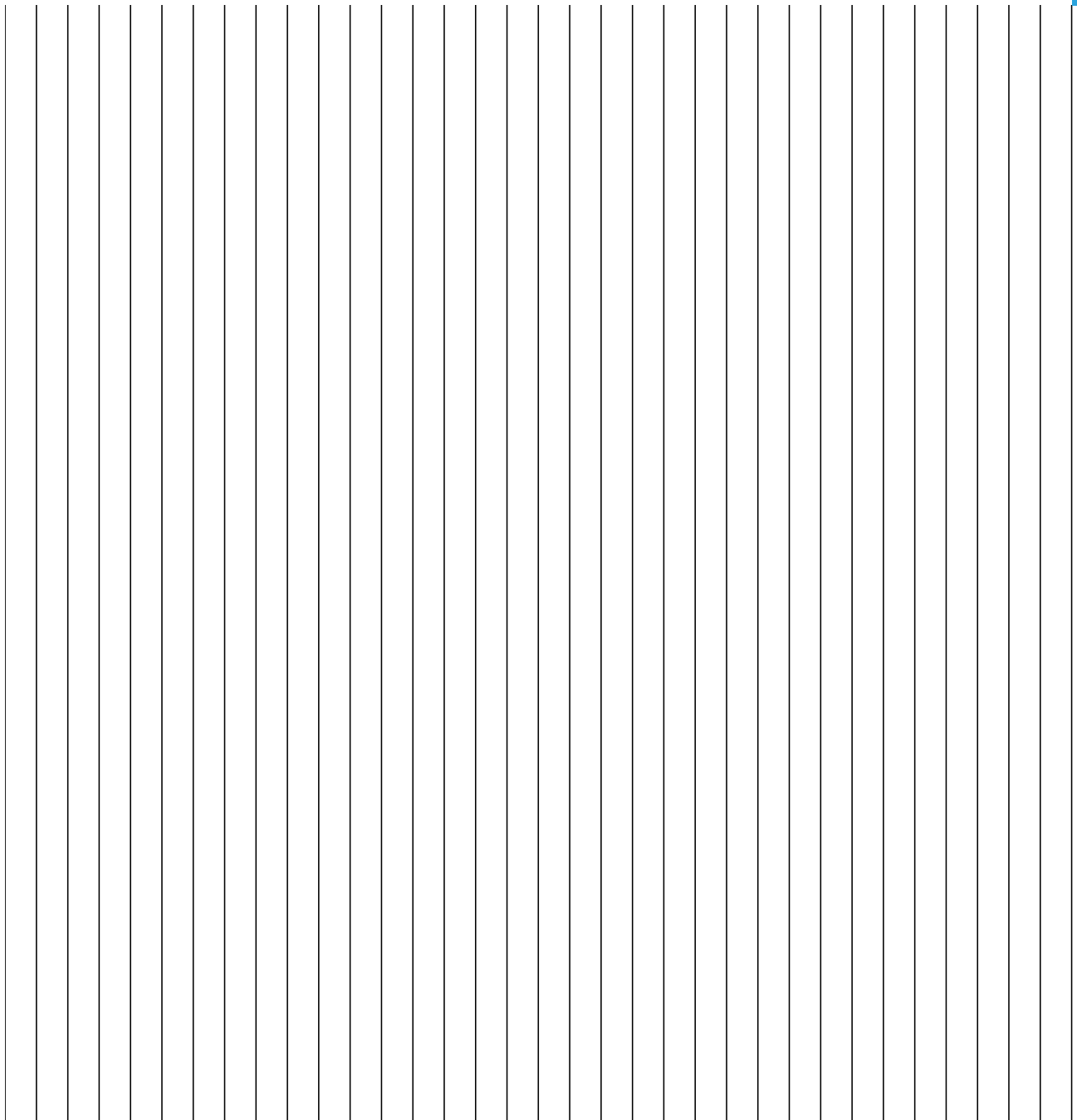


# THE HAGUE NOTEBOOKS

## Zdravko Tolimir



# Table of Contents

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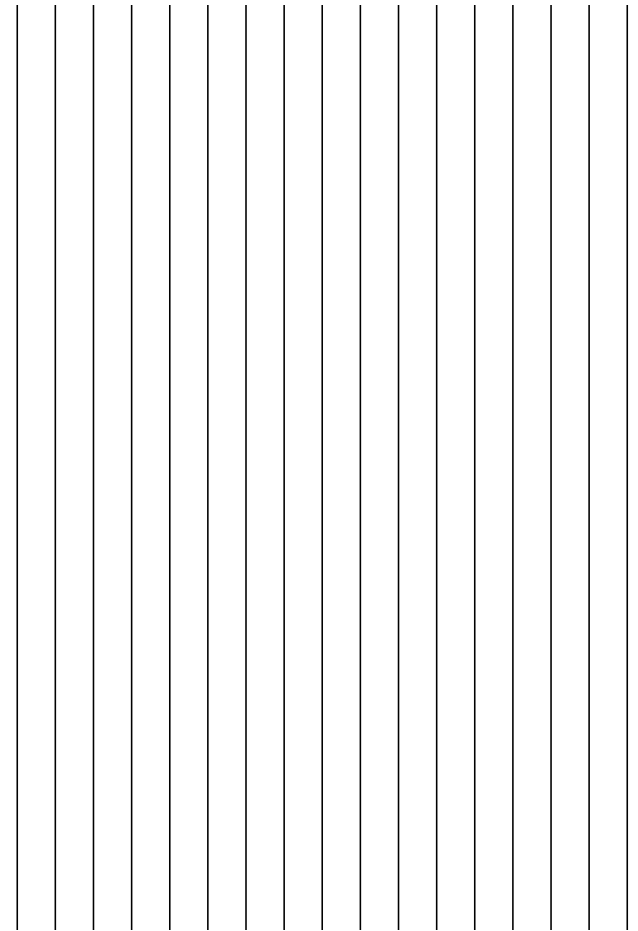
<b>THE HAGUE NOTEBOOKS</b> .....	<b>7</b>
<b>2008-03-31</b> .....	<b>8</b>
TOLIMIR ALPHABET APPEAL REJECTED	
<b>2008-06-30</b> .....	<b>8</b>
'LAST WARNING' FOR ZDRAVKO TOLIMIR	
<b>2008-10-31</b> .....	<b>9</b>
RIGHT TO TAKE TEA	
<b>2009-10-22</b> .....	<b>9</b>
TRIAL OF ZDRAVKO TOLIMIR TO OPEN IN DECEMBER	
<b>2010-03-01</b> .....	<b>10</b>
ALL 'TOLIMIR'S MEN'	
<b>2010-03-11</b> .....	<b>11</b>
SURVIVOR OF EXECUTION IN SREBRENICA GIVES EVIDENCE	
<b>2010-03-22</b> .....	<b>12</b>
NEW TESTIMONIES OF SURVIVORS	
<b>2010-03-25</b> .....	<b>12</b>
TOLIMIR'S WANTS TO EXAMINE SREBRENICA FOOTAGE	
<b>2010-03-29</b> .....	<b>13</b>
SREBRENICA CRIMES RECONSTRUCTED ON PHOTOS	
<b>2010-03-30</b> .....	<b>14</b>
FOLLOWING THE TRAIL OF SREBRENICA CRIMES	
<b>2010-04-26</b> .....	<b>15</b>
FOURTH TESTIMONY OF A SURVIVOR FROM THE PETKOVCICI DAM	
<b>2010-04-27</b> .....	<b>16</b>
HOW THE DRINA CORPS ARCHIVES CROSSED THE DRINA RIVER	
<b>2010-05-03</b> .....	<b>16</b>
TOLIMIR INVOKES MIRSAĐ TOKAČA'S CLAIM	
<b>2010-05-04</b> .....	<b>17</b>
TOLIMIR'S WAR OF IMAGES	
<b>2010-05-14</b> .....	<b>18</b>
ONE BODY IN FOUR GRAVES	
<b>2010-05-31</b> .....	<b>19</b>
SURVIVOR FROM WAREHOUSE IN KRAVICA	
<b>2010-06-24</b> .....	<b>19</b>
TOLIMIR ACCUSES UNPROFOR OF BIAS	
<b>2010-06-30</b> .....	<b>20</b>
ULTIMATUM AS RESPONSE TO ULTIMATUM	
<b>2010-07-01</b> .....	<b>21</b>
DEFENSE OF THE PROTECTED ZONE	
<b>2010-08-19</b> .....	<b>22</b>
FORBIDDEN TRIANGLE IN PROTECTED AREA	

