occasions, took away five to ten men, Bosniak civilians, who have never returned again from the place where they had been taken, in which manner, by his action of taking them away, he incited and aided other Serb soldiers

and policemen, which is to say, he participated in the separation of Bosniak civilians, which they also did during 13 July 1995 until the entire Bosniak population was removed from the Potočari territory and civilian men taken to the so called *Bijela Kuća /White House/*, since then they have been unaccounted for;

- e) On the same day, at the same place, in the presence of a number of unidentified Serb soldiers, from the circle of the Zinc Factory, he took away [REDACTED] son of Hasan, born in 1946, and [REDACTED] born in 1952, taking them through the mass of Bosniak people in an unknown direction, for whom nothing was known until 28 February 2000 when [REDACTED] was exhumed from the Dole grave, and [REDACTED] exhumed from the Čančari grave on 28 August 2001;
- f) On the same day, in Potočari, in concert with a group of more than 5 Serb soldiers, singled out from a group of Bosniak civilians [REDACTED] born in 1946, and a group of 15 to 20 Bosniaks of unidentified identities, whom he took through the mass of Bosniak people to the house of [REDACTED] (the so called White House), since then they have been unaccounted for, in which unidentified members of the RS Army and MUP abused and killed Bosniak men;

Therefore,

As a part of the widespread and systematic attack directed against civilian Bosniak population, knowing of such attack, and knowing that his actions constituted a part of that attack, within a joint criminal enterprise whose common goal was to permanently resettle civilian Bosniak population and persecute them on national, ethnic and religious ground, and to exterminate in part Bosniak men, specifically by his participation and aiding in capturing, forcible disappearances, enforced resettlements, injuries infliction and other similar inhumane acts with the intention to cause gross sufferings,

Whereby:

The accused Milisav Gavrić, by the action described under Count 1 and Count 2 item a) through f) of the operative part of the Indictment committed the criminal offense of Crimes against Humanity in violation of Article 172 (1) item h), in conjunction with items d), i) and k), in conjunction with the criminal offense of Genocide in violation of Article 171 (1) items a) and b) of the CC BiH, and all in conjunction with Articles 29, 31 and 180 (1) of the CC BiH;

Therefore, I

P r o p o s e

I To summon to the main trial before the Court of Bosnia and Herzegovina:

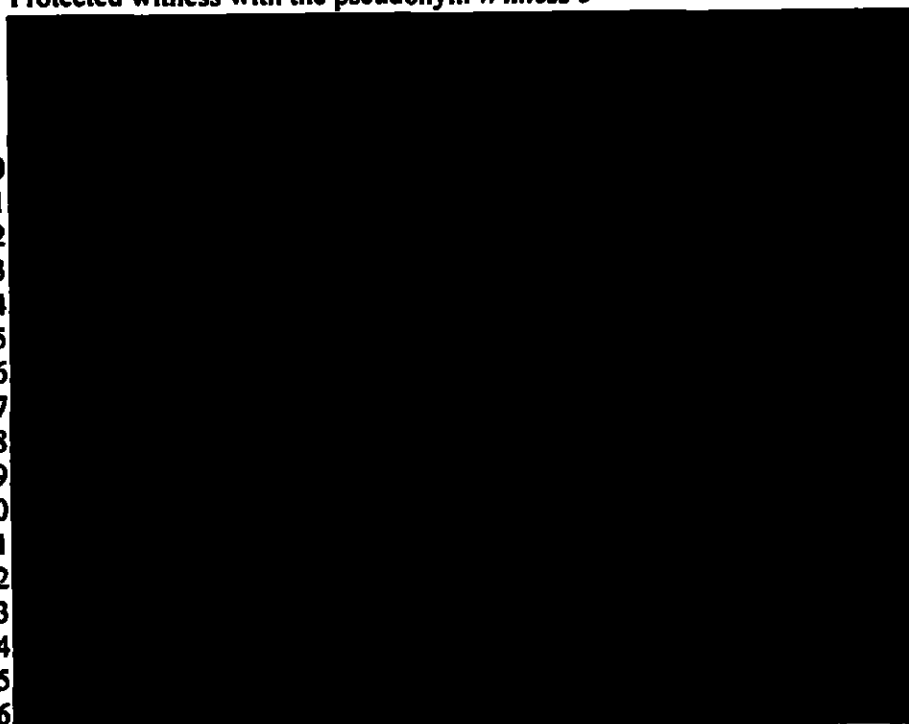
- Prosecutor of the BiH Prosecutor's Office, Sanja Jukić,
- the accused Milisav Gavrić, at the above address
- a representative of the victims: Munira Subašić, President of the Association "Movement of the Mothers from Srebrenica and Žepa Enclaves", at Antuna Hangija 1, Sarajevo.

II Proposal of the evidence to be adduced:

1) Examination of the witnesses:

1. Protected witness with the pseudonym *Witness 1*
2. Protected witness with the pseudonym *Witness 2*
3. Protected witness with the pseudonym *Witness 3*
4. Protected witness with the pseudonym *Witness 4*
5. Protected witness with the pseudonym *Witness 5*

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2) Examination of expert witnesses:



3) A. Presentation of the documentary evidence corroborating the commission of the criminal offense under Article 172(1)(a)-(f) and (2) and Article 171(1)(a) and (b) of the CC BiH

27. Certificate by the State Commission on Tracing Missing Persons no. 06/5-4370-E/2002 of 14 August 2006 to the name of [REDACTED]
28. Letter by the Missing Persons Institute of BiH no. 01-40-1295/08 of 29 April 2008, reading that [REDACTED] has been registered as a missing person;
29. Certificate by the State Commission on Tracing Missing Persons no. 06/5-1260-E/2004 of 09 November 2004 to the name of [REDACTED]

30. Certificate by the State Commission on Tracing Missing Persons no. 06/5-1261-E/2004 of 09 November 2004 to the name of [REDACTED]
31. Certificate by the State Commission on Tracing Missing Persons no. 06/5-460-E/2002 of 08 February 2002 to the name of [REDACTED]
32. Decision proclaiming Rijad Fejzić and [REDACTED] dead issued by the Basic Court in Srebrenica no. 082-0-V-06-000026 of 08 December 2006;
33. Death Certificate to the name of [REDACTED] no. 05-202-1541/07 of 31 August 2007;
34. Death Certificate to the name of [REDACTED] of 31 August 2007;
35. Letter by the State Commission on Tracing Missing Persons no. 01-41-4254/07 of 10 September 2007 to the name of Rijad Fejzić and [REDACTED]
36. Newspaper article in *Oslobođenje* Issue of 11 July 2005 titled *Where are the bones of my rose, rose that did not bloom*;
37. Letter by Republika Srpska – Ministry of the Interior of RS no. 02/4-10515/07 of 05 September 2007;
38. Decision by the Ministry of the Interior no. 09-2529 of 14 September 1992, to the name of Milisav Gavrić;
39. Decision by the Ministry of the Interior no. 09/3-120-3257 of 02 May 1995 to the name of Milisav Gavrić;
40. Decision by the Ministry of the Interior no. 09/3-120-2389 of 18 June 1996 to the name of Milisav Gavrić;
41. Decision by the Ministry of the Interior no. 06/3-126-2668 of 06 May 1998 to the name of Milisav Gavrić;
42. Order by CJB Zvornik no. 01-16-02/1-210/95 of 18 July 1995;
43. Letter by the Missing Persons Institute no. 01-40-250/07 of 03 October 2007, listing [REDACTED]
44. Letter by the Missing Persons Institute no. 01-40-330/2007 of 07 December 2007 listing [REDACTED] as a missing person, as well as the persons exhumed – [REDACTED];
45. Video footage of Milisav Gavrić of 14 July 95 published in the 27th min and 15th sec;
46. Certification of Death to the name of [REDACTED] of 10 June 2005;
47. Record on Identification of [REDACTED] of 10 June 2005, DNA Report for [REDACTED] of 04 May 2005, photograph no. KK3-1012B;
48. Autopsy Report, [REDACTED];
49. Receipt for returned items and personal belongings of [REDACTED] no. 42/05 of 03 June 2005;
50. Record of Identification of [REDACTED]
51. Statement of 03 June 2005 by [REDACTED] consent for the burial of [REDACTED]
52. Death Certificate to the name of [REDACTED] no. 05-202-1852/05 of 01 Sep 2005;
53. Certification of Death to the name of [REDACTED] of 29 April 2002;
54. Record on Identification of [REDACTED] of 29 April 2002, DNA Reports - [REDACTED]
55. Autopsy Report, [REDACTED];
56. Consent for Exhumation of [REDACTED] of 22 June 2006;
57. Record of Identification of [REDACTED] of 24 April 2005;
58. Certification of Death to the name of [REDACTED] of 22 June 2006;
59. Record on Identification of [REDACTED] of 22 June 2006, DNA Reports - [REDACTED]

60. Report on Forensic Medicine Expertise no. Kri-86/01 of 27 September 2001 – [REDACTED]
61. Report on Forensic Medicine Expertise no. Kri-86/01 of 10 September 2001 – [REDACTED]
62. Record of Identification of [REDACTED] of 21 June 2006;
63. Request for Burial of [REDACTED] of 21 June 2006;
64. Certification of Death to the name of [REDACTED] of 12 May 2005;
65. Record on Identification of [REDACTED] of 29 March 2000;
66. Report on Forensic Medicine Expertise of 23 March 2000, PIP Tuzla- [REDACTED]
67. Record and Statement of [REDACTED] of 29 March 2000;
68. Record and Statement of [REDACTED] of 29 March 2000;
69. Receipt for returned items and personal belongings of [REDACTED] no. 40/2000 of 29 March 2000;
70. RS Police Structure in the zone of the Drina Corps of 12 July 1995 – P363;
71. Photo - arrival of bulldozers 05 July 1995 with truck tracks – P8.9;
72. Photo – arrival of bulldozers 05 July 1995 with trailer and tractor tracks – P8.11;
73. Photo – arrival of bulldozers 27 July 1995 with truck tracks – P8.10;
74. Photo – arrival of bulldozers 27 July 1995 – P8.8;
75. Photo – arrival of bulldozers 27 July 1995 – P8.12;
76. Photo – the Sandići valley, aerial photograph – P9.3;
77. Photo of the Sandići valley 13 July 1995 – P9.1;
78. Photo of the Sandići valley, magnified - P9.2;
79. Photo – Glogova 05 July 1995, with a note – P11.2;
80. Photo – Glogova, aerial photograph, with a note – P11.1;
81. Glogova, aerial photograph of 17 July 1995 – P11.3;
82. Photo of Glogova of 17 July 1995, marked by a witness in the course of the examination – P679;
83. Photo of Konjević Polje of 14 August 1995 – P8.4;
84. Photo of the area, aerial photograph, with notes – P8.5;
85. Photo of Potočari, aerial photograph 13 July 1995 – P50;
86. Photo of Potočari, aerial photograph 13 July 1995, with notes – P51;
87. Photo of the rear of the warehouse with the leftover of the cornfield – P10.6;
88. Photograph of the area with the grave sites made from a helicopter – P6.1;
89. Map indicating the movements of the column – P138;
90. Map indicating the movements of the columns, broken into North and South – P24;
91. Map indicating the primary grave sites 1 and 2 in Glogova – P566;
92. Mass graves in the area of Tatar-Bratunac, 27 July 1995 – P567;
93. A view to the White House with items scattered around – P9.4;
94. Srebrenica and Žepa, July 1995;
95. Enlarged photo of the shoeprint under the window – P10.8;
96. Disturbed land, Glogova, 09 November 1995 – P571;
97. Disturbed land, Glogova, 30 October 1995 – P570;
98. Photo documentation – Bijeljina CJB Bratunac PS, ZZ Kravica compound (site sketch of Bijeljina SJB, Bratunac PS, ZZ Kravica compound);
99. Site sketch of Bijeljina CJB no. 12-02/5-206/05 of 13 September 2005;
100. Report by Ljubiša Borovčanin, no. 284/95 of 13 July 1995;
101. Order for mobilization of all conscripts of 10 July 1995, author Vidoje Blagojević;

