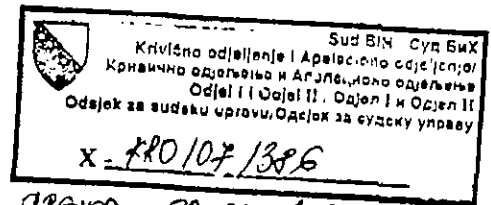


**BOSNIA AND HERZEGOVINA  
PROSECUTOR'S OFFICE OF  
BOSNIA AND HERZEGOVINA  
SARAJEVO**

Case No: **KT-RZ-139/07**  
Sarajevo, 20.07.2007 (Corrected version 25.07.2007)



PREKOD PRIOBA I OD 2 DOK 222.

**COURT OF BOSNIA AND HERZEGOVINA  
Preliminary Hearing Judge  
Ref: X-KRO-07/386**

Pursuant to Articles 35 (2) (h), 226 (1) and 227 of the *Criminal Procedure Code of Bosnia and Herzegovina* (BiH CPC) in connection with Article 2 (1) and (2) of the *Law on Transfer of Cases from the International Criminal Tribunal for the Former Yugoslavia to the Prosecutor's Office of Bosnia and Herzegovina and the Use of Evidence Collected from the International Criminal Tribunal for the Former Yugoslavia in the Proceedings before the Courts in Bosnia and Herzegovina* (Law on Transfer) and in accordance with the charges laid out in the Indictment of the International Criminal Tribunal for the Former Yugoslavia number IT-05-88/1-PT dated 18.08.2006 against TRBIĆ Milorad and the facts stated therein I hereby forward this adapted

**INDICTMENT**

And submit further paragraphs containing additional charges against the accused (underlined in the operative part) at Count 1g, and Count 2 a, c, d, e iv), h ii), j ii), k, l ii), m ii), o, and t ii), which require confirmation in accordance with Article 2 (2) Law on Transfer;

**Against:**

**TRBIĆ Milorad**, son of Mihajlo and Ljeposava Milović, born 22.02.1958 in Ponihovo, Municipality of Zenica, JMB 2202958190068, married with one adult child, completed primary and secondary education, specialist for power-supply devices, former service in JNA 1977-1978, former Reserve Captain in the VRS, with no registered address in BiH, unemployed, having been convicted of two counts of immigration fraud by the United States District Court for the Middle District of North Carolina, 1:03CR112-1 dated 02.07.2003 and sentenced to

imprisonment for time served to the date of the conviction and then remanded to the custody of the US Marshal for hand-over to the Immigration and Naturalization Service for deportation, previously held at the UN Detention Unit, Scheveningen, The Netherlands, under an Order for Detention on Remand, IT-05-86-I dated 8.04.2005 having been transferred to the seat of the Tribunal on 7.04.2005, transferred to BiH authorities on 11.06.2007, and currently in pre-trial custody pursuant to the Decision of the Court of BiH X-KRO- 07/386 dated 12.06.2007 in the Detention Unit of the Court of BiH, Sarajevo;

**BECAUSE:**

Between 11 July and 1 November 1995, within the Municipalities of Bratunac, Zvornik and Srebrenica, during an armed conflict in the Republic of Bosnia and Herzegovina, in which the Army (VRS) and Police (MUP) of the Republika Srpska (RS) directed a widespread and systematic attack against the Bosniak civilian population of the Srebrenica Enclave, a "safe area" established by United Nations Security Council Resolution (UNSCR) 819 adopted 16 April 1993 and UNSCR 824 adopted 6 May 1993, an attack that was pursuant to and in furtherance of a state or organizational policy,

**MILORAD TRBIĆ**, with the official rank of Captain in the VRS and a member of the Security Organ of the Zvornik Brigade, responsible for managing the Military Police Company of the Zvornik Brigade and assistant to, and directly reporting to Lieutenant Drago NIKOLIĆ, the Chief of Security of the Zvornik Brigade;

with knowledge of a widespread and systematic attack against the civilian population and acting or omitting to act in co-perpetration with others and in a joint criminal enterprise where the other co-perpetrators and members of the joint criminal enterprise were members of the VRS Main Staff, Drina Corps, Bratunac Light Infantry Brigade, Zvornik Brigade, other VRS units and RS MUP, knowingly participated in the execution of a joint criminal enterprise with common purposes and plans, the first being to forcibly transfer the Bosniak population from Srebrenica enclave and the second to summarily execute and bury the able-bodied Bosniak men of Srebrenica enclave: wherein, by 1 November 1995, the entire Bosniak population of Srebrenica had been removed or fled from Srebrenica enclave and over 7,000 Bosniak men and boys from Srebrenica had been murdered by VRS and MUP forces;

and, having the intent and aim to destroy, in whole or in part, the Bosniak people, a national, ethnical and racial or religious group, the accused planned, ordered, instigated, perpetrated, aided and abetted the perpetration of the criminal acts and omissions described below, who, at all times, was acting or omitted to act with the intention to discriminate against Bosniaks on political, racial, national, ethnic, cultural and religious grounds to persecute the Bosniak population by means of killing, forcible transfer of civilians, detentions and inhumane acts by reason of identity of the group or collectivity as Bosniaks;

**MILORAD TRBIĆ:**

### **COUNT 1.**

#### **FORCIBLE TRANSFER OF BOSNIAK POPULATION FROM SREBRENICA**

From about 8 March 1995 through the end of August 1995, carrying out a state or organizational policy to complete the physical separation of the Srebrenica and Zepa enclaves as soon as possible; preventing even communication between individuals between the two enclaves, by planned and well-thought-out combat operations, and create an unbearable situation of total insecurity; with no hope of further survival or life for the inhabitants of Srebrenica; where, in order to achieve the aim of the common purpose to force the Bosniak population of Srebrenica to leave the area, VRS and RS MUP forces carried out several actions including: making life unbearable for the inhabitants of the enclave carried out by shelling civilian targets in Srebrenica and controlling the movement of the Bosniak population out of the enclave; defeating the Bosniak forces militarily; disabling the local UN forces militarily; preventing and controlling outside international protection of the enclave including air strikes and international monitoring; and, controlling the movement of the Bosniak population out of the enclave:

- a. <sup>1</sup>Between 11 July 1995 and 13 July 1995, members of the VRS and the RS MUP, terrorised the Bosniak population of Srebrenica enclave, who had sought refuge in and around Potočari.

---

<sup>1</sup> IT-05-88/1-PT para 45.

b. <sup>2</sup>In the afternoon of 12 July 1995, in the presence of Ratko MLADIĆ, Radislav KRSTIĆ, Vujadin POPOVIĆ and others, approximately 50 to 60 buses and trucks arrived near the UN Military compound in Potočari where, at this time, and continuing throughout the entire day of 13 July 1995, thousands of Bosniak women, children and elderly men were loaded on buses and trucks and transported by the Bosnian Serb forces from Potočari to the confrontation line near Kladanj, where they were released and walked the approximately 5 kilometres to BiH Army-held lines outside Kladanj.

c. <sup>3</sup>On the afternoon of 12 July 1995, as the Bosniak men, women and children started to board the buses and trucks, VRS and RS MUP forces separated over 1,000 able-bodied Bosniak men from the women and children and transported these Bosniak men to temporary detention sites in Bratunac, the separation of able-bodied men from the crowd in Potočari continued all day on 12 and 13 July 1995, until the entire Bosniak population had been removed from the area of Potočari.

d. <sup>4</sup>On 13 July 1995, approximately 5,000 to 6,000 Bosniak men from the column of men escaping, from the Srebrenica enclave were captured by or surrendered to MUP and VRS forces stationed along the Bratunac-Konjević Polje-Milići Road in the areas of Kravica, Sandići, Konjević Polje and Milići; and among this group of prisoners, approximately 3,000 to 4,000 Bosniak men were captured by or surrendered to MUP personnel who were stationed along the road from Kravica to Konjević Polje and a further 1,000 to 2,000 prisoners were captured by or surrendered to officers and soldiers of various MUP and VRS units stationed along the road from Konjević Polje to Milići.

e. <sup>5</sup>Beginning around 12 July 1995 and continuing through about 16 July 1995, VRS and MUP soldiers confiscated and destroyed personal property and effects belonging to the Bosniak male prisoners, including their identification documents and valuables, this confiscation and destruction of personal property and effects occurred in Potočari, at various points of capture and collection of men

---

<sup>2</sup> IT-05-88/1-PT para 46.