<b>2010-08-23</b>	.....	<b>22</b>
	TOLIMIR: 'SREBRENICA HAS FALLEN, ZEPA IS NEXT'	
<b>2010-08-24</b>	.....	<b>23</b>
	EVACUATION OF ZEPA OR DEATH SENTENCE	
<b>2010-08-25</b>	.....	<b>24</b>
	STAYING IN ZEPA WAS NOT 'A REALISTIC OPTION'	
<b>2010-09-07</b>	.....	<b>25</b>
	CHECKING AUTHENTICITY OF INTERCEPTED CONVERSATIONS	
<b>2010-09-10</b>	.....	<b>25</b>
	TOLIMIR: INTERCEPTED CONVERSATIONS 'FABRICATED' BY THE BH SECURITY SERVICE	
<b>2010-09-16</b>	.....	<b>26</b>
	TOLIMIR: 'SELF-EVACUATION' OF MUSLIMS FROM SREBRENICA	
<b>2010-09-28</b>	.....	<b>27</b>
	CAUSE OF DEATH OF SREBRENICA VICTIMS	
<b>2010-10-19</b>	.....	<b>27</b>
	BRATUNAC INSIDER: MUSLIMS WANTED TO LEAVE AS SOON AS POSSIBLE	
<b>2010-10-21</b>	.....	<b>28</b>
	SREBRENICA – COURT VIDEO, PART II	
<b>2010-11-08</b>	.....	<b>29</b>
	VICTIMS WERE SHOT DEAD, BUT NOT IN ARMED CONFLICT	
<b>2010-11-09</b>	.....	<b>30</b>
	BLUE HELMETS ARRESTED FOR 'SECURITY REASONS'	
<b>2010-11-10</b>	.....	<b>30</b>
	THE INVESTIGATION OF THE SREBRENICA VIDEOS MADE BY BELGRADE JOURNALIST	
<b>2010-11-15</b>	.....	<b>31</b>
	IDENTIFICATION IN SREBRENICA COURT VIDEO	
<b>2010-11-17</b>	.....	<b>32</b>
	HOW TO 'TAKE CARE' OF PRISONERS BEARA GOT 'RID OF'	
<b>2010-11-23</b>	.....	<b>33</b>
	'EVERYBODY KNEW ABOUT THE EXECUTIONS IN SREBRENICA'	
<b>2010-11-24</b>	.....	<b>33</b>
	MLADIC'S DIARIES AT THE TOLIMIR TRIAL	
<b>2010-11-30</b>	.....	<b>34</b>
	THE ATLANTIS MYSTERY	
<b>2010-12-01</b>	.....	<b>35</b>
	VIDEO OF A CRIME AS 'SOUVENIR'	
<b>2010-12-02</b>	.....	<b>35</b>
	FATE OF THE WOUNDED FROM ZVORNIK HOSPITAL	
<b>2010-12-06</b>	.....	<b>36</b>
	SREBRENICA EXECUTION SITES WERE EXCAVATED FOUR TIMES	
<b>2011-02-02</b>	.....	<b>37</b>
	WERE EXECUTIONS OF SREBRENICA CAPTIVES PLANNED OR NOT	
<b>2011-02-03</b>	.....	<b>38</b>
	HOW TO SURVIVE MLADIC'S PROMISES	

<b>2011-02-07</b>	.....	<b>38</b>
	SIMANIC CAN'T RECALL SIGNING KEY COMBAT REPORT	
<b>2011-02-28</b>	.....	<b>39</b>
	EVACUATION OR FORCIBLE EXPULSION	
<b>2011-03-03</b>	.....	<b>40</b>
	REMOVAL OF PEOPLE FROM ZEPA WAS NEITHER VOLUNTARY NOR ACCIDENTAL	
<b>2011-03-07</b>	.....	<b>40</b>
	SALVATION OR A MILITARY OPERATION?	
<b>2011-03-08</b>	.....	<b>41</b>
	PRSTOJEVIC: 'I THINK ONE THING AND SAY SOMETHING ELSE'	
<b>2011-03-10</b>	.....	<b>42</b>
	'NON-VIOLENT' ETHNIC CLEANSING IN ZEPA	
<b>2011-03-14</b>	.....	<b>43</b>
	ANONYMOUS SAVIOR	
<b>2011-03-21</b>	.....	<b>43</b>
	TOLIMIR WAS MLADIC'S RIGHT HAND MAN	
<b>2011-03-22</b>	.....	<b>44</b>
	TOLIMIR: BH GOVERNMENT, VRS AND UN AGREED ABOUT THE EVACUATION OF ZEPA	
<b>2011-03-23</b>	.....	<b>45</b>
	AGREEMENT FOLLOWED OCCUPATION	
<b>2011-03-24</b>	.....	<b>46</b>
	'COOPERATIVE DEMOCRACY' AND 'HUMANITARIAN AIRSTRIKES'	
<b>2011-03-28</b>	.....	<b>46</b>
	TOLIMIR ACCUSES SMITH OF 'VIOLATING UNPROFOR MANDATE'	
<b>2011-03-29</b>	.....	<b>47</b>
	HOW DID THE VRS MAIN STAFF FUNCTION	
<b>2011-03-30</b>	.....	<b>48</b>
	CHEMICAL WEAPON AS A 'RUSE'	
<b>2011-03-31</b>	.....	<b>48</b>
	TEAR GAS OR POISON GAS IN ZEPA	
<b>2011-04-04</b>	.....	<b>49</b>
	PENITENT WITNESS	
<b>2011-04-05</b>	.....	<b>50</b>
	PREPARATIONS TO ELIMINATE SREBRENICA ENCLAVE	
<b>2011-04-06</b>	.....	<b>50</b>
	MOMIR NIKOLIC: EXECUTIONS WERE 'IMPLICITLY UNDERSTOOD'	
<b>2011-04-07</b>	.....	<b>51</b>
	TOLIMIR "DEFENDS" NIKOLIC	
<b>2011-04-12</b>	.....	<b>52</b>
	PEOPLE DID NOT DECIDE FREELY TO LEAVE SREBRENICA, BUT WERE FORCED	
<b>2011-04-14</b>	.....	<b>52</b>
	ACCUSED AND PROSECUTION WITNESS AGREE ON EVERYTHING	
<b>2011-04-18</b>	.....	<b>53</b>
	WHAT HAPPENED TO MORE THAN 1,000 PRISONERS?	