102. Regular Combat Report of 13 July 1995, author Radislav Krstić;
103. Security Situation Report no. 200 of 12 July 1995, Bijeljina MUP;
104. Order to secure the buses for evacuation of 12 July 1995, author Milenko Živanović;
105. Dispatch no. 277/95 of 12 July 1995, author Dragomir Vasić;
106. Curriculum Vitae – [REDACTED]
107. CV of [REDACTED]
108. CV – [REDACTED]
109. CV – [REDACTED]
110. CV – [REDACTED]
111. Order to prevent the Muslim groups from passing through towards Kladanj and Tuzla of 13 July 1995, author Milenko Živanović;
112. Order to apply the rules of international law of war in the army of the Serb Republic of BiH, the Gazette of the Serb People, of 13 June 1992, author Radovan Karadžić;
113. Guidelines for establishing the criterion for criminal prosecution from 1992, author Military Prosecutor's Office;
114. Order by Radovan Karadžić to impose the highest measures of combat readiness no. 01-1118/95 of 16 June 1995;
115. Graph of experts and reports, [REDACTED]
116. Graph of exhumed grave site [REDACTED]
117. Map of primary and secondary grave sites, ICTY;
118. Aerial photograph 27 July 1995 and 20 October 1995 – Tatar Bratunac, ICTY;
119. Zeleni Jadar – grave site, ICTY;
120. Aerial photograph – Zeleni Jadar, ICTY;
121. Aerial photograph – Zeleni Jadar, disturbed land of 07 September 1995 and 02 October 1995;
122. Zeleni Jadar – grave site, disturbed land, of 20 October 1995 and 23 October 1995;
123. Grave sites Srebrenica, primary and secondary, graph;
124. Lab Report – automatic ballistic comparison of 24 February 2000, author Forensic Science Lab;
125. Graph indicating the correlation between the scene of the killing and the grave sites;
126. Graph of experts and reports of 05 February 2004, [REDACTED]
127. Crime scene analysis of explosives based on samples from various localities in Srebrenica, author Netherlands Forensic Institute;
128. Assessment of a minimum number of persons exhumed by the ICTY between 1996 and 2001, January 2004, author Jose Pablo Baraybar;
129. Srebrenica – exhumations, blindfolds, ligatures, photographs – ICTY;
130. Table of blindfolds and ligatures 1996-2001;
131. Photograph – Potočari, 12 July 1995, P-2.10;
132. Photograph – Energoinvest Factory, P-2.4;
133. Photograph – Energoinvest, 11 March, P-2.5;
134. Photograph – Potočari, P-2.2;
135. Photograph – White House, P-2.6;
136. Photograph – Passage through the fence. P-2.7;
137. Photograph – Potočari, garden with corn, P-2.8;
138. Photograph – Potočari, P-2.3;
139. Aerial photograph – Potočari of 13 July 1993, P-2.9;
140. Map – movement of the column and the position of the Serb forces, P-2.11;

141. Photograph – showing the hill and the woods where Muslim columns were moving by, P-3.2;
142. Photograph – Nova Kasaba, P-3.5;
143. Aerial photograph – Sandići of 13 July 1995, P-3.4;
144. Report on Security Situation in the 2nd Šekovići Police Detachment of 03 August 1995, author Nedeljko Sekula;
145. Report by Ljubiša Borovčanin of 13 July 1995;
146. Delivery of data to the Deputy Minister of 14 July 1995, author Dragan Kijac;
147. Regular Combat Report of 14 July 1995; author Mile Simanić;
148. Regular Combat Report of 17 July 1995, author Mile Simanić;
149. Report on the establishment of the Red Berets with the attachment (the list of its members) of 15 May 1993, author Ranko Kuljanin;
150. Report on the status of combat readiness of 17 June 1993, author Rade Rodić;
151. Directive for further operations no. 7 of 08 March 1995, author Radovan Karadžić;
152. Treatment of the Prisoners of War, author Milomir Savčić;

3) B. Presentation of evidence confirming the widespread and systematic attack of the RS Army and the MUP RS, and that the MUP RS, whose member the accused Milisav Gavrić was, together with the RS Army, constitute a part of the joint criminal enterprise with a goal of enforced resettlement of around 40 thousand Bosniak civilians and the killing of around 8 thousand Bosniaks, as follows:

- Evidence Group I –

153. Dispatch by Dragomir Vasić, CJB Zvornik, no. 01-16-02/1-193/95 of 06 July 1995;
154. Dispatch by Dragomir Vasić, CJB Zvornik, no. 12-6/08-475/95 of 07 July 1995;
155. Dispatch by Dragomir Vasić, CJB Zvornik, no. 12-6/08-489/95 of 09 July 1995;
156. Dispatch by the MUP RS, Minister Tomislav Kovač, no. 64/95 of 10 July 1995;
157. Dispatch by CJB Zvornik no. 278/95 of 12 July 1995;
158. Dispatch by CJB Zvornik no. 280/95 of 12 July 1995;
159. Dispatch by CJB Zvornik no. 281/95 of 12 July 1995;
160. Dispatch by CJB Zvornik no. 12-6/08-502/95 of 12 July 1995;
161. Order by the RS Ministry of Defense no. 02-79/95 of 12 July 1995;
162. Dispatch by General Milenko Živanović no. 22/287 of 12 July 1995;
163. Names and registration plates of the buses of 12 July 1995;
164. Dispatch by General Milenko Živanović, Commander of the Drina Corps no. 22/226 of 12 July 1995;
165. Dispatch by the Bratunac Brigade Commander, Vidoje Blagojević, no. 03-253-102 of 12 July 1995;
166. Dispatch by Major Pavle Golić no. 17/895 of 12 July 1995;
167. Dispatch by MUP RS Sarajevo no. 05-1998/95 of 12 July 1995;
168. Dispatch by CJB Zvornik, Dragomir Vasić, no. 282/95 of 13 July 1995;
169. Dispatch by CJB Zvornik, Dragomir Vasić, no. 283/95 of 13 July 1995;
170. Regular Combat Report by the Drina Corps Command no. 03/2-214 of 13 Jul 1995;
171. Order by the Drina Corps Command no. 03/156-12 of 13 July 1995;
172. Dispatch by MUP RS no. 05-2000/95 of 13 July 1995;
173. Dispatch by MUP RS no. 03-2003/95 of 13 July 1995;
174. Work Plan of the CJB Zvornik no. 13/02-230-/95 of 14 July 1995;

175. Dispatch by CJB Zvornik, Dragomir Vasić, no. 12-6/08-508/95 of 14 July 1995;
176. Dispatch by MUP RS no. 05-2038/95 of 14 July 1995;
177. Dispatch by CJB Zvornik, Dragomir Vasić, no. 01-16-02/1-205/95 of 15 July 1995;
178. Dispatch by CJB Zvornik, Dragomir Vasić, no. 12-6/08-510/95 of 15 July 1995;
179. List of police officers of the 5th Company of PJP CJB Zvornik;
180. Daily Situation Report of CJB Zvornik no. 196/95 of 15 July 1995;
181. Daily Situation Report of CJB Zvornik no. 300/95 of 19 July 1995;
182. Dispatch by CJB Zvornik, Dragomir Vasić, 206/95 of 16 July 1995;
183. Dispatch by SJB Srebrenica no. 288/95 of 16 July 1995;
184. Dispatch by CJB Zvornik, Dragomir Vasić, 01-16-02/1-206/95 of 17 July 1995;
185. Dispatch by CJB Zvornik, Dragomir Vasić, 12-6/08-521/95 of 17 July 1995;
186. Dispatch by CJB Zvornik, Dragomir Vasić, 12-6/08-529/95 of 18 July 1995;
187. Dispatch by CJB Zvornik, 12-6/08-531/95 of 19 July 1995;
188. Dispatch by CJB Zvornik, 12-6/08-534/95 of 19 July 1995;
189. Dispatch by CJB Zvornik, 12-6/08-536/95 of 20 July 1995;
190. Dispatch by CJB Zvornik, no. 01-16-02/1-213/95 of 21 July 2005;
191. Dispatch by CJB Zvornik, no. 01-16-02/1-218/95 of 21 July 2005;
192. Dispatch by CJB Zvornik, no. 01-16-02/1-221/95 of 22 July 2005;
193. Dispatch by CJB Zvornik, 01-16-02/1-232/95 of 28 July 1995;
194. Dispatch by CJB Zvornik, 01-16-02/1-254/95 of 05 August 1995;
195. Law on Application of the Law on Internal Affairs during the state of imminent war threat or the state of war (Official Gazette of Republika Srpska, Special Edition no. 1 of 29 November 1994);
196. Report on the Inspection of the operations of PS Srebrenica, September 1995;
197. Report by the Secretary General based on the Resolution of the General Assembly 53735 (1998) – ‘Report on Srebrenica’, 15 November 1999;
198. Document by CJB Zvornik no. 01-16-02/1-67/94 of 01 June 1994;
199. Document by MUP, no. strictly confidential 10-10/94 of 24 December 1994;
200. Letter by the Missing Persons Institute no. 01-40-331/2007 of 07 December 2007;
201. Copy of the Criminal Record to the name of Milisav Gavrić no. 12-1-6/02-234-91/08 of 27 May 2008;
202. Motion to Order Custody no. KT-RZ-46/07 of 15 December 2007;
203. Decision withdrawing a travel document no. 12-1-5/05-27-52-07 of 11 July 2007;
204. Decision prohibiting the use of the ID Card for crossing the state border no. 12-1-5/05-206-65/07 of 11 July 2007;
205. Official Note, author [REDACTED] no. 18-10-3-04-16-515/07 of 22 Oct 2007;
206. Official Note, author [REDACTED] no. 18-10-3-04-16-516/07 of 22 Oct 2007;
207. Official Note, author [REDACTED] no. 18-10-3-04-16-530/07 of 26 October 2007;
208. Receipt on temporary seizure of objects no. 18-10-3-48/07 of 26 October 2007;
209. Request for initiating misdemeanor proceedings no. 18-10-3-04-124/07 of 27 November 2007;
210. Request for initiating misdemeanor proceedings no. 18-10-3-04-125/07 of 27 November 2007;
211. Letter by the Zvornik Border Police Unit no. 18-10-3-50-1194/07 of 30 Nov 2007;
212. Official Note on the intelligence gathered on the movement and whereabouts of Milisav Gavrić no. 17-04/2-04-2-517-0/ of 27 November 2007;
213. Official Note on acting upon the order by the Prosecutor’s Office of BiH no. 14-04/2-04-2-569/07 of 27 December 2007;

- 214. Official Note on Execution of the Order of the Prosecutor's Office of BiH no. 14-04/2-04-2-569/07 of 22 April 2008;
- 215. ICTY Judgment, Radislav Krstić (IT-98-33);
- 216. ICTY Judgment, Vidoje Blagojević (IT-02-60-T);

- Evidence Group II -

proposed pursuant to Article 5 of the Law on the Transfer of Cases by the International Criminal Tribunal for the Former Yugoslavia to the BiH Prosecutor's Office and the use of evidence obtained from the International Criminal Tribunal for the Former Yugoslavia in the proceedings before the Courts in Bosnia and Herzegovina

- 217. Testimony before the ICTY given by [REDACTED] 05/06 February 2004;
- 218. Testimony before the ICTY given by [REDACTED] 26 Sep 1995;
- 219. Testimony before the ICTY given by [REDACTED] ans, 28 Sep, 09 Oct 1995;
- 220. Testimony before the ICTY given by [REDACTED] 23 September 1997;
- 221. Statement of Facts and Acceptance of Responsibility, Dragan Obrenović;
- 222. Statement of Facts and Acceptance of Responsibility, Momir Nikolić;
- 223. Statement by Jean-Rene Ruez, ICTY OTP, 15 May, 16 May, 19 May, 21 May, 22 May 2003;
- 224. Statement by [REDACTED] OTP, 26 June 2002, 28 and 29 April 2004;
- 225. Statement by [REDACTED] ICTY OTP, 29 October 2004;
- 226. Statement by [REDACTED] ICTY OTP, 20 February 2002, 11 March 2002;
- 227. Statement by [REDACTED] TY OTP, 09 July 2000; 26 August 2002, 10 June 2003;
- 228. Statement by [REDACTED] Y OTP, 28 September 1995, 03 February 1998;
- 229. Statement by [REDACTED] ICTY OTP, 24 October 1995, 09 July 1999, 30 April 2000;
- 230. Statement by [REDACTED], ICTY OTP, 26 September 2005;
- 231. Statement by [REDACTED] ICTY OTP, 06 October 1999;
- 232. Statement by [REDACTED] OTP, 25 October 1995;
- 233. Statement by [REDACTED] OTP, 29 November 1999;
- 234. Statement by [REDACTED] ICTY OTP, 16 March 2002;
- 235. Transcript of the Witness S-3, Court of BiH, of 21 March 2007;
- 236. Statement by [REDACTED] OTP, 28 November 2001;
- 237. Testimony by [REDACTED] ICTY OTP, 16 December 1997, 04 February 1998, 21 October 1999, 12 March 2001, 25 November 2003;
- 238. Testimony by [REDACTED] TY, 23 June 1999, 15 December 1999, 28 May 2005;
- 239. Testimony by [REDACTED] ICTY, 02 April 2000, 04 June 2003, 05 February 2004;
- 240. Statement of Facts and Acceptance of Responsibility, [REDACTED]