<sup>3</sup> IT-05-88/1-PT para 47.

<sup>4</sup> IT-05-88/1-PT para 48.

<sup>5</sup> IT-05-88/1-PT para 49.

from the column along the Bratunac-Konjević Polje-Milići road, and at various execution sites; and in particular, MUP units took part in the confiscation and destruction of property belonging to Bosniak prisoners detained along the Bratunac-Konjević Polje-Milići road.

f. <sup>6</sup>During the period 12 July to 16 July 1995, Bosniak prisoners in Potočari and in Bratunac were not provided with food or medical treatment, nor with any meaningful rations of water, during their days in detention pending execution, and during this time, Bosniak prisoners held in Potočari, Bratunac and along the Bratunac-Konjević Polje road were frequently beaten by their captors.

g. On 13 July 1995, during the late afternoon or evening, MILORAD TRBIĆ escorted, secured and led a convoy with the vehicle he was travelling in, three buses containing Bosniak men from the Srebrenica enclave from Bratunac to Grbavci School, Orahovac, Municipality of Zvornik.<sup>7</sup>

h. <sup>8</sup>On 13 and 14 July 1995, MILORAD TRBIĆ controlled the movement of the Bosniak population out of the enclave wherein he participated in organizing the transportation, detention and security of Bosniak men from Srebrenica transported in buses and trucks from Bratunac to detention sites in schools in the Zvornik area including Orahovac, Petkovci, Ročević and Kula, and also in the Pilica Cultural Centre.

---

<sup>6</sup> IT-05-88/1-PT para 49.

<sup>7</sup> ICTY OTP Suspect Interview, 29.10.2004, T000-2615 – 2617, T000-2616 (Tape 2), Side B.

<sup>8</sup> IT-05-88/1-PT para 52.a.i.

## COUNT 2.

### SUMMARY EXECUTIONS AND BURIAL OF ABLE-BODIED BOSNIAK MEN FROM SREBRENICA

Between 11 July 1995 and 1 November 1995, MILORAD TRBIĆ, jointly with other members of the VRS and MUP, perpetrated the killing of over 7,000 men, members of the Bosniak people as a national, ethnical or religious group, by planned and opportunistic summary executions, and caused serious bodily or mental harm to both female and male members of the Bosniak population of Srebrenica including by separation of able-bodied men from their families and the forced movement of the population from their homes to areas outside the RS,<sup>9</sup>

whereby the common purpose to summarily execute and bury the able-bodied men of the Srebrenica enclave was implemented beginning at the evening hours of 11 July 1995, and on the morning of 12 July 1995, at the same time as a plan to forcibly transport the Bosniak population from Potočari was developed, where Ratko MLADIĆ and others developed a plan to murder the hundreds of able-bodied men identified from the crowd of Bosniaks in Potočari;<sup>10</sup> the initial plan was to summarily execute over 1,000 Bosniak able-bodied men that were separated from their friends and families and transported to Bratunac, and held temporarily in buildings and vehicles through 14 and 15 July 1995;<sup>11</sup> and on 12 or 13 July 1995, this plan also encompassed the summary execution of over 6,000 men and boys, aged 16 to 60, who were captured from the column of Bosniak men escaping the Srebrenica enclave from 12 July 1995 through about 1 November 1995<sup>12</sup> by VRS and RS MUP forces stationed along the road between Bratunac, Konjeyić Polje and Milići, the majority of those prisoners were transported to Bratunac or Kravica where they were temporarily detained in buildings and vehicles, along with the Bosniak men who had been separated in Potočari, the plan to murder the able-bodied Bosniak men from Srebrenica encompassed the murder of this group of over 6,000 men;<sup>13</sup>

---

<sup>9</sup> IT-05-88/1-PT para 10

<sup>10</sup> IT-05-88/1-PT para 18.

<sup>11</sup> IT-05-88/1-PT para 19.

<sup>12</sup> IT-05-88/1-PT para 20.

<sup>13</sup> IT-05-88/1-PT para 20

wherein the Security Organs of the VRS Main Staff, Drina Corps, Bratunac Light Infantry Brigade and the Zvornik Brigade were given the authority and task of organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Bosniak victims to be carried out by VRS and RS MUP forces;<sup>14</sup>

the implementation of this joint criminal enterprise resulted in the summary execution of over 7,000 Bosniak men and boys from the Srebrenica enclave, and the last known primary burial of Srebrenica victims occurred on or about 19 July 1995 in Glogova;<sup>15</sup>

and from about 1 August 1995 through about 1 November 1995, VRS and MUP personnel participated in an organised and comprehensive effort to conceal the killings and executions in the Zvornik and Bratunac Brigade zones of responsibility by reburying bodies exhumed from initial mass graves at various locations and transferring them to secondary graves at various locations;<sup>16</sup> wherein:

a. On 12 July 1995, at Potočari, Municipality of Srebrenica, MILORAD TRBIĆ, with around twelve (12) members of the Bratunac Brigade Military Police platoon and the Chief of Security for Bratunac Brigade, Momir NIKOLIĆ, captured about fifteen (15) Bosniak men on the road between Potočari and Srebrenica and took the Bosniak men to a building, known as the "White House", across the road from the UNPROFOR Headquarters building in Potočari and interrogated them; thereafter, acting on the orders of Ljubiša BEARA to summarily execute the men, the Bratunac Brigade Military Policemen referred to above took the Bosniak men to an area near to Zuti Most at Potočari and summarily executed them by automatic rifle fire in the presence of MILORAD TRBIĆ who supervised and directed the carrying out of the order,<sup>17</sup>

b. <sup>18</sup>On 13 and 14 July 1995, at various locations within the Municipalities of Bratunac, Srebrenica and Zvornik, MILORAD TRBIĆ organized or otherwise facilitated the transportation, detention, security and execution of Bosniak men from Srebrenica transported in buses and trucks from Bratunac to detention sites in

<sup>14</sup> IT-05-88/1-PT para 18.

<sup>15</sup> IT-05-88/1-PT para 27.

<sup>16</sup> IT-05-88/1-PT para 23.

<sup>17</sup> ICTY OTP Suspect Interview, 29.10.2004, T000-2615 - 2617, English Transcript, T000-2615 (Tape 1) side B.

<sup>18</sup> IT-05-88/1-PT para 29.a.i.

schools in the Zvornik area, including Orahovac, Petkovci, Ročević, Kula and the Pilica Cultural Centre (Pilica Dom), with full knowledge that those men were to be summarily executed.

c. On 12 July 1995, at around 20:00hrs in the Command of the Zvornik Brigade at "Standard Barracks", MILORAD TRBIĆ received a telephone call from Ljubisa BEARA tasking TRBIĆ with selecting, reconnoitering and assessing temporary detention centres in and around the Municipality of Zvornik that were suitable for holding large numbers of Bosniak men, knowing that these detention centres would be used to detain Bosniak men prior to their execution; then TRBIĆ set off at around 21:00hrs from the Command building with JASIKOVAC Miomir and [REDACTED] in an Opel Kadet vehicle and selected, travelled to and assessed for suitability: Grbavci School, Orahovac; Petkovci School, Petkovci; and, Ročević School, Ročević.<sup>19</sup>

d. On 13 July 1995 between 1800hrs and 2000hrs at Bratunac Stadium, while between 1,000 and 1,500 Bosniak men, who had been transported in vehicles from Potočari, were being detained at the sports field at the Stadium by Bratunac Brigade soldiers including Bratunac Brigade military policemen, MILORAD TRBIĆ personally participated in the summary execution of at least ten (10) Bosniak men by automatic rifle fire.<sup>20</sup>

e. <sup>21</sup>Between 13 and 15 July 1995 wherein acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the detention, transportation, summary execution and burial of Bosniaks detained at Orahovac, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, MILORAD TRBIĆ supervised the VRS soldiers guarding Bosniak males at Orahovac and supervised, facilitated, and oversaw the executions at Orahovac wherein:

i) In the late evening hours of 13 July and during the day of 14 July 1995, at Orahovac near Lažete, Zvornik Municipality, working together with

<sup>19</sup> ICTY OTP Suspect Interview, 29.10.2004, T000-2615 – 2617; T000-2616 (Tape 2), Side A.