<b>2011-04-19</b>	.....	<b>54</b>
	WHAT HAPPENED TO AVDO PALIC AFTER VANEK'S MILL?	
<b>2011-04-27</b>	.....	<b>55</b>
	PALIC WAS AN IRREDEEMABLE OPTIMIST, TOLIMIR A TRAINED OFFICER	
<b>2011-04-28</b>	.....	<b>56</b>
	ESMA PALIC: TOLIMIR'S TRAP FOR AVDO PALIC	
<b>2011-05-02</b>	.....	<b>57</b>
	ENCLAVES WERE 'RIPE FOR THE PICKING'	
<b>2011-05-03</b>	.....	<b>57</b>
	FORGED DOCUMENTS FOR THE ACCUSED IN THE HAGUE	
<b>2011-05-04</b>	.....	<b>58</b>
	WORLD WAR III ACCORDING TO TOLIMIR	
<b>2011-05-11</b>	.....	<b>59</b>
	'BLOCKADE AND CLEAN-UP' IN SRERENICA	
<b>2011-05-12</b>	.....	<b>60</b>
	TOLIMIR: INTERNATIONAL FORCES 'SPIED' ON THE VRS	
<b>2011-05-25</b>	.....	<b>61</b>
	GENERALLY KNOWN FACTS AND RUMORS, ACCORDING TO DR PIROCANAC	
<b>2011-06-09</b>	.....	<b>62</b>
	INSIDER FROM THE VRS MAIN STAFF GIVES EVIDENCE	
<b>2011-07-07</b>	.....	<b>62</b>
	RICHARD BUTLER TESTIFIES FOR THE FIFTH TIME	
<b>2011-07-08</b>	.....	<b>63</b>
	TOLIMIR'S RESPONSIBILITY FOR PRISONERS OF WAR	
<b>2011-07-12</b>	.....	<b>64</b>
	HOW THE VRS 'CROSSED THE LINE'	
<b>2011-08-29</b>	.....	<b>65</b>
	WHAT DID GENERAL KNOW?	
<b>2011-08-31</b>	.....	<b>65</b>
	BUTLER: TOLIMIR 'KNEW OR COULD HAVE KNOWN' ABOUT CRIMES	
<b>2011-09-08</b>	.....	<b>66</b>
	SURVIVOR FROM FIELD NEAR SANDICI	
<b>2011-10-10</b>	.....	<b>67</b>
	MAJOR PECANAC REFUSES TO TESTIFY AGAINST GENERAL TOLIMIR	
<b>2012-01-12</b>	.....	<b>68</b>
	PECANAC PROTECTED FROM HIMSELF AND SARAJEVO MEDIA	
<b>2012-01-13</b>	.....	<b>68</b>
	PROSECUTOR: PECANAC'S DOCUMENTS 'VERY IMPORTANT'	
<b>2012-01-16</b>	.....	<b>69</b>
	PROSECUTION PROBES PECANAC'S WHEREABOUTS AND DOINGS IN SREBRENICA	
<b>2012-01-23</b>	.....	<b>70</b>
	TOLIMIR CALLS HIS FIRST DEFENSE WITNESS	
<b>2012-01-30</b>	.....	<b>71</b>
	GENERAL WITH NO ONE TO COMMAND	

<b>2012-02-06</b>	TOLIMIR'S EXPERT PRESENTS 'IMPLACABLE ARITHMETIC'	<b>71</b>
<b>2012-02-08</b>	DEFENSE EXPERT: 3,000 BH ARMY SOLDIERS WERE KILLED IN THE ATTEMPT TO BREAK THROUGH TO TUZLA	<b>72</b>
<b>2012-02-09</b>	'CALCULATION' TO CONTEST NUMBER OF SREBRENICA VICTIMS	<b>73</b>
<b>2012-02-14</b>	PROSECUTOR: DEFENSE EXPERT IS 'INCOMPETENT AND PARTIAL'	<b>74</b>
<b>2012-02-15</b>	PARTIES REST THEIR CASES AT ZDRAVKO TOLIMIR'S TRIAL	<b>74</b>
<b>2012-03-23</b>	TOLIMIR'S DEFENSE EXPERT REPORT REJECTED	<b>75</b>
<b>2012-08-21</b>	PROSECUTION SEEKS LIFE IMPRISONMENT FOR ZDRAVKO TOLIMIR	<b>75</b>
<b>2012-08-22</b>	TOLIMIR DENIES RESPONSIBILITY FOR CRIMES IN SREBRENICA AND ZEPA	<b>76</b>
<b>2012-08-23</b>	TOLIMIR ASKS FOR AQUITTAL	<b>77</b>
<b>2012-11-15</b>	JUDGMENT FOR ZDRAVKO TOLIMIR ON 12 DECEMBER 2012	<b>78</b>
<b>2012-12-12</b>	LIFE IN PRISON FOR ZDRAVKO TOLIMIR	<b>78</b>
<b>2014-02-25</b>	TOLIMIR ORDERED TO PREPARE PUBLIC VERSION OF HIS 'CONFIDENTIAL APPEAL'	<b>79</b>
<b>2014-10-22</b>	TOLIMIR'S APPELLATE HEARING SLATED FOR 12 NOVEMBER 2014	<b>80</b>
<b>2014-11-12</b>	TOLIMIR DENIES RESPONSIBILITY FOR GENOCIDE IN SREBRENICA AND ZEPA	<b>80</b>
<b>2015-02-11</b>	AWAITING ZDRAVKO TOLIMIR'S FINAL JUDGMENT	<b>81</b>
<b>2015-03-24</b>	FINAL JUDGMENT FOR ZDRAVKO TOLIMIR ON 8 APRIL 2015	<b>82</b>
<b>2015-04-08</b>	GENOCIDE CONVICTION AND LIFE IN PRISON CONFIRMED FOR TOLIMIR	<b>82</b>
<b>2016-02-09</b>	ZDRAVKO TOLIMIR PASSES AWAY	<b>83</b>
<b>2016-02-12</b>	AUTOPSY CONFIRMS TOLIMIR DIED OF NATURAL CAUSES	<b>83</b>
<b>2016-09-08</b>	RESULTS OF INTERNAL ENQUIRY INTO ZDRAVKO TOLIMIR'S DEATH PUBLISHED	<b>84</b>



## **THE HAGUE NOTEBOOKS**

SENSE has collected an extensive archive over nearly 20 years of reporting from the International Criminal Tribunal for the former Yugoslavia (ICTY). Included in the archive are thousands of pages of news reports serving as a kind of chronicle of the Hague trials. With the edition of PDF publications titled THE HAGUE NOTEBOOKS, the SENSE Center organizes its archive of reports around ICTY cases, covering each of them from an indictment to the final judgment.

Each notebook contains a collection of chronologically arranged reports on a particular trial, written while the proceedings were still ongoing. These reports quote statements from victims and witnesses, insiders, forensic and other experts, and refer to documents accepted into the evidence material.

Through chronologically arranged reports, case by case, The Hague Notebooks offer an insight into an entire trial, including key testimonies, findings, and facts established during the evidentiary proceedings. Consolidated in the Hague Notebooks, SENSE reports represent a kind of guide for further research into the entire ICTY archive of judicially established facts about the wars in the former Yugoslavia.

2008-03-31

THE HAGUE

**TOLIMIR ALPHABET APPEAL REJECTED**

The Appeal Chamber rejected Zdravko Tolimir's appeal and confirmed the pre-trial judge's decision rejecting the demand of the accused to receive documents in the Cyrillic rather than Roman script.



◀ Zdravko Tolimir in the courtroom

At the status conference in the Zdravko Tolimir case in December 2008, pre-trial judge Kimberly Prost rejected Tolimir's demand to receive documents in Cyrillic alphabet. Tolimir appealed against the decision, claiming that it violated his rights and caused difficulties in his preparations for the upcoming trial.

The Appeals Chamber announced its conclusion today, explaining that Judge Prost 'interpreted both the law and the facts properly' when she ruled that the 'right of the accused to receive documents in a language he understood' didn't imply that he could ask for documents 'in any language or in any script'. According to the Appeals Chamber, Judge Prost was correct in her conclusion that Tolimir understood Latin alphabet to a sufficient extent.

Judge Prost noted that Tolimir 'was educated in schools in former Yugoslavia where Roman alphabet was taught'. In addition to this, at his initial appearance before the Tribunal, Tolimir stated that he 'received a copy of the indictment in the language he understood'. The accused was able to prepare and submit preliminary objections to the indictment in Serbian language and the Latin script, which 'clearly indicates that he has understood its contents'. According to the pre-trial judge, Tolimir was not 'consistent in his explanations' as to why he couldn't read or understand Roman alphabet. Furthermore, the prosecution submitted documents in Roman script signed or received by the accused between 1992 and 1995.

On the other hand, Tolimir claims that his mother tongue is Serbian written in Cyrillic script; this is 'only language I speak and understand', he claims. He noted in his appeal that after he suffered a stroke he had to learn to read again, and he did it in Cyrillic. The Appeals Chamber found that the accused "provides no support for these assertions, which in any event, provide no indication that the appellant is unable to understand Serbian in Latin script".

The indictment charges Tolimir with genocide and other crimes in Srebrenica and Zepa in the summer of 1995 while he was Mladic's assistant in the VRS General Staff.

2008-06-30

THE HAGUE

**'LAST WARNING' FOR ZDRAVKO TOLIMIR**

Pre-trial judge Kimberly Prost formally warns Zdravko Tolimir he will be assigned defense counsel if he doesn't notify the Registry he is ready to accept the court material in Bosnian/Croatian/Serbian and in Latin script by Friday



◀ Zdravko Tolimir in the courtroom

Zdravko Tolimir has until Friday, 4 July 2008, to decide and inform the ICTY Registry if he agrees to receive documents in Latin script and in BCS disclosed to him by the prosecution. If he fails to do so, Tolimir will be denied the right to represent himself in court, pre-trial judge Kimberly Prost warned.