4) Proposal to accept as adjudicated the facts established in the ICTY Judgment against Radislav Krstić, number IT-98-33-A of 19 April 2004 pursuant to Article 4 of the Law on the Transfer of Cases by the International Criminal Tribunal for the

Former Yugoslavia to the BiH Prosecutor's Office and the use of evidence obtained from the International Criminal Tribunal for the Former Yugoslavia in the proceedings before the Courts in Bosnia and Herzegovina:

1. On 16 April 1993, the UN Security Council responded by passing a resolution, declaring that "all parties and others treat Srebrenica and its surroundings as a "safe area" that should be free from armed attack or any other hostile act. (par. 18);
2. In March 1995, Radovan Karadžić, President of Republika Srpska ("RS"), reacting to pressure from the international community to end the war and ongoing efforts to negotiate a peace agreement, 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: complete 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 (par. 28);
3. 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, *inter alia*, conduct "active combat operations...around the enclaves" (par. 29);
4. ... the then-commander of the Drina Corps, General-Major Milenko Živanović, signed two orders, on 2 July 1995, laying out the plans for the attack on the enclave and ordering various units of the Drina Corps to ready themselves for combat. The operation was code-named "Krivaja 95" (par. 30);
5. The VRS offensive on Srebrenica began in earnest on 6 July 1995. (par. 31);
6. 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. The moment was captured on film by Serbian journalist, Zoran Petrović (par. 36);
7. By the evening of 11 July 1995, approximately 20,000 to 25,000 Bosnian Muslim refugees were gathered in Potočari. (par. 37);
8. Throughout the afternoon of 12 July 1995, Serb soldiers mingled in the crowd. One witness recalled hearing the soldiers cursing the Bosnian Muslims and telling them to leave; that they would be slaughtered; that this was a Serb country (par. 42);
9. Killings occurred (par. 43);
10. 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 (par. 48);

11. The removal of the Bosnian Muslim civilian population from Potočari was completed on the evening of 13 July 1995 by 20:00 hours (par. 51);
12. Following the take-over of Srebrenica, in July 1995, Bosnian Serb forces devised and implemented a plan to transport all of the Bosnian Muslim women, children and elderly out of the enclave (par. 52);
13. From the morning of 12 July, Bosnian Serb forces began gathering men from the refugee population in Potočari and holding them in separate locations (par. 53);
14. Further, as the Bosnian Muslim refugees began boarding the buses, Bosnian Serb soldiers systematically separated out men of military age who were trying to clamour aboard. Occasionally, younger and older men were stopped as well. These men were taken to a building in Potočari referred to as the "White House" (par. 53);
15. 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 (par. 56);
16. 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. For example, Corporal Vaasen saw two soldiers take a man behind the White House. He then heard a shot and the two soldiers reappeared alone (par. 58);
17. Beginning on the afternoon of 12 July 1995 and continuing throughout 13 July 1995, men detained in the White House were placed on separate buses to the women, children and elderly and were taken out of the Potočari compound to detention sites in Bratunac (par. 59);
18. The Bosnian Muslim men who had been separated from the women, children and elderly in Potočari (numbering approximately 1,000) were transported to Bratunac and subsequently joined by Bosnian Muslim men captured from the column (par. 66);
19. 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. (par. 67);
20. The forensic evidence supports the Prosecution's claim that, following the take-over of Srebrenica, thousands of Bosnian Muslim men were summarily executed and consigned to mass graves (par. 73);
21. The results of the forensic investigations suggest that the majority of bodies exhumed were not killed in combat; they were killed in mass executions (par. 75);
22. A concerted effort was made to capture all Muslim men of military age (par. 85);

23. Following the take over of Srebrenica in July 1995, the Bosnian Serbs devised and implemented a plan to execute as many as possible of the military aged Bosnian Muslim men present in the enclave (par. 87);
24. The Drina Corps was the VRS military formation tasked with planning and carrying out operation Krivaja 95, which culminated in the capture of Srebrenica town on 11 July 1995 (par. 118);
25. The plan for Krivaja 95 was aimed at reducing the “safe area” of Srebrenica to its urban core and was a step towards the larger VRS goal of plunging the Bosnian Muslim population into humanitarian crisis and, ultimately, eliminating the enclave (par. 121);
26. Thousands of residents, desperate for protection, crowded around the UNPROFOR Bravo Company compound in Srebrenica, eventually forcing their way inside (par. 123);
27. The shelling of Srebrenica carried out by the Drina Corps, on 10 and 11 July 1995, by which time the original objectives of Krivaja 95 had already been achieved, was calculated to terrify the Bosnian Muslim population and to drive them out of Srebrenica town (par. 125);
28. The Drina Corps was instrumental in procuring the buses and other vehicles that were used to transport the Bosnian Muslim women , children and elderly out of the Potocari compound on 12 and 13 July 1995, as well as the fuel needed to accomplish this task (par. 142);
29. Overwhelming evidence presented during the course of the Trial, however, demonstrates that, in July 1995, the Bosnian Muslim population of Srebrenica was not faced with a genuine choice as to whether to leave or to remain in the area. (par. 147);
30. The Trial Chamber finds that, on 12 and 13 July 1995, the Bosnian Muslim civilians of Srebrenica who were bussed out of Potočari were not making a free choice to leave the area of the former enclave. (par. 149);
31. There was also an array of non-Drina Corps Serb forces present in Potočari on 12 and 13 July 1995. (par. 151);
32. Serb military police wearing blue uniforms with black belts and driving police vehicles were identified, as well as a person who identified himself as Captain Mane from the police and his commander who went by the code name of “Stalin” (par. 151);
33. Drina Corps officers and units present in Potočari on 12 and 13 July 1995 must have been aware of the catastrophic humanitarian situation confronting the Bosnian Muslim refugees, as well as the general mistreatment being inflicted by Serb forces, but took no action in response (par. 155);
34. At the Hotel Fontana meeting on 12 July 1995, General Mladić had said that military-aged men in the crowd at Potočari would be screened for war crimes (par. 156);

35. Consistent with this, the men and boys in Potočari were separated from the women, children and elderly and taken to the White House for interrogation (par. 157);

36. 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 (par. 159);

37. Later, after all of the Bosnian Muslim civilians had gone from Potočari, the piles of personal effects, including identity (par. 160);

38. Drina Corps personnel present in the Potočari compound, on 12 and 13 July 1995, knew that the Bosnian Muslim men, who were separated from the women, children and elderly, were not treated in accordance with accepted practice for war crimes screening and that there was a terrible uncertainty about what the fate of these men would be (par. 161);

39. There is persuasive evidence that the Drina Corps Command knew that prisoners were being captured from the column from 12 July 1995 onwards. An intelligence report prepared by the Zvornik Brigade on 12 July 1995 and received by the Drina Corps Command in the early morning hours of 13 July 1995, expressly referred to the fact that Bosnian Muslims in the column were "fleeing in panic, without any control, in groups or individually and giving themselves up to the MUP/Ministry of the Interior/ or the VRS/Republika Srpska Army." On 13 July 1995, the contents of this report were subsequently conveyed by the Drina Corps Intelligence Department to, *inter alia*, the Main Staff and the MUP, in a document that stated "our soldiers were using megaphones asking them to surrender" (par. 168);

40. ... 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 (par. 176);

41. ... The manner in which the order was implemented, however, demonstrates that Drina Corps forces were operating hand in hand with non-Drina Corps forces, whether military (the 65th Protection Regiment) or non-military (the MUP) (par. 194);

42. MUP units were present in Potočari and they were also placed along the Bratunac-Konjević Polje road, where they engaged in blocking and capturing large numbers of men from the Bosnian Muslim column on 13 July 1995 (par. 286);

43. ... MUP forces, including a special MUP unit as well as units of municipal police, were also operating in the Drina Corps zone of responsibility during July 1995 (par. 277);

44. MUP units were present in Potočari and they were also placed along the Bratunac-Konjević Polje road, where they engaged in blocking and capturing large numbers of men from the Bosnian Muslim column on 13 July 1995 (par. 286);

45. ... the evidence reveals that 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 (par. 287);

46. The evidence presented, although certainly demonstrating close co-ordination and co-operation, does not conclusively establish that the Drina Corps had assumed command of MUP units. There is no doubt, however, that the Drina Corps was well aware of the presence of MUP units within their zone of responsibility, as well as the action being taken by MUP units to block and capture Bosnian Muslim men in the column (par. 289);

47. By the evening of 13 July 1995, the Drina Corps Command must have been aware of the VRS plan to execute all of the thousands of military aged Bosnian Muslim men who were captured in the area of the former enclave (par. 295);

48. On 12 July and 13 July 1995, Drina Corps personnel knew that Bosnian Muslim men were being separated from the women, children and elderly in Potočari, taken from the buses passing through Tišća and detained, and that there was a real question as to what the fate of these men would be. From the evening of 12 July 1995, the Drina Corps knew that Bosnian Muslim men were being captured from the column attempting to break out of the enclave and that, on 13 July 1995, thousands of prisoners had been taken along the Bratunac-Konjević Polje road (par. 295);

49. The act of capturing the prisoners, of itself, was not unlawful. It could have been consistent with a plan to screen them for war crimes and/or ultimately exchange them for Bosnian Serb prisoners of war. However, it quickly became apparent that this was not the case. Bosnian Serb plans for the Bosnian Muslim men were radically revised in light of the knowledge that, on 12 and 13 July 1995, some 6,000 prisoners had been taken from the column fleeing through the woods (par. 295);

50. It is also apparent that, by 13 July 1995 when a vehicle began scouting for detention sites, the Zvornik Brigade was aware of plans to transport the Bosnian Muslim prisoner's northward, to sites within its zone of responsibility. This decision to transport them to remote locations up north (again with no provision made for food or water), rather than to recognized prisoner of war facilities, amounted to an unequivocal signal that a mass executions plan was in operation (par. 295);

51. The Trial Chamber finds that, by the evening of 13 July 1995, the Drina Corps Command must have been aware of the VRS plan to execute all of the thousands of military aged Bosnian Muslim men who were captured in the area of the former enclave (par. 295);

52. Given that these subordinate Brigades continued to operate under the Command of the Drina Corps, the Command itself must have known of the involvement of its subordinate units in the executions as of 14 July 1995 (par. 296);

53. General Krstić ordered the procurement of buses for the transportation of the Bosnian Muslim population from Potočari on 12 and 13 July 1995, that he issued orders to his subordinates about securing the road along which the busses would travel to Kladanj and that he generally supervised the transportation operation (par. 347);

54. General Krstić was heard to emphasize that no harm must befall the Bosnian Muslim civilians who were being transported out of Potočari (par. 358);

55. From his presence at the White House, General Krstić must have known the segregated men were being detained in terrible conditions and were not being treated in accordance with accepted practice for war crimes screening. General Krstić must have realized, as did all the witnesses present in and around the compound that day, that there was a terrible uncertainty as to what was going to happen to the men who had been separated. Certainly, General Krstić took no steps to clarify with General Mladić or anyone else what the fate of the men would be (par. 367);

56. As of that evening on 13 July 1995 the Drina Corps Command must have known about the plan to execute all of the military aged Bosnian Muslim men in Srebrenica. The Drina Corps Command must have known of the involvement of Drina Corps subordinate units in the mass executions as of 14 July 1995. Given his position in the Drina Corps Command, first as Chief of Staff and then as Commander from the evening of 13 July 1995, General Krstić must have also known about these matters (par. 379);

57. During a period of several weeks, in September and early October 1995, Bosnian Serb forces dug up a number of the primary mass graves containing the bodies of executed Bosnian Muslim men and reburied them in secondary graves in still more remote locations (par. 428);

58. In this case, it is undisputed that thousands of Bosnian Muslims, residing or taking refuge in Srebrenica, were murdered during the period of 12-19 July and , in particular, that varying size groups of men were summarily executed on several sites within the jurisdiction of the Drina Corps (par. 486);

59. The Trial Chamber concluded that almost all of those murdered at the execution sites were adult Bosnian Muslim men and that up to 7000-8000 men were executed (par. 487);

60. In addition, many murders were committed in Potočari on 12, 13 and 14 July (par. 488);

61. The Trial Chamber is satisfied that murders and persecution were committed (par. 489);

62. The Chamber has found that, on 12 and 13 July 1995, about 25,000 Bosnian Muslim civilians were forcibly bussed outside the enclave of Srebrenica to the territory under BiH control (par. 519);