<sup>20</sup> ICTY OTP Suspect Interview, 29.10.2004, T000-2615 – 2617; T000-2616 (Tape 2), Side B; and, ICTY OTP Suspect Interview, 23.05.2004, T000-2537 – T000-2540, English Transcript, pages 10 to 13.

<sup>21</sup> IT-05-88/1-PT para 21.6.



personnel from the Military Police Company of the Zvornik Brigade and Military Police Platoon of the Bratunac Brigade, under the supervision of Vujadin Popovic, and Ljubiša BEARA and under orders from his superior command, **MILORAD TRBIĆ** organised and facilitated the transportation of hundreds of Bosniak males from in and around Bratunac to the Grbavci School in Orahovac with knowledge that those prisoners were to be collected and summarily executed;

- ii) On 14 July 1995, VRS personnel, including members of the Military Police Company of the Zvornik Brigade, guarded and blindfolded the Bosniak males detained at the school, and during the late morning to early afternoon, **MILORAD TRBIĆ** was present at Grbavci School in Orahovac and personally supervised the Zvornik Brigade Military Police officers in the guarding of the Bosniak men;
- iii) On 14 July 1995, in the late morning to early afternoon, Zvornik Brigade Military Policemen, with the knowledge and authorisation of **MILORAD TRBIĆ** and in his presence, removed at least two Bosniak prisoners and summarily executed them by automatic rifle fire;
- iv) On 14 July 1995, outside the gymnasium at Grbavci School, **MILORAD TRBIĆ** in co-perpetration with other soldiers from the Zvornik Brigade Military Police Company, personally shot and killed up to twenty (20) Bosniaks that were previously detained inside the gymnasium by automatic rifle fire;<sup>22</sup>
- v) In the early afternoon of 14 July 1995, Zvornik Brigade personnel under the supervision of **MILORAD TRBIĆ**, transported the Bosniak males from the Grbavci School in Orahovac to a nearby field, where personnel, including members of the 4th Battalion of the Zvornik Brigade, ordered the prisoners off the trucks and summarily executed them with automatic weapons wherein approximately 1,000 Bosniak males were killed;

---

<sup>22</sup> ICTY OTP Suspect Interview, 23.05.2004, T000-2537 English Transcript, page 27, line 17.

vi) On 14 July 1995, **MILORAD TRBIĆ** personally executed an unknown number (but more than one) of the Bosniak victims at the execution field near Orahovac; and,

vii) On 14 and 15 July 1995, members of the Zvornik Brigade Engineering Company used heavy equipment to bury the victims in mass graves at the execution site where, during the evening of 14 July 1995, lights from the engineering machinery illuminated the execution and burial sites during the executions.

f. <sup>23</sup>On 14 July 1995, VRS and/or MUP personnel, transported approximately 1,000 Bosniak males from detention sites in and around Bratunac to **Petkovci School**, Municipality of Zvornik, and during that day and during the early morning hours of 15 July 1995, VRS and/or MUP personnel struck, beat and assaulted Bosniak males who were detained at the Petkovci School, wherein acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the transportation and detention of Bosniaks at Petkovci School, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, **MILORAD TRBIĆ** supervised, facilitated, and oversaw the detention of Bosniak men at Petkovci School.

g. <sup>24</sup> On or about the evening of 14 July 1995, and the early morning hours of 15 July 1995, VRS personnel from the Zvornik Brigade, including 6th Infantry Battalion drivers whose trucks were used to transport the surviving members of the group of approximately 1,000 Bosniak males from the school at Petkovci, Municipality of Zvornik, to an area below the **Dam near Petkovci**, where VRS and/or MUP soldiers assembled them below the Dam and summarily executed them with automatic weapons, and in the morning of 15 July 1995, working together with other individuals and units, VRS personnel from the Engineering Company of the Zvornik Brigade used excavators and other heavy equipment to bury the victims while the executions continued wherein, acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the detention, transportation, summary execution and burial of Bosniaks murdered at

---

<sup>23</sup> IT-05-88/1-PT para 21.7.

<sup>24</sup> IT-05-88/1-PT para 21.8.

the Dam near Petkovci, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, **MILORAD TRBIĆ**, supervised, facilitated, and oversaw the executions at the Dam near Petkovci.

h.

- i) <sup>25</sup> On or about 14/15 July 1995, VRS and/or MUP soldiers detained approximately 500 Bosniak males in the **Ročevići School**, near Zvornik, and on 14/15 July 1995, the majority of the prisoners were removed from the Ročević School by VRS and/or MUP soldiers and taken to a site on the bank of the Drina River, near Kozluk and then unidentified VRS and/or MUP soldiers executed the Bosniak males using automatic weapons; wherein acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the detention, transportation, summary execution and burial of Bosniaks detained at Ročević School and murdered near Kozluk, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, **MILORAD TRBIĆ** supervised the VRS and MUP soldiers guarding the prisoners at Ročević School and supervised, facilitated, and oversaw the executions at Ročevići school and Kozluk.
- ii) On or about 14/15 July 1995, at Ročevići School, acting jointly with the members of VRS and/or MUP, **MILORAD TRBIĆ**, participated in the summary executions of Bosniak men detained at Ročević school and personally executed up to ten (10) Bosniak men by automatic rifle fire.<sup>26</sup>

~~Text~~<sup>27</sup> On or about 14 and 15 July 1995, VRS and/or MUP personnel transported approximately 1,200 Bosniak males from detention sites in Bratunac to the **Kula School near Pilica** where on or about 14 and 15 July 1995, VRS military personnel with automatic weapons summarily executed many of the Bosniak males who were being detained at the Kula School, and on 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade retrieved the bodies

<sup>25</sup> IT-05-88/1-PT paragraf 21.8.1

<sup>26</sup> ICTY OTP Suspect Interview, 23.05.2004, T000-2537 English Transcript, page 45; also ICTY OTP Suspect Interview, 8.11.2004, T000-2635 - T000-2636, English Transcript, p12.

<sup>27</sup> IT-05-88/1-PT para 21.9.

of the victims from the Kula School and transported them to the Branjevo Military Farm and the Engineering Company of the Zvornik Brigade buried the victims of the Kula School executions in a mass grave at the Branjevo Military Farm, wherein acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the detention, transportation, summary execution and burial of Bosniaks detained at Kula School, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, MILORAD TRBIĆ supervised the VRS and MUP soldiers guarding the prisoners at Kula School and supervised, facilitated, and oversaw the executions at Kula School.

j.

i) <sup>28</sup>On 15 July 1995, working together with other individuals and units, VRS and/or MUP personnel, transported to an isolated place near **Kozluk** and summarily executed with automatic weapons about 500 Bosniak males who had been captured from the column of men retreating from the Srebrenica enclave or had been separated in Potočari; and on 16 July 1995, working together with other individuals and units, VRS soldiers from the Engineering Company of the Zvornik Brigade buried the victims of the executions in a mass grave nearby, wherein acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the detention, transportation, summary execution and burial of Bosniaks detained at Kozluk, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, MILORAD TRBIĆ supervised, facilitated, and oversaw the executions at Kozluk.

ii) On 15 July 1995, at Kozluk, MILORAD TRBIĆ, participated in the summary executions at the site near Kozluk and personally executed several (unknown number of) Bosniak men by automatic rifle fire.<sup>29</sup>

k. On 15 July 1995, a group of Bosniak male prisoners, which included [REDACTED] [REDACTED] that had fled Srebrenica enclave was transferred from Loznica at the Karakaj border crossing to the custody of Zvornik Brigade military personnel then,

<sup>28</sup> IT-05-88/1-PT para 21.10.