Since his arrival in the Hague General Tolimir has insisted that all documents be disclosed to him in Serbian language and in Cyrillic alphabet. He claims that he can't read Latin script despite the fact that he graduated from top military schools in the JNA and trained abroad.

At the status conference today, Judge Prost stressed this was 'the last warning and opportunity' for the accused to avoid the assignment of defense counsel. The right to



self-representation, the judge reminded the accused, is not absolute and could be revoked if the accused obstructs the proceedings. In Judge Prost's view, this is exactly what the accused 'has persistently been doing for the past year'. The judge warned the accused he now had the opportunity to 'put a stop to the obstruction' and agree to receive the prosecution material before the Pre-Trial Chamber revokes his right to represent himself at the trial.

When the judge asked him the usual questions about his health and the conditions in detention, the accused tried to use the opportunity to 'bless everyone in the courtroom', to present 'new facts about the arrest' he refers to as his 'kidnapping' and to readdress the issue of 'language he doesn't understand'. The judge however stopped him, concluding that 'it may be assumed the accused has no health problems'. Tolimir appeared before the court wearing a prayer rope with a large cross; before the hearing began he crossed himself.

Aleksandar Gajic, Tolimir's legal advisor, made an attempt to address the judge. She warned him with a smile that he had 'no right to address the Chamber, except if he agrees to accept the prosecution material'.

Zdravko Tolimir, Ratko Mladic's assistant for intelligence and security, was arrested last year and is now awaiting trial for genocide and other crimes in Srebrenica and Zepa in the summer 1995.

## 2008-10-31

THE HAGUE

### RIGHT TO TAKE TEA

Former Mladic's assistant Zdravko Tolimir maintains he was 'kidnapped' in Belgrade and not arrested in Bosnia Herzegovina. Complaining that he is denied the right to take the special tea that lowers his blood pressure, Tolimir burst into tears at the status conference.



◀ Zdravko Tolimir in the courtroom

Zdravko Tolimir still denies that he was arrested near Bratunac, in Bosnia and Herzegovina, on 31 May 2007, claiming he was in fact 'kidnapped' in Belgrade and transferred to The Hague. He faces charges of genocide and other crimes in Srebrenica and Zepa. At the status conference in his case Tolimir said that he managed to support this claim with 'new facts' he submitted in his latest motion to the Trial Chamber.

In mid-October the prosecution forwarded to the Trial Chamber a memo from the Serbian foreign office about the circumstances of Tolimir's arrest. In the memo the Foreign Office relays the information received from the interior ministries of Serbia and Republika Srpska to the

effect that Tolimir was arrested after the BH police launched a search for Ratko Mladic, on the way to the village of Sopotnik near Bratunac.

Tolimir claims the same interior minister that the Serbian foreign ministry refers to in its memo said on TV that the arrest was made in Belgrade. This is why Tolimir is challenging the authenticity of the memo. He has requested a copy because he wants to personally verify its 'legality'. Tolimir's request was granted. Tolimir's motion was accompanied by a CD containing the statement he referred to.

Tolimir complained that his blood pressure was very high at the time of his arrest. When he came to the UN Detention Unit he managed to normalize it because he was taking a special tea brought to him by his wife. However, the right to have this tea has since been denied and this made him burst into tears today. Since Tolimir used the tea instead of medications, now he was left with no treatment for his medical problem. This prompted him to invoke the right of prisoners in the Detention Unit to have tea.

Apart from speaking about the circumstances of his arrest and his tea problem, Tolimir repeated that he wanted to represent himself at the trial. He refused to see what adjudicated facts could be acceptable to both sides. 'I want all accusations brought against me to be proven at my trial', Tolimir said.

## 2009-10-22

THE HAGUE

### TRIAL OF ZDRAVKO TOLIMIR TO OPEN IN DECEMBER

The pre-trial conference in the case of Zdravko Tolimir, charged with genocide and other crimes in Srebrenica and Zepa, has been scheduled for 16 December 2009. The prosecution will deliver its opening statement on 17 and 18 December 2009. First prosecution witnesses will give evidence in January 2010. Tolimir is still not getting enough sleep.



#### ◀ Zdravko Tolimir in the courtroom

The pre-trial conference in the case of Zdravko Tolimir has been scheduled for 16 December 2009, it was decided at the status conference today, probably the last such conference in the case against Ratko Mladic's assistant for intelligence and security. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa in July 1995. Canadian judge Kimberly Prost will preside over the Trial Chamber hearing the Tolimir case; this is the first time that an ad litem judge is in charge of a trial. Other members of the Trial Chamber are German judge Christoph Flugge and Antoine Mindua from Kongo.

The prosecution will deliver its opening statement on 17 or 18 December 2009. Jean Rene Ruez, former leader of

the prosecution's team investigating Srebrenica and the first witness, is expected to give evidence in January 2010. Prosecutor McCloskey suggested that after the winter recess, scheduled to begin on 21 December, the trial should continue on 25 January 2010. The Trial Chamber will rule on this later.

The prosecution also indicated it would submit a motion to amend the indictment early next week to 'make it clearer'. Tolimir said he would reply to the motion once he has received it in 'a language he understands'.

The former VRS general told the Trial Chamber he would ask the ICTY Registry to grant him additional funds to his the defense team. Tolimir, who insists on representing himself, needs the money to pay not only his legal advisors but investigators, too. As he said, 'I cannot investigate from my cell what must be investigated in the field'. Tolimir also complained about 'cruel and inhuman treatment'. The guards still wake him up every thirty minutes during the night to check if he is alive.

Judge Prost indicated the Trial Chamber had received a neurologist's report recommending that Tolimir continue taking his medication and checking his blood pressure. If the results are good, the Trial Chamber will recommend that 'Tolimir go back to the normal system without nightly check-ups', Judge Prost said. Tolimir contends that the medical treatment 'is ruining' his health. As he said, 'I don't know why the Trial Chamber values pills more than tea and prayer to the Lord who heals all'.

## 2010-03-01

THE HAGUE

### ALL 'TOLIMIR'S MEN'

Continuing the opening statement at the trial of General Zdravko Tolimir, the prosecution indicated it would prove that 'Tolimir's men' directed all the activities related to the detention, execution and burial of thousands of men and boys from Srebrenica in July 1995. 'Tolimir's men' included members of the 10th Commando Detachment who executed more than 1,700 Bosniaks at the Branjevo Military Farm and in the Culture Hall in Pilica.



#### ◀ Nelson Thayer, prosecutor at the Zdravko Tolimir trial

General Tolimir is one of few people who were in a position to save thousands of lives in Srebrenica and Zepa in the summer of 1995, but he didn't do it. 'Instead he opted for the plan of starvation, ethnic cleansing and genocide'.

With these words, prosecutor Nelson Thayer today concluded the opening statement at the trial of Mladic's former assistant commander for intelligence and security in the VRS Main Staff. Tolimir faces charges of genocide and other crimes in Srebrenica and Zepa in 1995.

As the prosecution alleges, General Zdravko Tolimir played an important role in the implementation of the Bosnian Serbs' plan to ethnically cleanse areas along the

Drina River in eastern Bosnia, by eliminating other ethnic communities, primarily Bosniaks from the region. The plan was based on the strategic aims adopted at the Serbian Assembly in 1992. The plan culminated in the summer of 1995 with the capture of the UN-protected enclaves of Srebrenica and Zepa.

[IMAGE]4613[/IMAGE]Describing in detail the stages in the preparation and implementation of the operation to capture the Srebrenica enclave, the prosecutor focused in particular on the directives, orders and other documents of the VRS Main Staff and the Drina Corps. The prosecution alleges that the documents confirm that General Tolimir participated in the effort to coordinate the operation aimed at the expulsion of the Muslims from the enclave and the execution of thousands of men who were detained at various sites in the Bratunac and Zvornik areas.