63. ... as of 13 July, the plan to ethnically cleanse the area of Srebrenica escalated to a far more insidious level that included killing all of the military-aged Bosnian Muslim men of

Srebrenica. A transfer of the men after screening for war criminals - the purported reason for their separation from the women, children and elderly at Potočari - to Bosnian Muslim held territory or to prisons to await a prisoner exchange was at some point considered an inadequate mode for assuring the ethnic cleansing of Srebrenica. Killing the men, in addition to forcibly transferring the women, children and elderly, became the object of the newly elevated joint criminal enterprise of General Mladić and VRS Main Staff personnel. The Trial Chamber concluded that this campaign to kill all the military aged men was conducted to guarantee that the Bosnian Muslim population would be permanently eradicated from Srebrenica and therefore constituted genocide (par. 619);

64. The humanitarian crisis that prevailed at Potočari was so closely connected to, and so instrumental in, the forcible evacuation of the civilians that it cannot but also have fallen within the object of the criminal enterprise (par. 615);

65. In sum, the Trial Chamber finds General Krstić guilty as a member of a joint criminal enterprise whose objective was to forcibly transfer the Bosnian Muslim women, children and elderly from Potočari on 12 and 13 July and to create a humanitarian crisis in support of this endeavor by causing the Srebrenica residents to flee to Potočari where a total lack of food, shelter and necessary services would accelerate their fear and panic and ultimately their willingness to leave the territory (par. 617);

66. The military aged Bosnian Muslim men of Srebrenica do in fact constitute a substantial part of the Bosnian Muslim group, because the killing of these men inevitably and fundamentally would result in the annihilation of the entire Bosnian Muslim community at Srebrenica. In this respect, the intent to kill the men amounted to an intent to destroy a substantial part of the Bosnian Muslim group (par. 619);

67. The agreed objective of the joint criminal enterprise was the actual killing of the military aged Bosnian Muslim men of Srebrenica (par. 635);

The ICTY Judgment against Vidoje Blagojević and Dragan Jokić, number IT-02-60-T of 17 January 2005:

1. As President of the Republika Srpska ("RS"), Radovan Karadzic was the commander-in-chief of the Army of the Republika Srpska. In times of an imminent threat of war or state of war, the Armed Forces included both the VRS and the MUP (par. 33);
2. The civilian police of the Republika Srpska was organized under the Ministry of Interior - "MUP" (par. 71);
3. The civilian police was organized in two sections: the regular police force and the special police brigade (par. 71);
4. Public Security Centers ("CJBs") coordinated the activities of local Public Security Stations ("SJBs"), *i.e.* police stations, within their region. In the Srebrenica area, the SJBs were subordinated to the Zvornik CJB, of which Dragomir Vasić was the chief (par. 72);
5. In addition to ordinary police duties relating to law and order, some members of the regular police force also had duties within special police forces or PJP companies. PJP companies were trained for combat operations and were set up when needed. Members of the PJP Companies generally wore blue camouflage uniforms and were issued standard military weapons (par. 73);
6. According to Nenad Deronjić, a member of the 2nd PJP Company, his platoon was sent to Srebrenica town on 12 July to establish a police station. In July 1995, the police checkpoint at Konjević Polje was manned by policemen from the 6th PJP Company (par. 74);
7. In accordance with the law in effect in the RS, MUP units could be re-subordinated to the VRS for various purposes, including to reinforce the VRS during combat activities. When re-subordinated, the MUP forces followed orders issued by the VRS. The commander of the VRS unit to which the MUP unit was re-subordinated and the commander of the MUP unit coordinated their work in carrying out the tasks assigned by the VRS (par. 76);
8. MUP forces were engaged in combat operations for a specific time to carry out a precisely described task. During their re-subordination, MUP forces retained their formation and could not be disintegrated or separated (par. 77);
9. By 10 July some 30,000 refugees from the surrounding area had gathered around these two locations. The people spent the night in the streets and buildings of Srebrenica and Potočari (par. 129);
10. The people who were gathered in Srebrenica town were afraid and entered the UN base. In the course of 10 and 11 July, the refugees began to move to Potočari (par. 132);

11. The thousands of Bosnian Muslim refugees who were gathering in Srebrenica town were terrified and fled to the DutchBat Bravo Company compound. Around noon on 11 July, a mortar shell fell within the compound, resulting in wounded refugees. Bravo Company then started directing the refugees to the UNPROFOR headquarters in Potočari, which was deemed to be the only safe place for them (par. 141);
12. The standards of hygiene within Potočari had completely deteriorated. Many of the refugees seeking shelter in the UNPROFOR headquarters were injured. Medical assistance was given to the extent possible; however, there was a dramatic shortage of medical supplies. As a result of the VRS having prevented aid convoys from getting through during the previous months, there was hardly any fresh food in the DutchBat headquarters. There was some running water available outside the compound. From 11 to 13 July 1995 the temperature was very high, reaching 35 degrees centigrade and this small water supply was insufficient for the 20,000 to 30,000 refugees who were outside the UNPROFOR compound (par. 147);
13. During the night of 11 July people sought refuge in and around the buildings in Potočari. DutchBat soldiers patrolled the area where the refugees were in Potočari, while the VRS continued its offensive around Potočari and the wider Srebrenica area. Shelling and sniper fire was heard and flames from torched houses were seen from the compound in the night (par. 162);
14. In the early morning on 12 July, VRS soldiers with German Shepherd dogs in the northern direction of the enclave threw hand grenades into civilian houses in Potočari. According to a DutchBat soldier present in Potočari, this systematic "cleansing" of civilian houses was repeated many times. As a result, the inhabitants were forced to flee from their houses to the UN compound (par. 163);
15. As soon as the VRS and MUP had arrived to Potočari, their members began mixing with the Bosnian Muslim refugees. The heavy presence in the area of Bosnian Serb forces and their attitude was very intimidating to the Bosnian Muslims (par. 164);
16. Meanwhile MUP units advanced on Potočari with the aim of "taking UNPROFOR personnel prisoner, surrounding the entire civilian population and cleansing the area of enemy troops". On 11 July the MUP units that were to form the MUP Task Force, established by order of 10 July by Tomislav Kovač, arrived in Bratunac. Members of the 2nd Battalion of the Bratunac Brigade cleared mines so that part of the MUP Task Force could enter Potočari on 12 July (par. 165);
17. 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. The separations were frequently aggressive (par. 168);
18. The Bosnian Muslim men were directed to various locations, but most were sent to the White House near the UNPROFOR headquarters. A DutchBat witness testified that Bosnian Muslim men were being interrogated in the White House. Shouts, and sometimes shots, were heard from the White House. At all times, the lawn in front of

the White House held large numbers of visibly frightened men, who were taken into the White House at regular intervals (par. 169);

19. Just like the rest of the Potocari area, the road leading to the White House was littered with personal belongings because the Bosnian Muslim men were prevented from bringing these items into the White House. These belongings were subsequently burned in the morning of 14 July. The Bosnian Muslim men were forced to leave passports and identity cards in front of the White House, which made DutchBat members suspicious about whether the checks carried out in the White House were to investigate the men for suspected war criminals. The explanation given by one of the MUP members present, a captain referred to as "Mane" who served under Duško "Stalin" Jević, the commander of the Training Centre of the Special Police Brigade in Jahorina, was that the men would not need their passports or identity cards anymore (par. 170);
20. According to Momir Nikolić, members of the Bratunac Brigade Military Police took part in the separation process, along with members of the MUP (par. 173);
21. During the afternoon of 12 July a large number of buses and other vehicles arrived in Potočari. The buses came from all over the area, including from Serbia. The RS Ministry of Defense ordered that all available buses and mini-buses belonging to the VRS be made available to the Drina Corps command. The Bratunac Brigade Daily Combat Report specifies that the transport of Bosnian Muslims from Potočari was carried out on that day: two buses mobilized by the Bratunac Brigade were used in Potočari for the transport of Bosnian Muslim from the Srebrenica enclave. Additionally, various VRS units and the civilian authorities mobilized civilian vehicles (par. 180);
22. The Bosnian Muslim women, children and elderly, as well as a small number of men, who boarded the buses, bound for Bosnian Muslim held territory, were counted by members of the Bratunac Brigade Military Police, present in Potočari pursuant to an order by Captain Momir Nikolić of the Bratunac Brigade. Members of the MUP assisted in this task (par. 181);
23. The transport of the Bosnian Muslims out of Potočari commenced in the early afternoon on 12 July. Only women, children and the elderly were permitted to board the buses bound for A BiH-held territory (par. 183);
24. Along the way to Luke, the convoys made frequent stops when VRS soldiers would enter the buses and ask if there were any men onboard. Any men found would be forced to leave the buses and join the Bosnian Muslim men who were marching along the roads, under the control of armed VRS soldiers and members of the MUP (par. 185);
25. In the morning on 13 July, the transport continued as it had done the previous day. Before 08:30, when most of the VRS soldiers returned to Potočari, the transport had already been ongoing for one and a half hours under the supervision of DutchBat soldiers and without influence of the Bosnian Serb forces. During that time, Bosnian

Muslim men could leave Potočari safely; as soon as the VRS soldiers arrived, however, the separation process continued (par. 191);

26. During the days immediately after the fall of the Srebrenica enclave, a number of corpses were discovered in the Potocari area (par. 193);
27. The bodies of nine men who had been killed were discovered on 12 July by DutchBat in a field near the river, about 500 meters from the UN Compound. The dead men were all dressed in civilian clothes and had been shot in the back (par. 194);
28. On the morning of 12 July, DutchBat also found corpses of nine or ten men about seven hundred meters from the UN Compound. The bodies were located behind the White House in the vicinity of an electrical station near a creek. The bodies were lying in a line and some corpses had bloodstains on their backs and in the back of their heads. The men were all dressed in civilian clothes and were aged between 15 and 45 (par. 195);
29. On 12 July, Witness P-104 came across twenty or thirty bodies lying on top of each other in a field behind the Express Bus Company compound. The victims' necks had been slit. VRS soldiers and a former policeman from Srebrenica, Milisav Gavrić, wearing a blue -grey police uniform, were at the site and a tractor or excavator was in use (par. 199);
30. The presence of armed soldiers from the 2nd and 3rd Battalion in uniform and the armed members of the Bratunac Brigade Military Police, among other members of the VRS and MUP present in Potočari, frightened and intimidated the Bosnian Muslim population (par. 214);
31. It has not been disputed that an armed conflict existed between the Republic of Bosnia and Herzegovina and its forces, and the Republika Srpska and its forces during the period relevant for the Indictment. Nor has it been disputed that this armed conflict existed in eastern Bosnia. Based on the evidence set out above in the Factual Background relevant to this case, the Trial Chamber finds that there is sufficient evidence to establish that there was an armed conflict in eastern Bosnia between 11 July and 1 November 1995 (par. 549);
32. ...the attack was widespread or systematic. The attack, carried out by the VRS and MUP was planned and defined in the "Krivaja 95" order. 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 (par. 551);
33. The Trial Chamber finds that it has been established beyond reasonable doubt that more than 7,000 Bosnian men any boys were killed by the members of the VRS and/or MUP (par. 569).

5) Proposal to accept the written documentary material from the proceedings before the ICTY pursuant to Article 4 of the Law on the Transfer of Cases by the International Criminal Tribunal for the Former Yugoslavia to the BiH Prosecutor's Office and the use of evidence obtained from the International Criminal Tribunal for the Former Yugoslavia in the proceedings before the Courts in Bosnia and Herzegovina:

1. Testimony on military events in Srebrenica (revised) – Operation “Krivaja 95” of 01 November 2002, [REDACTED], (CD)
2. Report on Command Responsibility of VRS Brigades, [REDACTED], (CD);
3. Report – Appendix to the number of missing and dead from Srebrenica, by H. [REDACTED] BSC-P726b, (Bosnian and English versions);
4. Report on the Number of Missing and Dead from Srebrenica by [REDACTED] [REDACTED] BSC-P725b, (Bosnian and English versions);
5. OTP Report titled The Missing from Srebrenica – Persons Registered as Missing Persons after the Taking of Srebrenica – P729;
6. List of Missing Persons IRC – P658;
7. Summary of the forensic medical evidence from the mass burial sites exhumed in the course of 2000 (Bosnian and English versions);
8. Report on digging out and exhumation of the mass grave Glogova I in 2000 (Bosnian and English versions);
9. Report on digging out and exhumation of the mass grave Glogova II in 1999-2001, by forensic anthropologist [REDACTED] (Bosnian and English versions);
10. Summary of the forensic medical evidence from the killing site and mass grave, ICTY investigator [REDACTED], 16 May 2000 (Bosnian and English versions);
11. Report by the Chief Pathologist - mass burial sites of Srebrenica, ICTY, 1999, (Bosnian and English versions);
12. Report on examination and recovery of evidence from Kravica Warehouse, September-October 2000 (Bosnian and English versions);
13. IRC Publication, Missing Persons on the territory of BiH, of 30 June 98 – P728.