<sup>29</sup> ICTY OTP Suspect Interview, 8.11.2004, T000-2635 - T000-2636, English Transcript, p14.

at Zvornik Brigade Headquarters, MILORAD TRBIĆ conducted interrogations of the Bosniak men, including [REDACTED] then directed, supervised, facilitated and encouraged the transportation of the Bosniak victims to Kula Grad, Zvornik and, while there, MILORAD TRBIĆ directed and encouraged their summary execution by VRS personnel including members of the 1<sup>st</sup> Battalion of the Zvornik Brigade.<sup>30</sup>

I.

i) <sup>31</sup>On the morning of 16 July 1995, VRS personnel transported from the Kula School by bus to the **Branjevo Military Farm**, a Zvornik Brigade military facility, the remaining members of the group of approximately 1,200 Bosnian Bosniak males who had surrendered or been captured from the column of men retreating from the Srebrenica enclave or had been separated in Potočari and after the Bosniak males arrived at the Branjevo Military Farm, members of the 10th Sabotage Detachment of the VRS, working together with other soldiers, summarily executed them by automatic weapon fire; and on 17 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade buried hundreds of victims in a nearby mass grave, wherein acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the detention, transportation, summary execution and burial of Bosniaks murdered at Branjevo Military Farm, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, **MILORAD TRBIĆ** supervised, facilitated, and oversaw the executions at Branjevo Military Farm.

ii) On or about 16 July 1995, while summary executions were being carried out at Branjevo Military Farm, MILORAD TRBIĆ, participated in the summary execution of Bosniak men and personally executed several (unknown number) persons by automatic rifle fire.<sup>32</sup>

<sup>30</sup> ICTY OTP Suspect Interview, 8.11.2004, T000-2635 - T000-2636, English Transcript, pp 22 to 23; and, ICTY OTP Suspect Interview, 27.05.2004, T000-2891, pp8 to 11.

<sup>31</sup> IT-05-88/1-PT para 21.11.

<sup>32</sup> ICTY OTP Suspect Interview, 8.11.2004, T000-2635 - T000-2636, English Transcript, p44; and, ICTY OTP Suspect Interview, 23.05.2004, T000-2637 - T000 2540, English Transcript, p71.

m.

i) <sup>33</sup>On 16 July 1995, VRS personnel who had participated in the executions at the Branjevo Military Farm traveled a short distance to the village of Pilica and, working with other VRS and/or MUP personnel, summarily executed with automatic weapons, approximately 500 men inside the **Pilica Cultural Centre** who had surrendered or been captured from the column of men retreating from the Srebrenica enclave or had been separated in Potocari; and on 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade retrieved the bodies of the victims from the Pilica Cultural Centre and transported them to the Branjevo Military Farm; whereupon on 17 July 1995, the Engineering Company of the Zvornik Brigade buried the victims of the Pilica Cultural Centre executions in a mass grave at the Branjevo Military Farm; wherein acting pursuant to the authority granted to Ljubiša BEARA to organize, coordinate and facilitate the detention, transportation, summary execution and burial of Bosniaks murdered at Pilica Cultural Centre, and acting jointly with Ljubiša BEARA, Vujadin POPOVIĆ and Drago NIKOLIĆ, **MILORAD TRBIĆ** supervised, facilitated, and oversaw the executions at Pilica Cultural Centre.

ii) On or about 16 July 1995, after a convoy of vehicles containing between 300 and 400 Bosniak men had arrived at Pilica Cultural Centre and the Bosniak men were loaded into the Centre and detained by VRS and/or RS MUP personnel, MILORAD TRBIĆ, in co-perpetration with VRS and/or RS MUP personnel, summarily executed the Bosniak victims inside the Centre by automatic rifle fire.<sup>34</sup>

n. <sup>35</sup> On 16 July 1995, as **Duty Officer** of the Zvornik Brigade at the Zvornik Brigade Command, **MILORAD TRBIĆ** facilitated, provided and coordinated communications between and communicated with other VRS officers carrying out the operation to capture, detain, transport, summarily execute and bury able-bodied Bosniak men from Srebrenica that were detained in schools in the Zvornik Brigade zone of responsibility, knowing that the others were doing so.

<sup>33</sup> IT-05-88/1-PT para 21.12.

<sup>34</sup> ICTY OTP Suspect Interview, 8.11.2004, T000-2635 English Transcript, p44.

<sup>35</sup> IT-05-88/1-PT para 29.a.iii.

o. On or about 18 July 1995, between 150 and 200 Bosniak males that had surrendered or captured by VRS and RS MUP forces, were transported to Zvornik Brigade Headquarters accompanied by a mixed group of policemen from the RS MUP and the military police units of the Zvornik and Bratunac Brigades, wherein MILORAD TRBIĆ, supervised, directed and facilitated the transportation of the Bosniak men to Crni Vrh where, in his presence, he directed, supervised and encouraged the mixed group of policemen to summarily execute all the Bosniak victims by automatic rifle fire.<sup>36</sup>

p. <sup>37</sup>On 13 July 1995, six Bosniak men from Srebrenica were captured by MUP forces and turned over to and interrogated by VRS security personnel from the Bratunac Brigade at the **Bratunac Brigade Headquarters**, placed among the other Bosniak prisoners in Bratunac and thereafter summarily executed by unknown persons; the six Bosniak male victims were:



q. <sup>38</sup>On 13 July 1995 at approximately 1100 hours, working with individuals and units of the VRS and/or MUP, a small squad of soldiers consisting of at least one Bratunac police officer (MUP, Police Station Bratunac) captured approximately 16 Bosniak men from the column of men retreating from the Srebrenica enclave, transported them from Konjević Polje to an isolated area on the bank of the **Jadar River** and summarily executed fifteen (15) of them where one individual was wounded and managed to escape.

<sup>36</sup> ICTY OTP Suspect Interview, 23.05.2004, T000-2637 – T000 2540, English Transcript, pp73 to 74.

<sup>37</sup> IT-05-88/1-PT para 22.1.

<sup>38</sup> IT-05-88/1-PT para 21.2.

r. <sup>39</sup>On 13 July 1995, in the early afternoon hours, VRS and/or MUP soldiers transported about 150 Bosniak men to an area along a dirt road in the **Cerska Valley** about three (3) kilometres from Konjević Polje, summarily executed them with automatic weapons and, using heavy equipment, covered them with dirt.

s. <sup>40</sup>On 13 July 1995, in the early afternoon hours, VRS and/or MUP soldiers, supported by approximately 4 APCs, escorted approximately 100 Bosniak men to a location on a hill near the road between Konjević Polje and **Nova Kasaba**, lined up the prisoners in several ranks and executed them with heavy machine guns where, a short time later, a second group of approximately 30 prisoners arrived, were lined up, and also executed, and a third group arrived soon thereafter and was similarly executed.

t.

i) <sup>41</sup>On 13 July 1995, MUP Special Police Forces, including elements of the 2<sup>nd</sup> (Sekovici) Detachment of the RS Special Police Brigade, elements of the 1<sup>st</sup> PJP Company of the Zvornik Center MUP and a unit of RS police officers from the Jahorina Training Facility, captured hundreds of Bosniak men from Srebrenica and placed them in a large **warehouse in the village of Kravica** and guarded them there and beginning during the early evening hours, VRS and/or MUP Special Police, including elements of the 2<sup>nd</sup> (Sekovici) Detachment of the RS Special Police and others, summarily executed over 1,000 Bosniak men detained in the large warehouse in the village of Kravica using automatic weapons, hand grenades, and other weaponry to kill the Bosniaks inside the warehouse, and on 14 July 1995, heavy equipment arrived and removed the victims' bodies to two large mass graves located in the nearby villages of Glogova and Ravnice.

ii) during the evening to night hours on 13 July 1995, MILORAD TRBIĆ was present at Kravica Warehouse while executions of the Bosniak prisoners was being carried out at the facility by VRS and MUP forces wherein, by virtue of his rank and position as an officer in the VRS and by

<sup>39</sup> IT-05-88/1-PT para 21.3.