The prosecution will prove, the prosecutor claimed, that General Tolimir was in constant contact with the Main Staff and was actively involved in the decision-making process about the course of the operation, in particular as regards the detention, execution and burial of the prisoners. The prosecution evidence shows that 'Tolimir's men' directed those activities in the field, while Tolimir coordinated and supervised them. Members of the 10th Commando Detachment were also 'Tolimir's men', the prosecution alleges. On 16 July 1995, members of that unit executed more than 1,700 Bosniaks at the Branjevo Military Farm and in the Culture Hall in Pilica.

Tolimir directly participated in the operation in which the Zepa enclave was captured, contributing to 'the effort to extinguish every hope the Bosniak population had for their survival in that area', the prosecutor emphasized. The prosecution will try to prove that Tolimir is responsible for the destruction of the mosque in Zepa and the abduction of the local priest whose remains were found several years ago together with those of Avdo Palic, the commander of the BH Army Zepa Brigade, who was captured after the fall of the enclave.

Zdravko Tolimir's trial continues on Thursday, 11 March with the evidence of the first prosecution witness.

## 2010-03-11

THE HAGUE

### SURVIVOR OF EXECUTION IN SREBRENICA GIVES EVIDENCE

The prosecution opened its case at the trial of General Zdravko Tolimir with the evidence of a Bosniak who survived the execution in Orahovac. As alleged in the indictment, about 1,000 captured men and boys were executed there. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa in July 1995.

The prosecution begins with its case at the trial of Zdravko Tolimir, former Mladic's assistant for security and intelligence in the VRS Main Staff, with the evidence of one of about a dozen Bosniak men who survived the executions in Srebrenica in July 1995.

In his fifth testimony before the Tribunal, protected witness PW 007 described how he and his brother fled in the face of the Serb troops entering Srebrenica. On 11 July 1995, the two joined the column of soldiers and civilians moving through the woods in an attempt to reach Tuzla. The column had approximately 15,000 people and was headed by a group of 400 or 500 armed BH Army soldiers, the witness said. The next day, the Serb forces surrounded the rear of the column, where the witness was. Almost 1,000 men decided to surrender. The Serb soldiers gathered them in a field near the village of Sandici. At sunset, General Mladic addressed them, greeting them and saying 'Good evening, neighbors'. Mladic said that they would be exchanged. The prisoners cheered and shouted 'Thank you, commander', the witness recounted.

Soon afterward, the prisoners were taken to Bratunac on buses and trucks and spent the night there. Serb soldiers took some of them out to a nearby garage, the witness described. The other prisoners then heard blunt blows, cries and gunshots.

The next day, 14 July 1995, the convoy of trucks and buses took off from Bratunac via Konjevic Polje and Zvornik to arrive at the primary school in Orahovac. Prisoners were placed in the gym. Young soldiers stood at the doors of the gym; they said they were 'Karadzic's baby Chetniks'.

In the evening, some officers appeared at the door. Then, the witness went on, the prisoners were taken out in groups of thirty; they were blindfolded and a woman in uniform gave them 'some water, a cup each'. Then they got into trucks and after a short ride, the prisoners were told to get out. Despite being blindfolded, the witness recounted, he was able to see 'a dead man' before him on the ground. There was a burst of gunfire and the witness was knocked down by the man standing next to him. The witness was not hit but remained on the ground for as long as the trucks kept on coming, bringing new groups of prisoners. After they were executed, a backhoe and a front-loader arrived. The witness managed to escape and after a couple of days he reached the territory controlled by the BH Army.

In the cross-examination, Zdravko Tolimir, who is self-represented, maintained that Bosniaks heading towards Tuzla in a column 'violated the agreement' between General Mladic and the representatives of the refugees in Potocari. Under the agreement, men of military age had to surrender in order for the others to be allowed go to the BH Army-controlled territory. Tolimir also said that 'the able-bodied men, aged between 15 and 60' were in the column; this should supposedly mean that they were a legitimate military target although they were unarmed.

General Tolimir's trial continues tomorrow with the evidence of yet another survivor of Srebrenica executions.

2010-03-22

THE HAGUE

**NEW TESTIMONIES OF SURVIVORS**

Two more witnesses confirmed at the trial of Zdravko Tolimir what they said about their survival of the execution of some 1,000 Bosniaks, captured after the fall of Srebrenica, at the execution site in Orahovac near Zvornik on 14 July 1995.



◀ PW 023, witness at the Zdravko Tolimir trial

Witness PW 023 appeared for the fifth time before the Tribunal at the trial of Zdravko Tolimir to confirm what he had said in his previous evidence. The witness was among the Bosniaks captured after the fall of Srebrenica. They were detained in a school in Orahovac near Zvornik and taken to be executed on 14 July 1995. Tolimir is former assistant commander for security and intelligence in the VRS Main Staff.

The witness's statement given in the Popovic *et al.* case in 2007 was admitted into evidence and the prosecutor read the summary. On 11 July 1995, the witness went to Potocari where he was separated from his wife and children on 12 July. Together with about 150 men, he was

detained in 'an unfinished house'. Next day, the prisoners were transferred to 'an abandoned farm warehouse in Bratunac'. In the night of 13 July, the witness saw Serb soldiers taking out prisoners from the warehouse. Blows and cries were heard afterwards. In the morning, the detainees were ordered to take out those who didn't survive out of the warehouse.

On 14 July 1995, the prisoners were driven to the primary school in Orahovac near Zvornik, where they were detained in a gym. That same afternoon they were again put onto trucks and taken to a nearby field; a huge pile of dead bodies was already there. The new arrivals were mown down with 'bursts of gunfire'. The witness was not hit but he dropped down and was buried under the dead bodies. When night fell, the witness crawled out and hid behind a bush from where he observed more groups of prisoners brought in and executed.

In the evening, backhoes arrived and started digging a mass grave. Before dawn, when the witness made sure that all Serb soldiers had left the execution site and then he and another survivor, a young man, managed to get into the woods. The witness reached the 'free territory' on 19 July 1995.

The accused Tolimir cross-examined the witness himself, bringing up a part of the witness's statement where he claims he saw General Ratko Mladic six times while he was detained. The last time the witness saw Mladic was at the execution site in Orahovac. The witness confirmed this, saying that Mladic arrived on 14 July 1995 at about 7pm in a red car, escorted by two soldiers. The accused then confronted the witness with the claims made by other witnesses that Mladic was in Belgrade, attending a meeting with Slobodan Milosevic and Carl Bildt at the time. The witness dismissed the claims. 'Maybe he went there later; if he flew in a helicopter he could be there by 8pm', the witness said.

Mevludin Oric confirmed today his evidence at the Popovic *et al.* trial in 2006. Oric, another survivor of the execution in Orahovac, will continue and complete his evidence on Thursday, 25 March 2010.

2010-03-25

THE HAGUE

**TOLIMIR'S WANTS TO EXAMINE SREBRENICA FOOTAGE**

The accused Zdravko Tolimir today cross-examined Mevludin Oric, one of the three survivors from the execution site in Orahovac, where more than a thousand Bosniak prisoners were executed on 14 July, as alleged in the indictment. Tolimir put it to Oric that he may have been in a column of men from Srebrenica who reached Nezuk on 16 July, and asked for his photograph in order to conduct an expert analysis comparing it to the footage of the column of soldiers and civilians moving into the free territory



◀ Mevludin Oric, witness at the Zdravko Tolimir trial

Oric was in the 28th Division of the BH army when Mladic's forces entered Srebrenica on 11 July 1995. He and the squad under his command joined a column of soldiers and civilians trying to break through to Tuzla through the woods. He was captured on 13 July and taken to Bratunac. He spent the first night of his captivity on a bus, listening to the 'moans and bursts of gunfire' from a nearby school. On 14 July he was taken to the school in Orahovac. The same day, the prisoners were taken from the school to a nearby meadow and shot. Oric miraculously survived. Next day before dawn he managed to escape from the execution site, wandered in the woods for some days and then on 21 July 1995 managed to reach the territory controlled by the BH Army.

In the five-hour cross-examination, the accused Tolimir, assisted by his legal advisor, tried to challenge Oric's evidence, putting it to him that on 14 July 1995 he was not in Orahovac, but in a column that reached Nezuk on 16 July. He showed the witness a video recording of the column being welcomed by the BH Army soldiers in Nezuk, claiming that the witness could be seen on the footage. Oric denied it, and the accused demanded to be given the witness's photograph; he wants to do an expert analysis to see whether Mevludin Oric was in the column that reached the free territory on 16 July.