INVESTIGATION RESULTS:

Having conducted the investigation against the suspect Milisav Gavrić, the Prosecutor's Office of Bosnia and Herzegovina found that there was sufficient evidence for grounded suspicion that the Suspect committed the criminal offense referred to in the operative part of the Indictment in the manner, at the place and at the time as described in detail.

The investigation showed the following:

There was a state of an armed conflict in the Republic of Bosnia and Herzegovina (BiH) during the entire period referred to in this Indictment.

During the entire critical period, the participants in the armed conflict were on one side: Republika Srpska (RS), whose armed forces were comprised of formations and units of the Army of Republika Srpska (VRS) and the elements of the Ministry of Internal Affairs of Republika Srpska (MUP RS) and police forces which were either joined to the RS Army, or in some other way acted together with the RS Army; and on the other side:

Bosnia and Herzegovina, whose armed forces were comprised of formations and units of the Army of Bosnia and Herzegovina (A BiH).

The suspect Milisav Gavrić was a member of regular police forces. The civilian police of Republika Srpska was a part of the MUP which, together with the RS army, took actions which constituted a part of the widespread and systematic attack directed against Bosniak civilians in the UN safe zone Srebrenica and its surroundings. During the war, the MUP RS was a part of the RS armed forces and as such, it was used, among other things, in combat activities.

The MUP RS organized its work through Public Security Stations (SJB) and Public Security Centers (CJBs). CJBs coordinated their work through police stations (PS) within their territory. In the Srebrenica territory, the SJB were subordinated to the Zvornik CJB, of which Dragomir Vasić was the chief. One of the PSs was the PS Bratunac to which the suspect Milisav Gavrić was assigned until 12 July 1995.

A review of the list of policemen in the V Company showed that the suspect was its member, as visible under number 8, addressed as II Section II Platoon, which were trained for combat operations. These were, in fact, special police units, the so called PJP companies and they generally wore blue camouflage uniforms and were issued standard military weapons (paragraph 73, Blagojević Judgment).

The suspect looked just like that, which is confirmed by the witnesses proposed in this Indictment.

The examined witnesses also confirm that the army and the MUP entered Potočari where Bosniak population was gathered.

On 16 April 1993, the UN Security Council, acting pursuant to Chapter VII of the United Nations Charter, adopted Resolution 819, requesting from all parties to the conflict in the Republic of Bosnia and Herzegovina to treat Srebrenica and its surroundings as a "safe area" which should not be exposed to any armed attack or any other act of hostility.

On 8 March 1995, the Supreme Command of the RS Armed Forces, issued Directive No. 07. By this Directive, the President of Republika Srpska, Radovan Karadžić, ordered the VRS (specifically the VRS Drina Corps) the following: "...Complete the physical separation of Srebrenica from Žepa as soon as possible, preventing even communication between individuals in the two enclaves. By daily 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 and Žepa".

On 2 July 1995, in the directive for active combat activities of the Drina Corps ordering the attack on the Srebrenica enclave, General Milenko Živanović ordered that the attack on the enclave must lead to "its narrowing to the urban town area". On 2 July 1995, the enclave covered around 58 square kilometers, and the city area covered around 2 (two) square kilometers. Before 2 July 1995, a large number of Bosniaks, the enclave inhabitants, lived outside the Srebrenica city area.

The Drina Corps plan for the implementation of this order constituted a step closer toward the fulfillment of the wider VRS plan to bring the Bosniak population into humanitarian crisis and finally, to the enclave elimination.

By the Order 64/95 of 10 July 1995 issued by the acting RS Minister of Interior, Tomo Kovač, joint forces of the MUP units were established in order to help the RS Army forces in the attack. According to this order, joint forces of the MUP units were put under the VRS Drina Corps command, which was further subordinate to the VRS Main Staff under the command of General Ratko Mladić.

The shelling of Srebrenica on 10 and 11 July by the VRS Drina Corps was planned with an aim of bringing fear among the Bosniak population and to force them to leave Srebrenica and that territory.

Bosniaks, men, women and children who were in Srebrenica after the VRS attack had started, chose one of the two possibilities:

- a) Several thousand women, children and a number of mostly elderly men escaped to the UN base in Potočari inside the Srebrenica "safe area" seeking protection from the Dutch Battalion. This civilian Bosniak population stayed in Potočari and the Potočari surroundings from 11 to 13 July 1995. During that period, they were terrorized by members of the VRS and the MUP. Thereafter, they were transported by buses and trucks controlled by the VRS and the MUP to territories outside the enclave.
- b) At the same time, around 15,000 men, Bosniaks from the enclave, with a smaller number of women and children, gathered in the evening of 11 July 1995 in the villages of Šušnjari and Jaglići and set off in a mass of refugees, moving in a huge column through the woods in the Tuzla direction. Soldiers of the 28th Division of the R BiH Army constituted around one third of this group. Around two thirds were men, Bosniak civilians from Srebrenica. The rest of them were civilians and unarmed military personnel.

On 12 July 1995 or around that day, Ratko Mladić and Radislav Krstić, and other representatives of the VRS and Bosnian Serb civilian authorities, met in the *Fontana* Hotel in Bratunac with the Dutch military officers and representatives of Bosnian Muslims who had escaped to Potočari. At this meeting, Ratko Mladić explained that he would control the "evacuation" of refugees from Potočari and that he wished to see all men, Bosniak Muslims aged from 16 to 60, to screen them for war crimes.

On 12 July 1995 or around that date, in the presence of Ratko Mladić and Radislav Krstić, around 50 to 60 buses and trucks arrived near the UN base in Potočari. Soon after the arrival of these vehicles, the deportation process of Bosniak women and children started. When women, children and men started boarding the buses and the trucks, military personnel of Bosnian Serbs and MUP elements separated men from women and children, and detained them in Potočari and the Potočari surroundings.

That the suspect Milisav Gavrić was one of the participants in that process ensues from the witnesses' statements, namely [REDACTED]

[REDACTED]

while the witness [REDACTED] confirms that members of the MUP and the PJP units were present in Potočari.

The foregoing witnesses describe the Suspect as dressed in a blue camouflage uniform, policeman, well known from before, armed with a pistol at his belt, an automatic rifle, walked among the Bosniak people, pointed with his hand to men who were thereafter separated and taken to the so called *White House*, or in an unknown direction.

The witnesses, as well as the representatives of the injured parties, confirm that those persons either have never returned, or were found in mass graves, and that the DNA analyses confirmed that these were the persons concerned.

The statement of [REDACTED] is clear and precise. She saw Milisav Gavrić taking away [REDACTED] whose mortal remains were found only in 2000 and 2001, while the other foregoing witnesses confirm not only the presence of the Suspect, but also his active role in the take-away of others, namely [REDACTED], and also other Bosniak men, around 20 of them, just in the manner as described under Count 1 d) of the operative part of the Indictment.

On 12 and 13 July 1995, the Command and the Drina Corps units, and also the MUP units, including the suspect as an active MUP member, attended the overseeing of the forcible removal of civilians, Bosnian Muslims from Potočari.

The Drina Corps personnel who were in the base in Potočari on 12 and 13 July 1995 were aware of the catastrophic humanitarian situation threatening the Bosniak refugees and also of their abuse by the Bosnian Serb forces, but they failed to take any action in that regard.

Bosniaks, civilians from Srebrenica who were bussed out from Potočari on 12 and 13 July 1995 were deprived of the right to freely decide whether they wanted to leave the territory of the former enclave. The Drina Corps and the MUP personnel which participated in the transport operation knew that the VRS had forcibly made the Bosniak population to leave that territory.

The Drina Corps and the MUP members, who were in the base in Potočari on 12 and 13 July 1995, knew that the Bosniak men, separated from women, children and elderly, were not treated in accordance with the accepted practice of war crimes screening, and that there was a horrible uncertainty as to the destiny of these men. The Drina Corps Command and MUP commanders also knew that the separated men from Potočari were bused out to the detention facilities in Bratunac, namely by diverted buses originally intended for the transportation of women, children and elderly, under the Drina Corps control. All this is confirmed by the documentary evidence contained in the case file.

After the withdrawal of the 28th Division of the R BiH Army from the enclave following the fall of Srebrenica, the MUP forces were involved in "final" operations. The MUP

units present in Potočari were deployed along the Bratunac-Konjević Polje road, where on 13 July 1995 they participated in blocking the column and capturing a large number of Bosniaks.

It clearly ensues from the attached evidence that the Drina Corps supported the MUP forces in the task of blocking and capturing the escaped Bosniaks, and coordinated all the military actions with the MUP forces.

Following the take-over of Srebrenica in July 1995, Bosnian Serbs devised and implemented a plan to execute as many as possible military aged Bosniak men present in the enclave. During several days after this attack on Srebrenica, the VRS and the MUP forces captured, held in detention, forcibly transferred, summarily executed and buried more than 7000 Bosniak men and young men from the Srebrenica enclave, and permanently forcibly transported the Srebrenica Bosniak women and children from the enclave.

The Bosnian Serb forces executed several thousand Bosniak men. The total number of victims is likely to be within the range of 7,000 - 8,000 men.

The suspect Milisav Gavrić, along with other VRS and the RS MUP officers and units, of which he was a member, as a knowing participant in the joint criminal enterprise the goal of which was to forcibly transfer women and children from the Srebrenica enclave to Kladanj on 12 and 13 July 1995, to capture, detain, summarily execute, bury and again excavate and rebury thousands of men and young men, Bosniaks from the Srebrenica enclave aged 16 to 60, during the period from 12 July 1995 to around 19 July 1995.

The original plan of the RS political and military leadership was to forcibly transfer and summarily execute more than 1,000 Bosniak men and young men, aged 16 to 60, separated on 12 and 13 July from the group of Bosniaks in Potočari. On 12 July, that plan was extended to the summary execution of more than 6,000 men and young men aged 16 to 60, captured in the column of Bosniak men, fleeing from the Srebrenica enclave, during the period from 12 July through around 19 July 1995. Most of these men and young men from the column were captured on the Bratunac-Milići road on 13 July 1995. The implementation of this joint criminal enterprise resulted in the summary execution of more than 7,000 men and young men, Bosnian Muslims from the Srebrenica enclave.

In trying to eliminate a part of the group of Bosniaks, members of the VRS and the MUP RS committed genocide. They designated for extermination forty thousand Bosniaks, citizens of Srebrenica, who had as a group generally represented Bosniaks. They seized personal belongings and documents from all captured Bosniak men, soldiers and civilians, old and young, killing them deliberately and methodically, exclusively on the ground of their ethnicity. When they started this genocidal enterprise, the Bosnian Serbs forces were aware that the evil they had inflicted on Bosniaks would bring them permanent miseries.

It was established in the final ICTY Judgment in the General Radislav Krstić case that during the military-police operation "Krivaja 95", namely the take-over of the Srebrenica UN safe area by the Army and MUP of the Republika Srpska genocide was committed

against members of Bosniak people, which was confirmed by the Judgment of the International Court of Justice in The Hague upon the BiH lawsuit filed against Serbia and Montenegro.

The joint criminal enterprise, of which the accused was a member and a participant, was initiated and devised by General Ratko Mladić and others on 11 and 12 July 1995, and implemented and carried out by members of the VRS and the RS MUP forces, at the time and in the manner as described in this Indictment.

The following persons were among the members of this joint criminal enterprise: General Ratko Mladić, the VRS Commander, General Milenko Živanović, the Drina Corps Commander until approximately 20:00 hrs on 13 July 1995, General Radislav Krstić, Chief of Staff/Deputy Commander until approximately 20:00 hrs on 13 July 1995, and after that time the Drina Corps Commander; Colonel Vidoje Blagojević, the Bratunac Brigade Commander, Colonel Vinko Pandurević, the Zvornik Brigade Commander; Lieutenant Colonel Dragan Obrenović, Deputy Commander and the Chief of Staff of the Zvornik Brigade; Momir Nikolić, Assistant Commander for Security and Intelligence Affairs of the Bratunac Brigade; Dragan Jokić, the Chief of Engineering of the Zvornik Brigade; Ljubomir Borovčanin, the Commander of the MUP Special Police Brigade established under the Order 64/95, members of joint MUP forces and various other individuals, military and police units which participated in the operations of forcible transfer and killing of Bosniak men.