<sup>40</sup> IT-05-88/1-PT para 21.3.1.

<sup>41</sup> IT-05-88/1-PT para 21.4.



his presence, MILORAD TRBIĆ tacitly encouraged the continuation of the executions.<sup>42</sup>

u. <sup>43</sup>Throughout the day of 13 July 1995, Bosniak prisoners were captured and detained by MUP Forces, including elements of the 2<sup>nd</sup> (Sekovici) Detachment of the RS Special Police Brigade, elements of the 1<sup>st</sup> PJP Company of the Zvornik Center MUP and a unit of RS police officers from the Jahorina Training Facility and were held at **Sandići Meadow**, approximately 18 kilometres west of Bratunac along the Bratunac-Konjević Polje road until the late afternoon or early evening when they were taken from the meadow to other locations, including schools in the Bratunac area and the Kravica Warehouse, and by dark, there were approximately 10 to 15 (unidentified) prisoners remaining at the meadow, then a deputy platoon commander from the Jahorina Training Facility of the Special Police Brigade issued an order to "eliminate" the remaining prisoners who were subsequently summarily executed by members of a unit of RS policemen from the Jahorina Training Facility in an area near Sandići.

v. <sup>44</sup>Throughout the day on 13 July 1995, VRS and/or MUP soldiers transported Bosniak women and children who had been separated from male members of their families in Potočari to an area near the **Luke School near Tišća** village, VRS soldiers from the Vlasenica Brigade of the Drina Corps identified and separated some remaining Bosniak men and boys and some of the Bosniak women from this group at Luke School, while the rest of the group had to walk to the Army BiH controlled territory, wherein throughout the day on 13 July 1995, VRS soldiers forced the selected Bosniak men and women to walk to the nearby school, where they were abused and assaulted, and on or about the evening of 13 July and the day of 14 July 1995, VRS and/or MUP soldiers loaded 25 Bosniak men from the school onto a truck, drove them to an isolated pasture nearby, and summarily executed them with automatic weapons.

---

<sup>42</sup> ICTY OTP Suspect Interview, 29.10.2004, T000-2615 -- 2617; T000-2616 (Tape 2), Side B, and ICTY OTP Suspect Interview, 23.05.2004, T000-2537 – 2540, T000-2538 (Tape 2), Side A, transcript p23 (Eng).

<sup>43</sup> IT-05-88/1-PT para 21.4.1.

<sup>44</sup> IT-05-88/1-PT para 21.5.

w. <sup>45</sup>On 19 July 1995, VRS personnel from the 16th Brigade of the 1st Krajina Corps, re-subordinated to the command of the Zvornik Brigade, captured approximately ten (unidentified) Bosniak males from Srebrenica near the town of **Nezuk**, and shortly after their capture, all but two of the victims were summarily executed by their captors.

x. <sup>46</sup>On or about 19 July 1995, four Bosniak men who had **survived the Branjevo Military Farm execution** were captured by VRS and/or MUP forces in the Zvornik Brigade zone of responsibility and turned over to Zvornik Brigade Security personnel; the four Bosniaks were interrogated on 22 July 1995 by Zvornik Brigade personnel regarding assistance they had received from Zvornik Brigade soldiers after their escape from the Branjevo Military Farm executions; the Bosniaks were kept in custody for a few days and were then summarily executed by Zvornik Brigade personnel; these summary executions were carried out with the knowledge and authorization of Vinko PANDUREVIĆ and with the knowledge and assistance of Drago NIKOLIĆ wherein the Bosniak victims were identified as:

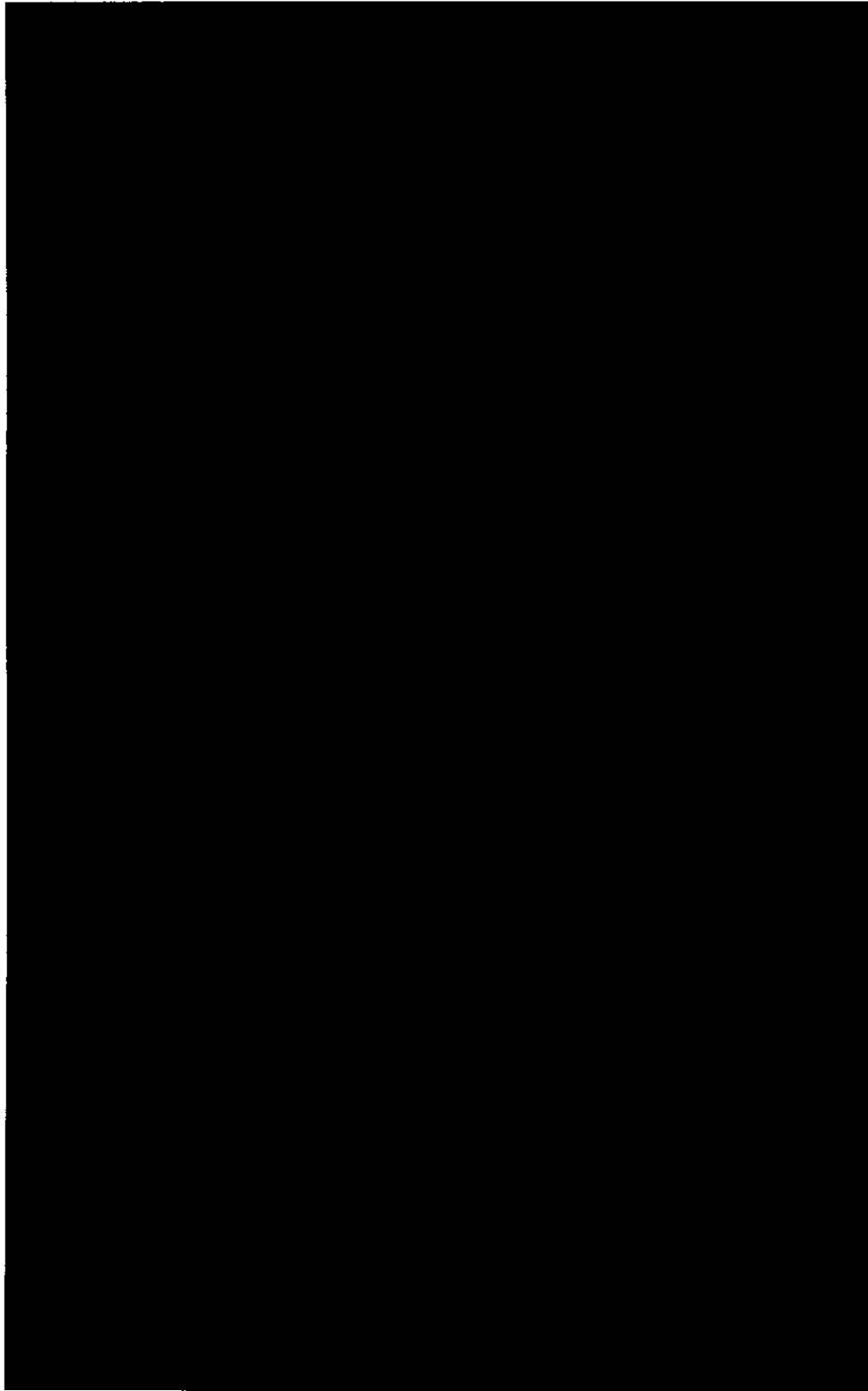


y. <sup>47</sup>On approximately 13 July 1995, 19 Bosniak men from Srebrenica were wounded as they tried to escape from the Srebrenica enclave, these men surrendered or were captured on about 13 or 14 July 1995 and were admitted to the **Milići Hospital** and treated; on about 14 July 1995, eleven of the wounded Bosniak prisoners from Srebrenica were transferred from the Milići Hospital to the Zvornik Hospital on orders from the VRS Main Staff; a few days later those Bosniak prisoners were transferred from the Zvornik Hospital to the infirmary of the Zvornik Brigade; on or shortly after 20 July, those eleven Bosniak men were removed from the Zvornik Brigade Headquarters and summarily executed by the VRS; the victims were identified as:

---

<sup>45</sup> IT-05-88/1-PT para 21.13.