Tolimir also showed BH Army documents about the preparations for an operation to link up the two enclaves, Srebrenica and Zepa, and about the weapons, ammunition and other materiel brought to Srebrenica to that end. Oric said he saw the documents for the first time, he knew nothing about the plans for any such operation and that the platoon he commanded in July 1995 had only one rifle.

The second argument of the accused was that the 28th Division soldiers moving in a column towards Tuzla fought and killed each other. Tolimir brought up the statements made by the two commanders of the 28th Division in August 1995, but the witness said he knew nothing about any clashes in the column as it was trying to push through into the free territory. He didn't see either of the commanders at the time.

The trial will continue on Monday with the testimony of a new prosecution witness.

## 2010-03-29

THE HAGUE

### SREBRENICA CRIMES RECONSTRUCTED ON PHOTOS

Using maps and photos, including aerial shots, French investigator Jean Rene Ruez, former head of the Srebrenica investigation team, reconstructed the events in the Srebrenica events from 11 to 17 July 1995 at the trial of General Zdravko Tolimir.



◀ Jean Rene Ruez, witness at the Zdravko Tolimir trial

As early as in 1996, former chief of the OTP Srebrenica investigation team, French investigator Jean Rene Ruez used the survivors' statements to identify and visit all key locations and was thus able to reconstruct the events after Mladic's troops entered the enclave on 11 July 1995. He would revisit many of them in the years that followed as he took part in the effort to locate and exhume mass graves in that area.

On maps made during the investigation, Ruez marked all the key points relevant for the reconstruction, starting with the movement of the Srebrenica residents on 11 July 1995: women, children and the elderly headed towards Potocari while the soldiers from the BH Army 28th Division and men of military age set off for Susnjari and Jaglici. A series of photos, including aerial photos taken by the US government, was shown to illustrate those locations. Ruez noted that footage filmed by Zoran Petrovic Pirocanac in the area on 13 and 14 July 1995 was of particular importance for the investigation. Pirocanac was a propaganda journalist from Belgrade.

In Potocari, Petrovic filmed the so-called white house. Men who had previously been separated from their families were detained there, but this footage soon disappeared from the tape, as did two other clips, one showing a column of Bosniaks being fired on from an anti-aircraft gun as they were heading towards Tuzla and the other, of a pile of

dead bodies in front of the warehouse gate in Kravica. According to Ruez, the journalist from Belgrade deleted those parts because they were evidence of the crimes after the fall of Srebrenica.

The men from the white house in Potocari were put on buses and driven to warehouses and schools in various locations in Bratunac and its surroundings. Ruez marked those locations on the map and illustrated them with photos from his book. A field near the village of Sandici was marked as a place where a column of Bosniaks surrendered and taken prisoner. On aerial photos taken in the summer of 1995, provided by the US government, Ruez showed locations where Bosniaks who had surrendered were gathered. The aerial photos also show buses in which some of the prisoners were taken to the nearby warehouse in Kravica.

The prosecution contends that almost 1,000 prisoners were executed in the warehouse. Ruez didn't want to make any estimates himself. He went on to comment on a series of photos showing both the interior and the façade of the warehouse he had taken on several occasions in 1996 and 1998. In comparison with the photos taken by Zoran Petrovic Pirocanac, these photos show that when the Belgrade journalist drove by a heap of bodies in front of the warehouse gates with Ljubisa Borovcanin in a car, the execution of Bosniaks detained in the warehouse was still going on.

The investigators were able to identify locations where Bosniak captives were executed on the basis of the survivors' statements, aerial photos showing disturbed earth and the evidence they recovered in the field – different caliber shells, personal possessions, documents and items of victims' clothing. A series of photos of execution sites near Orahovac and the Petkovci Dam was shown in the courtroom. Ruez marked the locations where Bosniak prisoners were executed based on the survivors' statements.

Jean Rene Ruez will continue his evidence tomorrow.

## 2010-03-30

THE HAGUE

### FOLLOWING THE TRAIL OF SREBRENICA CRIMES

Former head of the OTP Srebrenica investigation team Jean Rene Ruez completed his examination-in chief at the trial of Zdravko Tolimir. The former chief of security in the VRS Main Staff is charged with genocide and other crimes in Srebrenica and Zepa in 1995.



◀ Jean Rene Ruez, witness at the Zdravko Tolimir trial

On the second day of his evidence at the trial of Zdravko Tolimir, former head of the OTP Srebrenica investigation team completed his presentation of the investigation his team started immediately after the fall of the Srebrenica enclave in July 1995. In late June 1995, Ruez was already in Tuzla; he arrived in Srebrenica for the first time in early 1996.

Yesterday, the witness identified the routes the population used to withdraw from the enclave before the VRS troops which entered Srebrenica on 11 July 1995. Ruez continued to mark the spots where men were gathered and separated from the women and children, where parts of the column heading towards

Tuzla surrendered or were arrested and places where prisoners of war were detained. Today Ruez showed on the map of Eastern Bosnia locations where Bosniak captives were executed and buried.

The investigation established that executions took place at the Branjevo military farm, the dam near the village of Petkovci, in a field near the school in the village of Orahovac, in the village of Kozluk, in the Cerska valley and in Pilica, where in the summer of 1996, the investigators found the Culture Hall, locked and undisturbed. On 16 July 1995, about 500 prisoners were executed there. Photos and video footage taken in the hall show how samples of 'blood, hair and human tissue' were recovered from the walls and various personal belongings and documents were found on the floor.

Ruez showed the locations of primary graves on the maps: in most cases, they were close to the execution sites. Ruez also showed the so-called secondary graves. The victims' remains were moved from primary graves and reburied there.

Ruez described how the investigators found each execution site, and primary and secondary graves. Investigators learned of some of the execution sites – such as Orahovac and the Petkovci dam – from survivors. Drazen Erdemovic provided information on the execution site at the military farm in Branjevo; he was in the firing squad there. Where there were no survivors, the investigators obtained information indirectly. In the case of Kozluk, for example, the information was provided by a person in a refugee camp in Germany, whose relatives, still in the area, spoke about the executions in July 1995 and the person relayed the information to the OTP in The Hague.

With a series of photos, aerial shots and video footage, Ruez identified those sites and explained the procedure of locating and exhuming mass graves. Aerial photos provided by the US government were of particular importance for the identification of secondary graves. By comparing photos of the terrain taken over a period of three to four weeks, the investigators could see the difference in the soil structure, indicating that it had been dug up.

Human body parts were found in secondary graves; those could be linked to two or even three execution sites and primary graves. Forensic experts and anthropologists in the field were able to determine this on the basis of items recovered in secondary graves which came from different execution sites.

The accused Zdravko Tolimir today began his cross-examination of the witness. Tolimir will continue and complete his cross-examination after the Easter break at the Tribunal.

## 2010-04-26

THE HAGUE

### FOURTH TESTIMONY OF A SURVIVOR FROM THE PETKOVCI DAM

The testimony of a survivor from the Petkovci dam was admitted into evidence at the trial of Zdravko Tolimir. As alleged in the indictment, about 1,000 Bosniaks captured after the fall of Srebrenica were executed there on 14 and 15 July 1995.



◀ Zdravko Tolimir in the courtroom

Protected witness PW 015 survived the execution of about 1,000 Bosniaks at the dam near the village of Petkovci, in the Zvornik area, on 14 July 2010. The witness already gave evidence four times before the Tribunal. At the trial of Zdravko Tolimir, former chief of security in the VRS Main Staff, the witness's testimony from the trial of Radislav Krstic in April 2000 was admitted into evidence.

In a summary of the statement read by the prosecutor, the witness recounted that on 11 July 1995 he joined the column of soldiers and civilians pressing through the woods towards Tuzla after Mladic's troops entered Srebrenica. The column was shelled and the people scattered. The group the witness was in couldn't rejoin

the column and decided to surrender to the Bosnian Serb soldiers on 12 July 1995 at a field near the village of Sandici.