The accused had a criminal intention and awareness required for the commission of the crime, and his actions described in the Indictment significantly aided and facilitated the commission of these crimes. By the participation of the accused in the joint criminal enterprise, and by the concrete actions referred to in this Indictment, the elements required to establish that the accused committed the Crimes against Humanity in violation of Article 172 (1) item h), in conjunction with items d), i) and k) of the CC BiH, in conjunction with the criminal offense of Genocide in violation of Article 171 (1) items a) and b) of the CC BiH, in conjunction with Articles 29, 31 and 180 (1) of the CC BiH have been satisfied.

The description of the actions taken by the Suspect - the active participation in the persecution and the take-away of Bosniak civilians to the execution sites or the places after which they have been unaccounted for, and thereupon his communication to the women gathered in the Battery factory that the men who had already gone had chances to survive, while those who stayed should not have hope to survive, as confirmed by the witness ██████████ clearly shows that the Suspect knew what would happen with the captured and taken-away Bosniak men, that they would be killed by members of the RS army and MUP RS.

The submitted video-recording clearly shows the Suspect, after being a part of the systematic process in which all Bosniaks had been expelled from the Srebrenica territory, reporting to Tomislav Kovač in front of the Police Station in Srebrenica, and thereafter, along with Tomislav Kovač and Dragomir Vasić, after the population persecution, visiting the destructed factories, which clearly shows, *inter alia*, how he was dressed and which weapons he had.

That the crimes against Bosniaks were planned and organized ensues, *inter alia*, from the fact that during a short period of time, namely from 10 to 19 July 1997, all Bosniak women, children and elderly were expelled from the enclave, and that mass executions of Bosniak men and young men were carried out. The final Judgment in the Krstić case and the first instance Judgment in the Vidoje Blagojević case established the time when the executions of Bosniak men and young men were carried out on the locations of Potočari, Tišća, the Cerska valley, Jadar, the Kravica warehouse, Orahovac, the Pilica Culture Center, the Vranjevo military farm, the Nova Kasaba stadium. On 13 July 1995, on the foregoing locations, which the army and the police of Republika Srpska used as execution sites, the killings were organized as follows: in the morning hours in Jadar, in the afternoon hours in the Cerska valley, in late afternoon hours in the Kravica warehouse, and in the evening in Tišća. The following days, the liquidations were carried out in Pilica, Orahovac and the Vranjevo military farm (the ICTY Judgment in the Dražen Erdemović case).

In addition to the foregoing Hague Tribunal Judgments, the admissions of Momir Nikolić, security officer of the Bratunac Brigade, and Dragan Obrenović, the Chief of Staff of the Zvornik Brigade, gave an enormous contribution to the clarification of the tragic Srebrenica events. Important information ensue from the admission of Momir Nikolić, primarily the fact that the military security service was in the center of the crime, and that everything was very well prepared. In his admission, Momir Nikolić states that on the morning of 12 July, General Mladić was still negotiating the evacuation of civilians from Potočari with the UN, while Nikolić was ordered to find locations for captives and thereafter to work on finding the places suitable for execution.

Forensic evidence collected by The Hague investigators and experts during the past ten years has an enormous importance for the creation of an as objective as possible picture concerning the July 1995 events in and around Srebrenica. It is known that the process of mass graves finding (primary, secondary and tertiary graves) is still ongoing, and that the majority of the killed Bosniak bodies have still not been found and identified. General forensic evidence firmly corroborates the important aspects of the testimonies of the victims who survived at different execution sites. Since 1996, the ICTY Office of the Prosecutor has carried out 21 exhumations of the mass graves related to the Srebrenica take-over, namely: four exhumations during 1996 -the graves in Cerska, Nova Kasaba, Orahovac (also known as Lažete 2), and at the Branjevo military farm (Pilica); eight during 1998 (a dam near Petkovac, Čančarski put 12, Čančarski put 3, the road toward Hodžići – location No. 3, the road toward Hodžići – location No. 4, the road toward Hodžići – location No. 5, Liplje 2, Zelenci Jadar 5); five graves in 1999 (Kozluk, Nova Kasaba, Konjević Polje 1, Konjević Polje 2 and Glogova), and four graves in 2000 (Lažete 1, Lažete 2C, Ravnice and Glogova 1). Of the 21 exhumed graves, 14 of them were primary graves, in which the bodies had been put immediately after the execution of these persons. Eight of these graves were subsequently dug up again without any authorization, and the bodies transferred and reburied in other places, often in secondary graves, located in more remote locations.

Forensic evidence corroborates the assertion of the Prosecution that following the Srebrenica take-over, thousands of men, Bosnian Muslims were summarily executed and buried in mass graves. Although forensic experts could not establish with certainty the

number of bodies in the mass graves due to the extent of the bodies decomposition and the fact that many of them were deformed during the process of their removal from primary to secondary graves which was carried out with heavy machinery, the experts were nevertheless able to make a conservative estimate according to which at least 2,028 separate bodies had been exhumed from the mass graves. It can be concluded based on the forensic examination results that most of the persons whose bodies were exhumed were not killed in combat activities. Those men were killed during mass executions.

At the critical time, the accused Milisav Gavrić was the PS Srebrenica Deputy Chief, which clearly ensues from the documentary evidence enclosed with the Indictment, which testifies about his status in the police, and also from the statements of the witnesses. The accused is held accountable on the ground of individual responsibility prescribed under Article 180 (1) of the CC of Bosnia and Herzegovina because he participated, aided and abetted in the commission of the criminal offense in the manner that he directly participated in the separation of civilian Bosniak men, their taking to the execution sites or to unknown places, after which they have been unaccounted for, incited his subordinates with his presence to commit the crime, knowing in advance what would happen to all these men, because he was present on the site where men were separated, was present on the site to which people had been forcibly transferred, was armed while watching other men separated, and also the entire process of the forcible transfer of civilian Bosniak population, and all that while working as a member of the MUP, which together with the RS army, had the same goal and the plan – persecution of Bosniak civilians and their extermination.

Considering the foregoing, we opine that there is sufficient evidence that the Suspect committed the criminal offenses referred to in the operative part of the Indictment, whose actions constitute a part of the widespread and systematic attack directed against the Bosniak population, while all the essential elements of the offense itself have been satisfied, specifically:

- there was an attack,
- the attack was widespread and systematic
- the suspect was a part of that attack
- his actions constituted a part of that attack
- the suspect knew that his actions were within the scope of a series of widespread and systematic crimes which were committed in that territory and directed against the civilian population
- knew and shared the common goal of the RS police and army concerning the persecution on national, ethnic and religious grounds.

The forcible transfer of women, children and elderly was another way to secure the physical extermination of the Bosniak community from the Srebrenica safe area. With this transfer, all members of the Bosniak people were definitely removed from Srebrenica whereby even the slightest possibility of renewal of the Bosniak community in that territory was eliminated. The decision not to kill women and children can be explained as the existence of awareness of the participants in this joint criminal enterprise about public opinion.

Bosnian Muslims from Srebrenica constituted a significant part of the protected group: the ethnic group of Bosnian Muslims. Bosnian Muslims from Srebrenica represented Bosnian Muslims from East Bosnia because by 1995, most of the Muslim population from that region had moved to the Srebrenica enclave, and with this enclave elimination, the goal of the removal of Muslim population from the entire region would be achieved.

The suspect Milisav Gavrić, along with other VRS and RS MUP officers and units referred to in this Indictment, was a member and a knowing participant in the joint criminal enterprise, the goal of which was to forcibly transfer women and children from the Srebrenica enclave to Kladanj, on 12 and 13 July 1995, and to capture, detain and summarily execute, bury, again excavate and rebury the bodies of thousands of men and young boys, Bosniaks from the Srebrenica enclave aged 16 to 60, during the period from 12 July 1995 to around 19 July 1995.

The Suspect had a criminal intention and the state of consciousness required for the commission of the criminal offense as charged under this Indictment, while his actions significantly contributed and facilitated the commission of all crimes against the Bosniak people. The elements required to establish that the Suspect committed, aided and abetted, and incited the commission of the criminal offense in violation of Article 172 of the CC BiH, and also aided and abetted the commission of the criminal offense in violation of Article 171 of the CC BiH have been satisfied with the participation of the accused in the joint criminal enterprise, his concrete actions and the responsibilities described in this Indictment.

Persons who were among the members of this joint criminal enterprise are the following: General Ratko Mladić, the VRS Commander, General Milenko Živanović, the Drina Corps Commander until approximately 20:00 hrs on 13 July 1995, General Radislav Krstić, Chief of Staff/Deputy Commander until approximately 20:00 hrs on 13 July 1995, and after that time the Drina Corps Commander; Colonel Vidoje Blagojević, the Bratunac Brigade Commander, Colonel Vinko Pandurević, the Zvornik Brigade Commander; Lieutenant Colonel Dragan Obrenović, Deputy Commander and the Chief of Staff of the Zvornik Brigade; Momir Nikolić, Assistant Commander for Security and Intelligence Affairs of the Bratunac Brigade; Dragan Jokić, the Chief of Engineering of the Zvornik Brigade; Ljubomir Borovčanin, the Commander of the MUP Special Police Brigade established under the Order 64/95, and the Suspect as a member of the MUP joint forces; and different other individuals, military and police units which participated in the operations of forcible transfer and/or killing of Bosniak men and young men.

The joint criminal enterprise concerning the events in Srebrenica on 11 and 12 July 1995 was devised by the foregoing persons, and implemented and carried out by members of the VRS and the MUP RS, with the Suspect participating in the execution as a member of this joint criminal enterprise, at the time and in the manner as described in this Indictment.

During the whole relevant period, Milisav Gavrić was a Deputy Chief of the PS Srebrenica, which was subordinated to the CSJ Zvornik, which was within the MUP joint forces (including a company from the Training Center on Jahorina and the Zvornik Center 1st Company) under the command of Ljubiša Borovčanin who was subordinated to

the VRS Drina Corps, which was further subordinated to the Main Staff under the General Ratko Mladić Command.

The suspect Milisav Gavrić was questioned on 20 February 2008 in Belgrade upon the Letter Rogatory of this Prosecutor's Office sent to the BiH Ministry of Justice (the Motion). He was questioned by the Investigative Judge Dragan Plazinić in the presence of the War Crimes Deputy Prosecutor, Miodjub Vitorović. He was also assigned an *ex officio* defense counsel, Vladeta Tomanović. In his statement, he fully denied the allegations referred to in the Indictment and in general his presence in the territory where the criminal offenses with which he is charged had been committed, which assertions were contested by the examined witnesses in their entirety.

Materials corroborating the allegations referred to in the Indictment:

STATEMENT OF THE SUSPECT:

Suspect Examination Record for Milisav Gavrić of 20 February 2008,

STATEMENTS OF THE WITNESSES:

1. Witness Examination Record – under the pseudonym of Witness 1
2. Witness Examination Record – under the pseudonym of Witness 2
3. Witness Examination Record – under the pseudonym of Witness 3
4. Witness Examination Record – under the pseudonym of Witness 4
5. Witness Examination Record – under the pseudonym of Witness 5
6. Witness Examination Record – [REDACTED] to SIPA on 24 December 2007
7. Witness Examination Record – [REDACTED] Z-46/07 of 23 October 2007
8. Witness Examination Record – [REDACTED] T-RZ-46/07 of 17 Sep 2007
9. Witness Examination Record – [REDACTED] RZ-46/07 of 21 Nov 2007
10. Witness Examination Record – [REDACTED] RZ-46/07 of 09 October 2007
11. Witness Examination Record – [REDACTED] KT-RZ-46/07 of 23 Aug 2007
12. Witness Examination Record – [REDACTED] Z-46/07 of 23 August 2007
13. Witness Examination Record – [REDACTED] Z-46/07 of 07 September 2007
14. Witness Examination Record – [REDACTED] T-RZ-46/07 of 28 August 2007
15. Witness Examination Record – [REDACTED] -RZ-46/07 of 24 August 2007
16. Witness Examination Record – [REDACTED] KT-RZ-46/07 of 24 Sep 2007
17. Witness Examination Record – [REDACTED] RZ-46/07 of 24 August 2007
18. Witness Examination Record – [REDACTED] T-RZ-46/07 of 04 Sep 2007
19. Witness Examination Record – [REDACTED] KT-RZ-46/07 of 22 Feb 2007
20. Witness Examination Record – [REDACTED] T-RZ-46/07 of 23 Oct 2007
21. Witness Examination Record – [REDACTED] KT-RZ-179/07 of 21 Sep 2007
22. Witness Examination Record – [REDACTED] KT-RZ-46/07 of 12 Oct 2007
23. Witness Examination Record – [REDACTED] no. KT-RZ-149/07 of 08 Jun 2007
24. Witness Examination Record – [REDACTED] given to SIPA on 02 October 2007
25. Witness Examination Record – [REDACTED] given to SIPA on 10 October 2007
26. Witness Examination Record – [REDACTED] no. KT-RZ-188/07 of 10 Sep 2007
27. Testimony given before ICTY [REDACTED] 05/06 February 2004;