<sup>46</sup> IT-05-88/1-PT para 21.14.



z. <sup>48</sup>On or about 22 July 1995, approximately six (unidentified) Bosniak men who had become separated from the column of men retreating from the Srebrenica

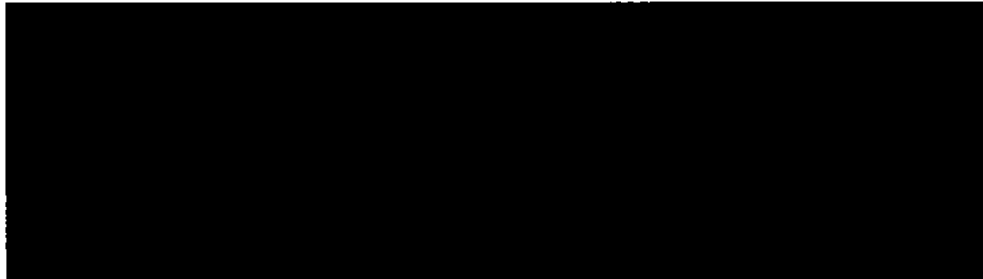
---

<sup>47</sup> IT-05-88/1-PT para 21.15.

<sup>48</sup> IT-05-88/1-PT para 21.15.1.

enclave were captured and executed by MUP forces in the woods near the town of Snagovo, located several kilometres from Zvornik.

aa. <sup>49</sup>Sometime in July or August 1995, after the fall of the Srebrenica enclave, a Serbian MUP unit called the Scorpions, working with the VRS and/or RS MUP, summarily executed six Bosniaks from Srebrenica near the town of Trnovo in Bosnia and Herzegovina including:



bb. <sup>50</sup>At Potočari:

i) On 12 July 1995, the bodies of nine (unidentified) Bosniak men who had been shot were found in the woods near the UN Compound on the Budak side of the main road.

ii) On 12 July 1995, the bodies of nine or ten (unidentified) Bosniak males were found about seven hundred metres from the UN Compound behind the "White House" in a creek.

iii) On the morning of the 13 July 1995, the bodies of six (unidentified) Bosniak women and five (unidentified) Bosniak men were found in a stream near the UN Compound in Potočari.

iv) On 13 July 1995, one (unidentified) Bosniak man was taken behind a building near the "White House" and summarily executed.

cc. <sup>51</sup>At Bratunac Town:

i) On 12 July 1995, beginning at approximately 2200 hours and continuing through 13 July, more than 50 (unidentified) Bosniak men

<sup>49</sup> IT-05-88/1-PT para 21.16.

<sup>50</sup> IT-05-88/1-PT para 22.1.

were taken from a hangar behind the Vuk Karadžić elementary school in Bratunac and summarily executed.

ii) On 13 July 1995, at approximately 2130 hours, two (unidentified) Bosniak men were taken off a truck in Bratunac town, taken to a nearby garage, and summarily executed.

iii) On 13 July 1995, in the evening, an (unidentified) Bosniak man who was mentally retarded was taken off a bus parked in front of the Vuk Karadžić Elementary school in Bratunac and summarily executed.

iv) Between the evening of 13 July 1995 and the morning of 15 July 1995, (unidentified) Bosniak males were continuously killed, both inside and outside the Vuk Karadžić elementary school, by VRS and/or MUP personnel.

dd. <sup>52</sup>During the night between 13 July 1995 and 14 July 1995, near the **Kravica Supermarket**, a VRS or MUP soldier placed his rifle barrel into the mouth of an (unidentified) Bosniak prisoner and summarily executed the man; also during this period, VRS and/or MUP soldiers struck, beat with rifle butts and summarily executed (unidentified) Bosniak prisoners who had surrendered or been captured from the column of men retreating from the Srebrenica enclave or had been separated at Potočari and were detained on trucks near the Kravica Supermarket.

ee. <sup>53</sup>From about 1 August 1995 through about 1 November 1995, VRS and MUP personnel participated in an organised and comprehensive effort to conceal the killings and executions in the Zvornik and Bratunac Brigade zones of responsibility by **reburying** bodies exhumed from initial mass graves at the following locations: Branjevo Military Farm, Kozluk, the Dam near Petkovci, Orahovac and Glogova; and transferring them to secondary graves at twelve sites along the Čančari Road (containing bodies from Branjevo Military Farm and Kozluk), four sites near Liplje (containing bodies from the Dam near Petkovci), seven sites near Hodžići (containing bodies from Orahovac) and seven sites near

---

<sup>51</sup> IT-05-88/1-PT para 22.2.

<sup>52</sup> IT-05-88/1-PT para 22.3.

Zeleni Jadar (containing bodies from Glogova); this reburial operation was a natural and foreseeable consequence of the execution and original burial plan, and was done on orders from Ratko MLADIĆ with the knowledge and assistance of Vujadin POPOVIĆ, Vinko PANDUREVIĆ, Drago NIKOLIĆ and MILORAD TRBIĆ wherein the reburial operation was a major undertaking and a huge logistical challenge and MILORAD TRBIĆ, Vujadin POPOVIĆ, Vinko PANDUREVIĆ and Drago NIKOLIĆ participated in this massive effort at concealment by supervising, facilitating and overseeing all aspects of the reburial operation.

**THEREFORE:**

the accused MILORAD TRBIĆ, with the aim to destroy in part, the Bosniak people, a national, ethnical, racial and religious group, personally and in co-perpetration with others, and as a knowing participant in a joint criminal enterprise, the aims of which were to force the Bosniak population out of Srebrenica and to summarily execute and bury the able-bodied Bosniak men from Srebrenica enclave, planned, perpetrated, instigated, ordered and aided and abetted the perpetration of the criminal acts described in the Indictment and is individually criminally responsible for his own acts and omissions, wherein: he is responsible for his criminal acts and omissions by way of his personal perpetration of the criminal acts and omissions; he is individually responsible as a knowing participant in the joint criminal enterprise for the acts and omissions perpetrated by other participants in the joint criminal enterprise; and he is individually responsible for those individual opportunistic criminal acts which were a natural and foreseeable consequence of the joint criminal enterprise, carried out by individual soldiers, acting on their own, likely without orders from superior officers, such as murder and, persecutory acts carried out by the VRS and/or MUP RS forces during the joint criminal enterprise to forcibly transfer and deport the population of the Srebrenica enclave and to murder all the able-bodied Bosniak men from Srebrenica; and also, he is individually responsible for the criminal acts and omissions perpetrated by his co-perpetrators through his own acts and omissions that made a decisive contribution to the perpetration of those criminal acts and omissions carried out by these co-perpetrators;

---

<sup>53</sup> IT-05-88/1-PT para 23.

**THEREBY**

**MILORAD TRBIĆ**, by his own acts and omissions, perpetrated the criminal offence of **Genocide**, in violation of Article 171 CC BiH by way of acts specified at Article 171 (a) killing members of the group, Article 171 (b) causing serious bodily or mental harm to members of the group, Article 171 (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, and, Article 171 (d) imposing measures intended to prevent births within the group, as read with Articles 180 (1), 21, and 29 of the Criminal Code of BiH.