The witness was first held captive in a hangar in Konjevic Polje. From there, he was transferred to a football field in Nova Kasaba; there the prisoners were ordered to leave all their personal belongings. The witness estimated that there were about 2,000 prisoners on the pitch. After Ratko Mladic spoke to the prisoners, they were put onto trucks and taken to the school in Petkovci, near Zvornik. The prisoners were detained in classrooms. Serb soldiers abused them and beat them up, asking them to hand over their money, jewelry and other valuables.

Next day, on 14 July 1995, the prisoners were taken out in groups of five and transported by truck to the dam in Petkovci. When he got off the truck, the witness saw a mass of dead bodies. The soldiers opened fire and the witness tried to crawl under the dead bodies. The witness was slightly wounded, and remained there, playing dead. The execution went on until dark when the witness and another survivor managed to escape the execution site and hide until dawn. In the morning, they saw heavy earth-moving machinery removing the dead bodies. That same day the two of them managed to reach the territory under the control of the BH Army.

On photos shown by the prosecutor, the witness identified the locations where he was detained and the dam near the execution site. The accused Tolimir tried to contest the witness's evidence, challenging his estimates of the number of prisoners detained and executed in the incident. Tolimir also tried to challenge the witness's status, claiming he could not have been treated as a civilian when he surrendered. The witness explained that after he was wounded in late 1992 he worked in the civil sector as a humanitarian worker. The witness was drafted again before the end of the war after he managed to reach the free territory from Srebrenica.

In his cross-examination, Tolimir in particular insisted on 'the inconsistencies' in the witness's evidence. In his previous testimony, the witness had stated there were 13,000 to 14,000 men in a column heading towards Tuzla while today he maintained there were 15,000 men in the column. Tolimir kept pressing the issue even after the witness told him several times that the people were trying to save their lives and were not counting heads. This prompted the presiding judge to interfere, urging the accused to move on to another subject.

The prosecution had no additional questions for the witness. The trial of General Tolimir for genocide and other crimes in Srebrenica and Zepa continued with the evidence of OTP investigator Tomasz Blaszczyk.

**2010-04-27**

THE HAGUE

**HOW THE DRINA CORPS ARCHIVES CROSSED THE DRINA RIVER**

The OTP investigator described at the trial of Zdravko Tolimir the perambulations of the VRS Drina Corps archives in 1995 from Vlasenica, to Bijeljina and Sokolac in BH and from there to Mali Zvornik and Gornji Milanovac in Serbia. In 2004, the archives was finally found in a building used by the Army of Serbia and Montenegro.



◀ Tomasz Blaszczyk, witness at the Zdravko Tolimir trial

OTP investigator Tomasz Blaszczyk testified at the trial of Zdravko Tolimir about the so-called 'Drina Corps collection'. The collection contains military documents, maps and photographs from the period relevant for the indictment against General Mladic's assistant, who is charged with genocide and other crimes in Srebrenica and Zepa in July 1995.

The OTP was able to obtain the 'Drina Corps collection' only in December 2004. Blaszczyk was among the investigators who had been trying to locate it. The collection was first put together in early 1996 and was kept in the Drina Corps HQ in Vlasenica. The collection was then moved to the 3rd Corps HQ in Bijeljina. In May

1997, the collection was taken to Sokolac to the 5th Corps HQ. In April 1998, the collection travelled to Mali Zvornik, Serbia, where SFOR, which was authorized to search VRS commands for war documents, had no access.

In December 2004, the collection was found in Gornji Milanovac, in a building used by the Army of Serbia and Montenegro (SCG). The documents were handed over to the RS Defense Ministry and taken back to Banja Luka, where they were handed over to the OTP investigators. The government of Serbia and Montenegro sent a letter to the OTP in The Hague stating that the Drina Corps documentation had been transferred to Serbia in 1998, purportedly without the knowledge of the 'host', the SCG Army. Blaszczyk confirmed that the letter was authentic.

As Blaszczyk recounted, the OTP learned about the collection and its perambulations from VRS witnesses; it was also able to obtain copies of some of the documents. Some copies were found in the VRS archives in Banja Luka while others were provided by the defense of General Krstic, former Drina Corps commander.

Although the collection is comprehensive, Blaszczyk contends that it's not complete: some of the documents about security and intelligence affairs are missing and there are 'a lot of gaps' among the operational documents. The Drina Corps collection contains 315 pages of documents, 3,500 photos and 360 maps of the area of responsibility of the VRS Drina Corps in 1995.

In his replies to the accused Tolimir, Blaszczyk confirmed that in 1992 he was deployed in Petrinja and Daruvar – the territory of the so-called Republic of Serbian Krajina (RSK) - as a member of the UN forces. Tolimir asked the witness to explain why he used the term 'so-called' for the RSK, and whether he did so on the orders of the UN. Blaszczyk denied he had received any such orders from the UN, adding that officially the RSK was part of Croatian territory and was not in existence any more.

Zdravko Tolimir didn't complete his cross-examination of the OTP investigator as he refused to give up any of the 100-odd questions he had prepared. As Tolimir explained, it was his intention to show through his examination of the witness that the ICTY Registry didn't abide by the principle of 'equality of arms' because it 'refuses to pay for an investigator for the defense'. Blaszczyk will continue his evidence later and the trial continues next week with another prosecution witness.

**2010-05-03**

THE HAGUE

**TOLIMIR INVOKES MIRSAĐ TOKACA'S CLAIM**

In his cross-examination of Jean-Rene Ruez, who headed the OTP's Srebrenica investigation team, the accused Zdravko Tolimir challenged the figures for the Srebrenica victims. Tolimir invoked a purported statement by Mirsad Tokaca, director of the Investigations and Documentation Center in Sarajevo, that the lists of people killed in Srebrenica contain the names of 500 persons who are still alive. Ruez suggested to Tolimir to call Tokaca as his defense witness.





◀ Jean-Rene Ruez, witness at the Zdravko Tolimir trial

Former head of the OTP's Srebrenica investigation team Jean-Rene Ruez returned today to the courtroom to complete his cross-examination, postponed in late March 2010. Ruez was cross-examined by the accused, former chief of security in the VRS Main Staff Zdravko Tolimir, who is representing himself.

Tolimir dedicated most of the time in his cross-examination to the number of Srebrenica victims, trying to prove that the official number of almost 8,000 victims – 7,000 of them executed after the VRS troops entered the enclave – was an exaggeration. In Tolimir's view, the numbers were inflated by adding the names of people killed in combat to the lists of victims of mass executions.

Tolimir also argued that the names of people killed at other locations and even of living persons were added to the lists.

As key evidence for his argument, the accused showed the witness a news agency report on a statement by Mirsad Tokaca, director of the Investigations and Documentation Center from Sarajevo. Tokaca allegedly said that the lists of Srebrenica victims included the names of 500 people who were still alive. The witness replied he wasn't aware of the statement and the prosecutor objected, saying that the accused was trying to mislead the judges when he said that Tokaca's claim 'has never been denied'. Although the Trial Chamber sustained the prosecution's objection, Tolimir persisted in discussing the purported claim about '500 living residents of Srebrenica'. Finally, Ruez suggested to the accused to call Tokaca as his defense witness.

Another issue Tolimir insisted on was how many of the BH Army 28th Division troops moving in the column towards Tuzla were killed in action. Ruez noted that his crime investigation centered on the men who had either surrendered or had been captured and were then executed en masse, not on those killed in combat. Ruez said the exact number of the Srebrenica victims was still unknown; the final number will not be determined until all the secondary mass graves found in the meantime are exhumed.

Tolimir will continue and complete his cross-examination of investigator Ruez tomorrow.

## 2010-05-04

THE HAGUE

### TOLIMIR'S WAR OF IMAGES



The accused Zdravko Tolimir showed clips from feature film *Resolution 819* to contradict the documentary footage from Srebrenica and aerial photos tendered into evidence by the prosecution, as his cross-examination of Jean-Rene Ruez, head of the Srebrenica investigation team, continued. Tolimir claims that the 'fabricated scenes' shown there do not reflect 'the real scenes' from Srebrenica.