28. Testimony given before ICTY by [REDACTED], 26 September 1995;
29. Testimony given before ICTY by [REDACTED], 09 October 1995;
30. Testimony given before ICTY by [REDACTED], 11 October 1997;
31. Statement of Facts and Acceptance of Responsibility, Dragan Obrenović;
32. Statement of Facts and Acceptance of Responsibility, Momir Nikolić;
33. Statement by [REDACTED] ICTY OTP, 15 May, 16 May, 19 May, 21 May, 22 May 2003;
34. Statement by [REDACTED] ICTY OTP, 26 June 2002, 28 and 29 April 2004;
35. Statement by [REDACTED] ICTY OTP, 29 October 2004;
36. Statement by [REDACTED] ICTY OTP, 20 February 2002, 11 March 2002;
37. Statement by [REDACTED] ICTY OTP, 09 July 2000, 26 August 2002, 10 June 2003;
38. Statement by [REDACTED] ICTY OTP, 28 September 1995, 03 February 1998;
39. Statement by [REDACTED] ICTY OTP, 24 October 1995, 09 July 1999, 30 April 2000;
40. Statement by [REDACTED] ICTY OTP, 26 September 2005;
41. Statement by [REDACTED] ICTY OTP, 06 October 1999;
42. Statement by [REDACTED] ICTY OTP, 25 October 1995;
43. Statement by [REDACTED] ICTY OTP, 29 November 1999;
44. Statement by [REDACTED] ICTY OTP, 16 March 2002;
45. Transcript of the Witness S-3, Court of BiH, of 21 March 2007;
46. Statement by Jovan Nikolić, ICTY OTP, 28 November 2001;
47. Testimony by Miroslav Deronjić, ICTY OTP, 16 December 1997, 04 February 1998, 21 October 1999, 12 March 2001, 25 November 2003;
48. Testimony by Momir Nikolić, ICTY, 23 June 1999, 15 December 1999, 28 May 2005;
49. Testimony by Dragan Obrenović, ICTY, 02 April 2000, 04 June 2003, 05 February 2004;
50. Statement of Facts and Acceptance of Responsibility, Dragan Obrenović;

And further documentary evidence

1. Certificate by the State Commission on Tracing Missing Persons no. 06/5-4370-E/2002 of 14 August 2006 to the name of [REDACTED];
2. Letter by the Missing Persons Institute no. 01-40-1295/08 of 29 April 2008, reading that [REDACTED] has been registered as a missing person;
3. Certificate by the State Commission on Tracing Missing Persons no. 06/5-1260-E/2004 of 09 November 2004 to the name of [REDACTED];
4. Certificate by the State Commission on Tracing Missing Persons no. 06/5-1261-E/2004 of 09 November 2004 to the name of [REDACTED];
5. Certificate by the State Commission on Tracing Missing Persons no. 06/5-460-E/2002 of 08 February 2002 to the name of [REDACTED];
6. Decision proclaiming [REDACTED] dead issued by the Basic Court in Srebrenica no. 082-0-V-06-000026 of 08 December 2006;
7. Death Certificate to the name of [REDACTED] no. 05-202-1541/07 of 31 August 2007;
8. Death Certificate to the name of [REDACTED] of 31 August 2007;
9. Letter by the State Commission on Tracing Missing Persons no. 01-41-4254/07 of 10 September 2007 to the name of Rijad Fejzić and [REDACTED];

10. Newspaper article in *Oslobodenje* Issue of 11 July 2005 titled *Where are the bones of my rose, rose that did not bloom*;
11. Letter by Republika Srpska – Ministry of the Interior of RS no. 02/4-10515/07 of 05 September 2007;
12. Decision by the Ministry of the Interior no. 09-2529 of 14 September 1992, to the name of Milisav Gavrić;
13. Decision by the Ministry of the Interior no. 09/3-120-3257 of 02 May 1995 to the name of Milisav Gavrić;
14. Decision by the Ministry of the Interior no. 09/3-120-2389 of 18 June 1996 to the name of Milisav Gavrić;
15. Decision by the Ministry of the Interior no. 06/3-126-2668 of 06 May 1998 to the name of Milisav Gavrić;
16. Order by CJB Zvornik no. 01-16-02/1-210/95 of 18 July 1995;
17. Letter by the Missing Persons Institute no. 01-40-250/07 of 03 October 2007, listing [REDACTED]
18. Letter by the Missing Persons Institute no. 01-40-330/2007 of 07 December 2007 listing [REDACTED] as a missing person, as well as the persons exhumed – [REDACTED]
19. Video footage of Milisav Gavrić of 14 July 95 published in the 27th min and 15th sec;
20. Certification of Death to the name of [REDACTED] of 10 June 2005;
21. Record on Identification of [REDACTED] of 10 June 2005, DNA Report for [REDACTED] of 04 May 2005, photograph no. KK3-1012B;
22. Autopsy Report, [REDACTED]
23. Receipt for returned items and personal belongings of [REDACTED] no. 42/05 of 03 June 2005;
24. Record of Identification of [REDACTED]
25. Statement of 03 June 2005 by [REDACTED], consent for the burial of [REDACTED]
26. Death Certificate to the name of [REDACTED] no. 05-202-1852/05 of 01 Sep 2005;
27. Certification of Death to the name of [REDACTED] of 29 April 2002;
28. Record on Identification of [REDACTED] of 29 April 2002, DNA Reports - [REDACTED]
29. Autopsy Report, [REDACTED]
30. Consent for Exhumation of [REDACTED] of 22 June 2006;
31. Record of Identification of [REDACTED] of 24 April 2005;
32. Certification of Death to the name of [REDACTED] of 22 June 2006;
33. Record on Identification of [REDACTED] of 22 June 2006, DNA Reports - [REDACTED]
34. Report on Forensic Medicine Expertise no. Kri-86/01 of 27 September 2001 - [REDACTED]
35. Report on Forensic Medicine Expertise no. Kri-86/01 of 10 September 2001 - [REDACTED]
36. Record of Identification of [REDACTED] of 21 June 2006;
37. Request for Burial of [REDACTED] of 21 June 2006;
38. Certification of Death to the name of [REDACTED] of 12 May 2005;
39. Record on Identification of [REDACTED] of 29 March 2000;
40. Report on Forensic Medicine Expertise of 23 March 2000, PIP Tuzla- [REDACTED]

41. Record and Statement of [REDACTED] of 29 March 2000;
42. Record and Statement of [REDACTED] of 29 March 2000;
43. Receipt for returned items and personal belongings of [REDACTED] no. 40/2000 of 29 March 2000;
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73. Site sketch of Bijeljina CJB no. 12-02/5-206/05 of 13 September 2005;
74. Report by Ljubiša Borovčanin, no. 284/95 of 13 July 1995;
75. Order for mobilization of all conscripts of 10 July 1995, author Vidoje Blagojević;
76. Regular Combat Report of 13 July 1995, author Radislav Krstić;
77. Security Situation Report no. 200 of 12 July 1995, Bijeljina MUP;
78. Order to secure the buses for evacuation of 12 July 1995, author Milenko Živanović;
79. Dispatch no. 277/95 of 12 July 1995, author Dragomir Vasić;
80. Curriculum Vitae – [REDACTED];
81. CV of [REDACTED];
82. CV – [REDACTED];
83. CV – [REDACTED];
84. CV – [REDACTED];

85. Order to prevent the Muslim groups from passing through towards Kladanj and Tuzla of 13 July 1995, author Milenko Živanović;
86. Order to apply the rules of international law of war in the army of the Serb Republic of BiH, the Gazette of the Serb People, of 13 June 1992, author Radovan Karadžić;
87. Guidelines for establishing the criterion for criminal prosecution from 1992, author Military Prosecutor's Office;
88. Order by Radovan Karadžić to impose the highest measures of combat readiness no. 01-1118/95 of 16 June 1995;
89. Graph of experts and reports, [REDACTED];
90. Graph of exhumed grave sites [REDACTED];
91. Map of primary and secondary grave sites, ICTY;
92. Aerial photograph 27 July 1995 and 20 October 1995 – Tatar Bratunac, ICTY;
93. Zeleni Jadar – grave site, ICTY;
94. Aerial photograph – Zeleni Jadar, ICTY;
95. Aerial photograph – Zeleni Jadar, disturbed land of 07 September 1995 and 02 October 1995;
96. Zeleni Jadar – grave site, disturbed land, of 20 October 1995 and 23 October 1995;
97. Grave sites of Srebrenica, primary and secondary, graph;
98. Lab Report – automatic ballistic comparison of 24 February 2000, author Forensic Science Lab;
99. Graph indicating the correlation between the scene of the killing and the grave sites;
100. Graph of experts and reports of 05 February 2004, [REDACTED];
101. Crime scene analysis of explosives based on samples from various localities in Srebrenica, author Netherlands Forensic Institute;
102. Assessment of a minimum number of persons exhumed by the ICTY between 1996 and 2001, January 2004, author [REDACTED];
103. Srebrenica – exhumations, blindfolds, ligatures, photographs – ICTY;
104. Table of blindfolds and ligatures 1996-2001;
105. Photograph – Potočari, 12 July 1995, P-2.10;
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117. Aerial photograph – Sandići of 13 July 1995, P-3.4;
118. Report on Security Situation in the 2nd Šekovići Police Detachment of 03 August 1995, author Nedeljko Sekula;
119. Report by Ljubiša Borovčanin of 13 July 1995;
120. Delivery of data to the Deputy Minister of 14 July 1995, author Dragan Kijac;
121. Regular Combat Report of 14 July 1995; author Mile Simanić;
122. Regular Combat Report of 17 July 1995, author Mile Simanić;

123. Report on the establishment of the Red Berets with the attachment (the list of its members) of 15 May 1993, author Ranko Kuljanin;
124. Report on the status of combat readiness of 17 June 1993, author Rade Rodić;
125. Directive for further operations no. 7 of 08 March 1995, author Radovan Karadžić;
126. Treatment of the Prisoners of War, author Milomir Savčić;
127. Dispatch by Dragomir Vasić, CJB Zvornik, no. 01-16-02/1-193/95 of 06 July 1995;
128. Dispatch by Dragomir Vasić, CJB Zvornik, no. 12-6/08-475/95 of 07 July 1995;
129. Dispatch by Dragomir Vasić, CJB Zvornik, no. 12-6/08-489/95 of 09 July 1995;
130. Dispatch by the MUP RS, Minister Tomislav Kovač, no. 64/95 of 10 July 1995;
131. Dispatch by CJB Zvornik no. 278/95 of 12 July 1995;
132. Dispatch by CJB Zvornik no. 280/95 of 12 July 1995;
133. Dispatch by CJB Zvornik no. 281/95 of 12 July 1995;
134. Dispatch by CJB Zvornik no. 12-6/08-502/95 of 12 July 1995;
135. Order by the RS Ministry of Defense no. 02-79/95 of 12 July 1995;
136. Dispatch by General Milenko Živanović no. 22/287 of 12 July 1995;
137. Names and registration plates of the buses of 12 July 1995;
138. Dispatch by General Milenko Živanović, Commander of the Drina Corps no. 22/226 of 12 July 1995;
139. Dispatch by the Bratunac Brigade Commander, Vidoje Blagojević, no. 03-253-102 of 12 July 1995;
140. Dispatch by Major Pavle Golić no. 17/895 of 12 July 1995;
141. Dispatch by MUP RS Sarajevo no. 05-1998/95 of 12 July 1995;
142. Dispatch by CJB Zvornik, Dragomir Vasić, no. 282/95 of 13 July 1995;
143. Dispatch by CJB Zvornik, Dragomir Vasić, no. 283/95 of 13 July 1995;
144. Regular Combat Report by the Drina Corps Command no. 03/2-214 of 13 Jul 1995;
145. Order by the Drina Corps Command no. 03/156-12 of 13 July 1995;
146. Dispatch by MUP RS no. 05-2000/95 of 13 July 1995;
147. Dispatch by MUP RS no. 03-2003/95 of 13 July 1995;
148. Work Plan of the CJB Zvornik no. 13/02-230-/95 of 14 July 1995;
149. Dispatch by CJB Zvornik, Dragomir Vasić, no. 12-6/08-508/95 of 14 July 1995;
150. Dispatch by MUP RS no. 05-2038/95 of 14 July 1995;
151. Dispatch by CJB Zvornik, Dragomir Vasić, no. 01-16-02/1-205/95 of 15 July 1995;
152. Dispatch by CJB Zvornik, Dragomir Vasić, no. 12-6/08-510/95 of 15 July 1995;
153. List of police officers of the 5th Company of PJP CJB Zvornik;
154. Daily Situation Report of CJB Zvornik no. 196/95 of 15 July 1995;
155. Daily Situation Report of CJB Zvornik no. 300/95 of 19 July 1995;
156. Dispatch by CJB Zvornik, Dragomir Vasić, 206/95 of 16 July 1995;
157. Dispatch by SJB Srebrenica no. 288/95 of 16 July 1995;
158. Dispatch by CJB Zvornik, Dragomir Vasić, 01-16-0211-206/95 of 17 July 1995;
159. Dispatch by CJB Zvornik, Dragomir Vasić, 12-6/08-521/95 of 17 July 1995;
160. Dispatch by CJB Zvornik, Dragomir Vasić, 12-6/08-529/95 of 18 July 1995;
161. Dispatch by CJB Zvornik, 12-6/08-531/95 of 19 July 1995;
162. Dispatch by CJB Zvornik, 12-6/08-534/95 of 19 July 1995;
163. Dispatch by CJB Zvornik, 12-6/08-536/95 of 20 July 1995;
164. Dispatch by CJB Zvornik, no. 01-16-02/1-213/95 of 21 July 2005;
165. Dispatch by CJB Zvornik, no. 01-16-02/1-218/95 of 21 July 2005;
166. Dispatch by CJB Zvornik, no. 01-16-02/1-221/95 of 22 July 2005;
167. Dispatch by CJB Zvornik, 01-16-02/1-232/95 of 28 July 1995;