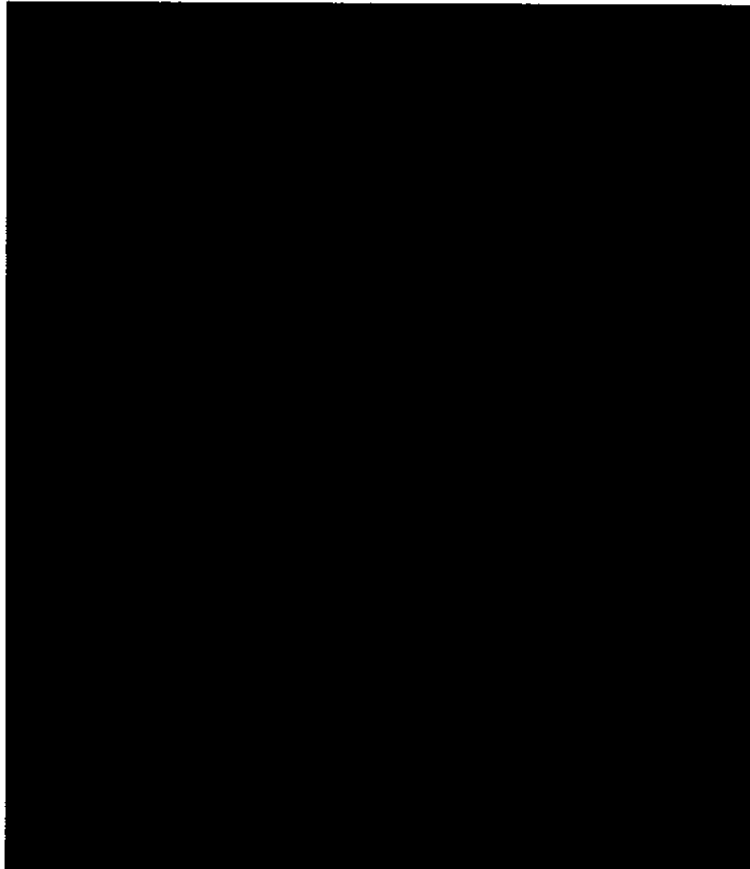
**THEREFORE:**

**I. MOTION FOR TRIAL**

I hereby move the Court to:

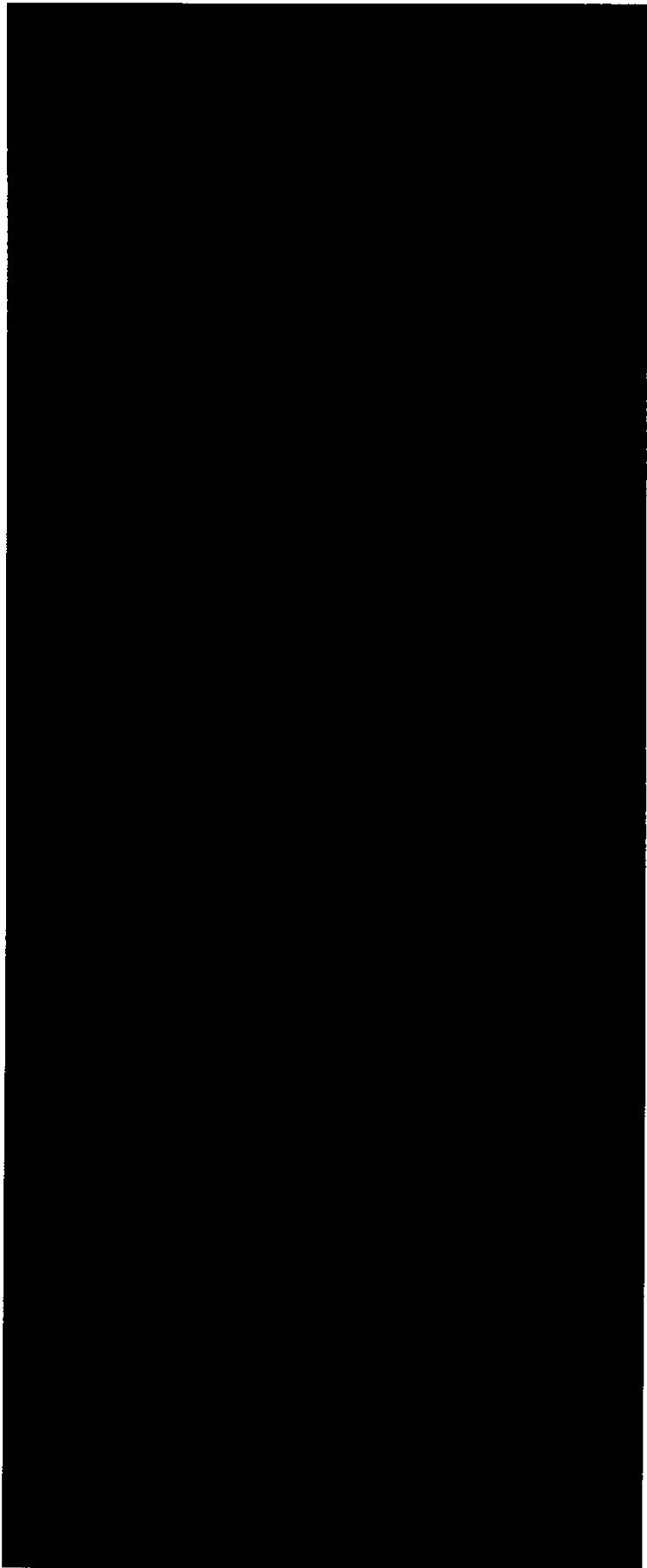
- A. Schedule and conduct a trial against the Accused; and,
- B. To summon the attendance of the following persons:
  - 1. The Prosecutor of the Prosecutor's Office of BiH;
  - 2. The Accused, **TRBIĆ Milorad**, currently detained in pre-trial custody in the Detention Facility at the Court of BiH, Sarajevo;
  - 3. The Defence Counsel for the Accused:
    - a. **JAMINA Borislav**, Attorney-at-law, *ex officio* Defence Counsel for the Accused;
- C. Proposals for the Presentation of Evidence
  - 1. To summons and examine the following witnesses: *(See documents at Annex A, Part 2 for personal details)*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