168. Dispatch by CJB Zvornik, 01-16-02/1-254/95 of 05 August 1995;
169. Law on Application of the Law on Internal Affairs during the state of imminent war threat or the state of war (Official Gazette of Republika Srpska, Special Edition no. 1 of 29 November 1994);
170. Report on the Inspection of the operations of PS Srebrenica, September 1995;
171. Report by the Secretary General based on the Resolution of the General Assembly 53735 (1998) – ‘Report on Srebrenica’, 15 November 1999;
172. Document by CJB Zvornik no. 01-16-02/1-67/94 of 01 June 1994;
173. Document by MUP, no. strictly confidential 10-10/94 of 24 December 1994;
174. Letter by the Missing Persons Institute no. 01-40-331/2007 of 07 December 2007;
175. Copy of the Criminal Record to the name of Milisav Gavrić no. 12-1-6/02-234-91/08 of 27 May 2008;
176. Motion to Order Custody no. KT-RZ-46/07 of 15 December 2007;
177. Decision withdrawing a travel document no. 12-1-5/05-27-52-07 of 11 July 2007;
178. Decision prohibiting the use of the ID Card for crossing the state border no. 12-1-5/05-206-65/07 of 11 July 2007;
179. Official Note, author [REDACTED] no. 18-10-3-04-16-515/07 of 22 October 2007;
180. Official Note, author [REDACTED] no. 18-10-3-04-16-516/07 of 22 October 2007;
181. Official Note, author [REDACTED] no. 18-10-3-04-16-530/07 of 26 October 2007;
182. Receipt on temporary seizure of objects no. 18-10-3-48/07 of 26 October 2007;
183. Request for initiating misdemeanor proceedings no. 18-10-3-04-124/07 of 27 November 2007;
184. Request for initiating misdemeanor proceedings no. 18-10-3-04-125/07 of 27 November 2007;
185. Letter by the Zvornik Border Police Unit no. 18-10-3-50-1194/07 of 30 Nov 2007;
186. Official Note on the intelligence gathered on the movement and whereabouts of Milisav Gavrić no. 17-04/2-04-2-517-0/ of 27 November 2007;
187. Official Note on acting upon the order by the Prosecutor’s Office of BiH no. 14-04/2-04-2-569/07 of 27 December 2007;
188. Official Note on Execution of the Order of the Prosecutor’s Office of BiH no. 14-04/2-04-2-569/07 of 22 April 2008;
189. ICTY Judgment, Radislav Krstić (IT-98-33);
190. ICTY Judgment, Vidoje Blagojević (IT-02-60-T);

Bearing in mind the foregoing reasons, and upon their evaluation, the BiH Prosecutor’s Office opines that this Indictment is well-founded in its entirety and therefore proposes to the Preliminary Hearing Judge to confirm it in its entirety.

Pursuant to Article 137 of the CPC BiH, we hereby file the following:

**MOTION TO ORDER CUSTODY
AFTER THE INDICTMENT CONFIRMATION**

The existence of grounded suspicion undoubtedly ensues from the results of the conducted investigation that the suspect Milisav Gavrić committed the criminal offense as charged. It also ensues, *inter alia*, from the statements of the witnesses: [REDACTED]

[REDACTED] the "Witness 5", the protected witnesses' statements, and also from the delivered documentary evidence.

Based on the witnesses' statements, the Prosecutor's Office opines that grounded suspicion exists that the suspect committed the criminal offense as charged, whereby the general requirement to order custody set forth under Article 132 (1) item a) of the CPC BiH has been satisfied. We propose that custody be ordered as of the moment of confirmation of the Indictment, all pursuant to Article 137 (1) of the CC BiH.

As to the proposed custody ground set forth in Article 132 (1) item a) of the CPC BiH, we point out that a real risk of flight of the suspect will exist if the custody measure is not ordered.

To wit, during the investigation against the suspect Milisav Gavrić, following the checking in the CIPS data base, the Prosecutor's Office established that the Suspect has a residence reported in Srebrenica at the address Milivoja Mičića St. bb /no number/(the former Reufa Selmanagića St.), the ID card issued on 18 May 2005, number 05FSA3172, JMBG1811948183120, while it was established after the warrants data base checking /the OHR bans/, that he passes through that ban, where it is stated under number CIU26219/2007 that by the Decision of the BiH High Representative of 10 July 2007 Milisav Gavrić was prohibited from exiting BiH, and that it was ordered that the BiH personal documents, the travel documents and the ID should be seized from the Suspect at the state border crossing.

In that regard, the RS Ministry of Interior issued on 11 July 2007 the Decision, number 12-1-5/05-27-52/07, on the travel document seizure, and also on the same day, the same Ministry of Interior issued the Decision, number 12-1-5/05-206-65/07, prohibiting the use of the ID for the purpose of state border crossing. These Decisions seizing the travel documents were issued pursuant to the order of the BiH High Representative, number 1/07 of 10 July 2007, with a view to preventing the activities that obstruct or threaten to obstruct the peace implementation process which has been conducted pursuant to the General Framework Agreement for Peace in BiH.

In spite of the issued Decisions seizing the foregoing items, the suspect Milisav Gavrić visited the territory of the Republic of Serbia, and on 22 October 2007 at 07:25 hrs, at the Bratunac border crossing, he entered the BiH territory with his personal vehicle, license plates BG-733-877, and at the documents control he showed the ID card of the Republic of Serbia, number 34991, issued by the SUP Ljubovija /Secretariat for Internal Affairs/, the

Republic of Serbia, issued on 12 January 2001, with the residence address in Novi Belgrade, at 17/11 Marka Čele Banovića St.

It arises from the foregoing that Milisav Gavrić resides or has permanent residence in the territory of the Republic of Serbia, and that his ID card from the town of Srebrenica referred to in the CIPS data base was seized from him together with his travel document.

After the Suspect had disregarded the OHR prohibition and exited BiH, he settled in the Republic of Serbia, obtained another ID card from the town of Ljubovija, the Republic of Serbia, and simply crossed the border with that ID card and entered BiH at the so called Ljubovija bridge, spent a short period of time in the town of Srebrenica and again, along the same road, returned to the Republic of Serbia.

Such finding is also stated in the Official Note of the State Investigation and Protection Agency, number 17-04-2-04-2-517/07 of 27 November 2007.

In addition to the BiH citizenship, Milisav Gavrić holds the citizenship of the Republic of Serbia. His personal documents issued in Serbia constitute the evidence in support of this statement, and they are enclosed herewith.

The fact that he is a citizen of another country – the Republic of Serbia, where he permanently resides, namely in Belgrade, at the address referred to above, where his family lives and where he owns property, can also constitute, objectively speaking, a strong reason to flee, or to avoid criminal responsibility.

If the Suspect were not arrested while entering the BiH territory, he would surely flee to the Republic of Serbia and would never again come to this territory.

The Prosecutor's Office has information that he sold all the property he owned in the BiH territory, more precisely in Srebrenica, therefore this can also constitute sufficient reason for his arrest, because, in fact, he has no ties with Srebrenica and BiH any more. The Governments of Bosnia and Herzegovina and the Republic of Serbia, of which the suspect Milisav Gavrić is a citizen, have signed the agreement on mutual legal assistance in civil and criminal matters, but regardless of that, it should be taken into account that positive legal regulations of the Republic of Serbia do not allow any extradition of Serbian citizens to another country. Accordingly, this circumstance also supports the fact that the Suspect should be arrested while entering the BiH territory, because if he returns to Serbia, it is sure that the Republic of Serbia would not extradite the suspect Milisav Gavrić.

The statement given by Milisav Gavrić before the judicial bodies in the Republic of Serbia when faced with the charges against him confirms that he will surely never come to the territory of Bosnia and Herzegovina.

Also, it should not be disregarded that during the investigation, the Prosecutor's Office tried to reach the suspect Milisav Gavrić by sending him both the summons for examination, and the arrest warrant sent to SIPA, following which this Prosecutor's

Office was informed by the official letter, number 17-04/2-04-2-490-8/07 of 22 April 2008 that Milisav Gavrić resided with his family in the Belgrade territory.

Accordingly, we are of the opinion that the circumstances exist suggesting a risk of flight by the Suspect, and that therefore the requirement to order the Suspect into custody set forth under Article 132 (1) item a) of the CPC BiH has been satisfied.

In reviewing the rights enshrined under Article 5 (3) of the European Convention on Human Rights and Fundamental Freedoms, and also Articles concerning custody and other measures, as set forth under Articles 123 through 130 (house arrest, bail, etc.), which guarantee the Suspect the right to a possible application of the measures more appropriate than custody, the Prosecutor's Office opines that the foregoing justify a very high risk of flight, thus the measure of bail as set forth under Article 127 of the CPC, and the measure of house arrest set forth under Article 126 are not sufficient measures to secure the presence of the Suspect in the criminal proceedings, or which would ensure that the criminal proceedings will not be obstructed by his flight.

This is because the Court of BiH cannot apply the prohibiting measures set forth under Article 126 of the CPC BiH to a citizen of the Republic of Serbia while he is in the Republic of Serbia, since the Court of BiH has no jurisdiction in the territory of the state concerned, or of any other state, which renders the application of such measure illusory and ineffective. A possible choice of any of these measures would only be possible if the suspect Milisav Gavrić had a residence in BiH. As obvious from the letter enclosed to this Motion to order custody the Suspect does not have it.

PROSECUTOR
PROSECUTOR'S OFFICE OF BiH
Sanja Jukić

ATTACHMENTS:

- RS MUP Decision on the travel document seizure, no. 12-1-5/05-27-52/07 of 11 July 2007;
- RS MUP Decision prohibiting the ID use for the state border crossings, 12-1-5/05-27-65/07 of 11 July 2007;
- Official Note of the State Border Police Unit Zvornik, no. 18-10-3-04-16-515/07 of 22 October 2007;
- Official Note of the State Border Police Unit Zvornik, no. 18-10-3-04-16-516/07 of 22 October 2007;
- Official Note of the State Border Police Unit Zvornik, no. 18-10-3-04-16-530/07 of 26 October 2007;
- Receipt of the items seizure by the State Border Police Zvornik, no. 18-10-3-48/07 of 26 October and a copy of the seized CIPS ID card to the name of Milisav Gavrić;
- Request to initiate minor offense proceedings, no. 18-10-3-04-124/07 of 27 Nov 2007;
- Request to initiate minor offense proceedings, no. 18-10-3-04-125/07 of 27 Nov 2007;
- Letter of the Border Police Unit Zvornik, no. 18-10-3-50-1194/07 of 30 Nov 2007;
- Official Note of SIPA, no. 17-04/2-04-2-517/07 of 27 November 2007;
- Official Note of SIPA, no. 14-04/2-04-2-569/07 of 27 December 2007;
- Official Note of SIPA, no. 13-04/2-04-2-454/08 of 22 April 2008;