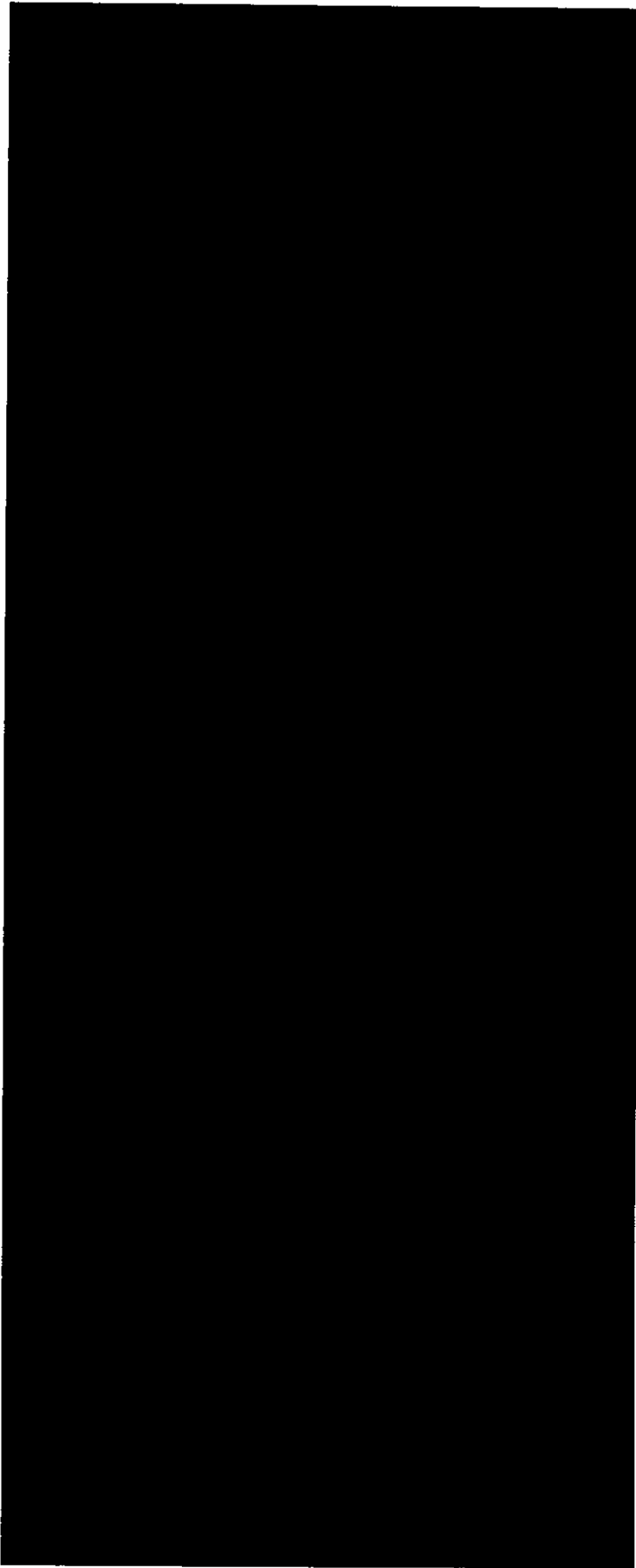




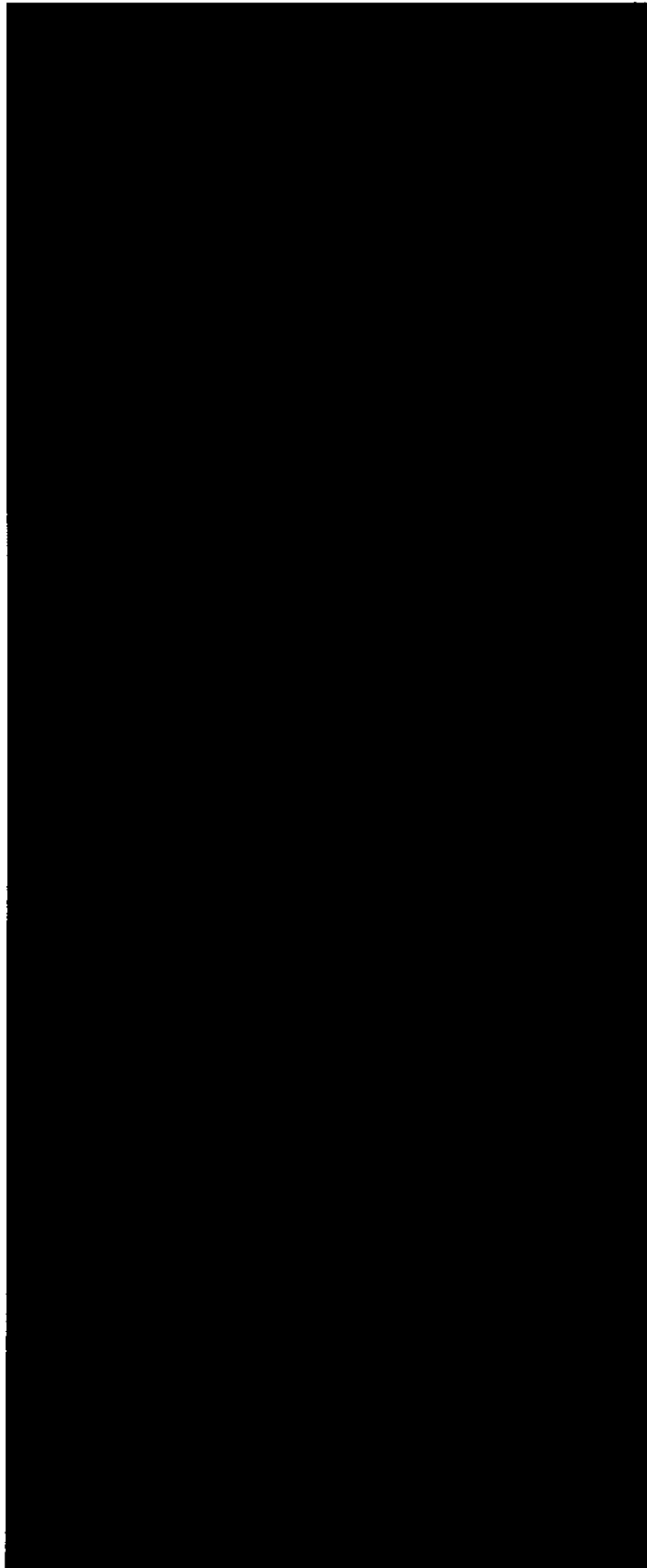
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64



65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108



109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152



153  
154  
155  
156  
157



2. To read the following documents listed in Annex A:

- Part 1 Accused Documents – prior examination records of the accused.
- Part 3 Documents – material evidence.
- Part 4 Expert Reports and exhibits – material evidence.
- Part 6 Intercept evidence – material evidence.
- Part 8 Orders and Reports – material evidence.

## II. RESULTS OF THE INVESTIGATION

[1] The Prosecutor's Office of Bosnia and Herzegovina (POBH) ordered to conduct an investigation into the criminal offences alleged against **TRBIĆ Milorad** in KT-RZ 139/07 on 06.04.2007. The accused was transferred to BiH Authorities pursuant to Rule 11 bis, Rules of Evidence and Procedure of the ICTY and arrived in BiH on 11.06.2007 with an existing confirmed Indictment against the accused from the ICTY, IT-05-88/1-PT dated 18.08.2006. The ICTY Office of the Prosecutor transferred case material including witness statements and material evidence in the form of documents and audio recordings that are included at the list at Annex A. Evidential material collected by BiH authorities during investigations in BiH and conducted by authorized persons are also included in Annex A. Therefore, all collected relevant material evidence is contained in the disclosures made with this indictment and included as listed at Annex A. Other material was made available to the POBH through the ICTY Evidence Disclosure Suite (EDS) and Judicial Database (JDB) and relevant material was researched, downloaded and analysed for this investigation. EDS and JDB is available to the defence at the International Registry Defence Assistance Unit, known as OKO.

[2] The POBH has considered both inculpatory and exculpatory evidence, and conducted its investigations to uncover evidence that is both favourable to the accused and that which incriminates him.

[3] In relation to the underlined parts of this adapted indictment which require confirmation, the POBH finds that the additional factual specifications and allegations are supported by the referenced source and corroborating evidence contained in the material supporting this adapted indictment.

[4] The accused was examined by ICTY Office of the Prosecutor:

- OTP and FBI Deposition in USA on 23.09.2002, ERN 01899794.
- OTP Interview on 21.01.2004, T000-2225 – 27 (3 tapes), Transcript of Suspect statement
- OTP – Interview on 23.05.2004, T000-2537 – 40 (4 tapes), Transcript of Suspect statement
- OTP – Interview on 27.05.2004, T000-2891, Transcript of Suspect statement
- OTP – Interview on 29.10.2004, T000-2615 – 17 (3 tapes), Transcript of Suspect statement
- OTP – Interview on 08.11.2004, T000-2635-36 (2 tapes), Transcript of Suspect statement

[5] A full analysis of the investigation and documentary evidence is contained in Annex B for the information of the Court, the Accused and Defence Counsel only.

### III. LIST OF MATERIAL EVIDENCE

All scheduled at Annex A Parts 1 through 8, 10 and 11.

### IV. LIST OF ICTY PROCEDURAL ACTS

Scheduled at Annex A, Part 9.

### V. MOTION FOR CUSTODY

The accused is currently held in pre-trial custody pursuant to the Decision of the Preliminary Hearings Judge, X-KRO 07/386 dated 12.06.2007 in accordance with Articles 1 and 2 of the Law on Transfer and Articles 134 (1), 137 (1), Article 137 (2)(d) of the CPC of BiH, on the grounds at Article 132(1)(a) and (d) of the CPC BiH. Therefore, the Prosecutor's Office of BiH makes no additional motion herein.

Respectfully submitted, 20.07.2007

**PROSECUTOR'S OFFICE OF  
BOSNIA AND HERZEGOVINA**  
International Prosecutor  
Kwai Hong Ip



**Attachments: (For the Court, the Accused and his Defence Counsel only)**

1. Annex A - List of all documents, witness statements, material evidence and procedural acts.
2. Annex B – Results of the Investigation KT-RZ 139/07.
3. Evidence Supporting the indictment – contained in enclosed CD-ROMs and DVDs with the Accused prior examination records in hard copy.