◀ "Rezolucija 819" film poster

The cross-examination of Jean-Rene Ruez, head of the OTP's Srebrenica investigation team today focused on the visual media. The accused Zdravko Tolimir, on trial for genocide and other crimes in Srebrenica and Zepa in 1995, asked a number of questions about the aerial photos of the Srebrenica area in the summer of 1995 provided to the prosecution by the US administration. He then asked Ruez if he could use his 'connections with the Americans' to help the defense obtain aerial photos Tolimir wants to see.

Tolimir, as he went on to explain, is interested in the aerial photos showing the column of about 15,000 soldiers and civilians gathering up and setting off towards the BH Army-controlled territory, through the woods and across the mountains. The accused believes that the photos would show that a large number of soldiers in the column were killed in the ambushes set by the Serb forces or in attempts to break through the Serb lines,

rather than in organized mass executions, as the prosecution alleges.

The Americans were never asked to provide aerial photos 'that pertain to the military history of the fall of the enclave', the fighting between the Serb forces and the BH Army 28th Division, Ruez replied. He left that to 'history', focusing in his investigation on the fate of the thousands of the Srebrenica men who were captured or surrendered to Mladic's forces. The aerial photos obtained from the US administration confirmed the testimony of the surviving witnesses and played an important part in the effort to find the mass graves in hidden and inaccessible locations.

Tolimir did move on to another topic, but still in the sphere of visual media. He showed the witness some clips and stills from the feature film *Resolution 819* by Italian director Giacomo Batiatto. The film, Tolimir said, purports to be 'based on actual events' in Srebrenica, and draws on the experiences of the head of the Srebrenica investigation, named Kalvez, rather than Ruez, in the film.

The accused asked the witness to confirm it, and Ruez complied, stressing that he had played no part in the writing of the script or the making of the film. After a series of questions about the way in which the Srebrenica operation and General Ratko Mladic were depicted in the film, Ruez noted he was a police inspector and not a film critic and said it was a feature film, not a documentary reconstructing the events in Srebrenica. For his part, he had nothing to do with the film, either the concept or the finished product.

Finally, Tolimir again invoked the purported statement made by Mirsad Tokaca about '500 persons from Srebrenica registered as missing, who are still alive'. Prosecutor Peter McCloskey intervened, showing the judges a disclaimer from the Investigation and Documentation Centre to the effect that Tokaca's statement 'has been taken out of context': it had nothing to do with Srebrenica but with his long effort to determine the 'human losses' in BH. In the years of research, he was able to determine that about 500 people listed on various lists of missing persons were in the meantime shown to be alive.

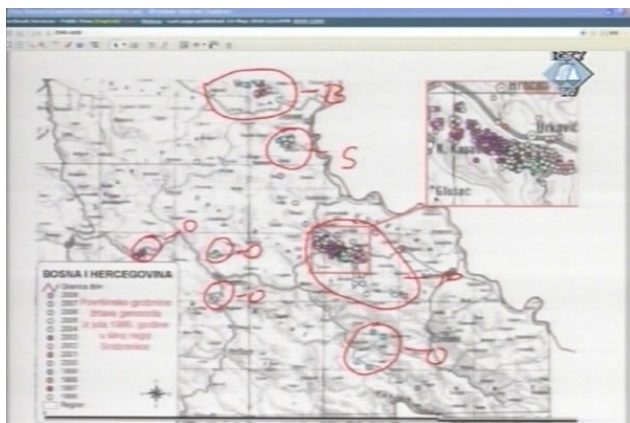
General Tolimir, who served as Mladic's assistant for security and intelligence, is on trial for genocide and other crimes in Srebrenica and Zepa; the trial is slated to continue on Thursday, 13 May.

## 2010-05-14

THE HAGUE

### ONE BODY IN FOUR GRAVES

According to the latest OTP report, a total of 6,557 victims were identified after the investigation in Srebrenica and Zepa that lasted for years. OTP investigator Dusan Janc gave evidence about this effort at the trial of Zdravko Tolimir.



◀ Map marking all the graves identified in the Srebrenica area and one grave containing victims of a crime in Zepa

According to the latest report on the results of the OTP investigation, the number of identified Srebrenica victims has reached 6,557. There are still about 1,300 names on the list of the International Commission for Missing Persons whose remains have neither been recovered nor identified.

At the trial of former security officer in the VRS Main Staff, the court heard testimony of Dusan Janc, OTP investigator who authored the report. Zdravko Tolimir is on trial for genocide and other crimes in Srebrenica and Zepa in the summer of 1995.

Janc joined the OTP Srebrenica investigation team in 2003 and has since drafted four reports. The latest report containing information on the newly discovered graves and exhumations was completed in April 2010. The purpose of the report was to give the Trial Chamber an accurate number of victims from Srebrenica, the number of graves where their remains were exhumed and other forensic evidence establishing connection between the findings and the events described in the indictment.

In the process of establishing this connection, Janc explained, the starting point in most of the cases was direct testimony of the witnesses or survivors of mass executions listed in the indictment. The team of investigators, forensic experts, archeologists and anthropologists was then able to locate the mass grave sites and recover items which helped the team reconstruct the Srebrenica crimes.

Janc drew a map marking all the graves identified in the Srebrenica area and one grave containing victims of a crime in Zepa. A special chart showed the link between primary and secondary graves and links between several secondary graves.

Links between primary and secondary graves were reconstructed using forensic evidence such as soil, pollen or broken glass, which helped establish the connection between the primary grave at the glass factory tip in Kozluk and the secondary grave in Cancari. DNA analysis of remains helped establish the identity of the victims. However, body parts belonging to a single victim were found in two, three, and in one case in four mass graves.

Apart from the evidence recovered from graves, the team gathered so-called surface remains, mostly along the way where the column of soldiers and civilians was moving in an attempt to break through towards Tuzla. Of a total of 960 victims whose remains were gathered on the surface, 703 victims were identified, Janc said.

The Srebrenica investigation is still underway, Janc said, noting that the number of victims will certainly increase in future as new graves are discovered and recently exhumed remains are identified.

The accused Tolimir has asked for six hours to cross-examine Janc. Tolimir will begin his cross-examination on Monday.

## 2010-05-31

THE HAGUE

### SURVIVOR FROM WAREHOUSE IN KRAVICA

A resident of a village near Srebrenica gives evidence at the trial of General Tolimir. On 13 July 1995, the witness survived the massacre in a warehouse in the village of Kravica. About 1,200 captured Bosniaks were killed with automatic weapons and hand grenades there. General Tolimir is charged with genocide and other crimes in Srebrenica and Zepa.



◀ The footage made in front of the Kravica warehouse shows about twenty bodies piled up

At the trial of General Zdravko Tolimir, the prosecution today briefly interrupted the part of its case focusing on the intercepted conversations between Bosnian Serb political and military leaders during the operation in Srebrenica, and called to the witness stand yet another survivor of the Srebrenica execution sites.

Protected witness testifying under the pseudonym PW 005 survived the massacre of over 1,000 Bosniaks in a co-op warehouse in the village of Kravica on 13 July 1995. Giving evidence with protective measures, the witness confirmed that what he said in his evidence on 8 February 2007 at the trial of seven Bosnian Serb officers was true. The transcript was then admitted into evidence.

The summary of the witness's statement read by the prosecutor says that the witness left Srebrenica in the evening of 11 July 1995 on the orders of the command of the BH Army 28th Division. The witness separated from his family: they went to Potocari while he joined the column heading through the woods towards Tuzla. The witness survived two Serb ambushes when so many people were killed that 'you could walk on dead bodies', as he said. After that, he decided to surrender.

The witness estimated that almost 2,000 prisoners had gathered in a field near the village of Sandici on 13 July 1995. General Ratko Mladic spoke to the prisoners assuring them that they would be transferred to the BH Army-controlled territory and united with their families. Instead, the prisoners were taken to a co-op warehouse in the village of Kravica and executed. The executioners fired their automatic weapons and threw hand grenades in through the windows. The witness survived the execution and was able to escape from the warehouse. After two months of wandering, the witness managed to reach the territory controlled by the BH Army on 18 September 1995.

Zdravko Tolimir - who represents himself - confronted the witness in his cross-examination not only with the statement PW005 gave in 2007 but also with what he told the BH authorities in 1995 and the Tribunal's investigators in 1996. The accused asked the witness to explain how he reached the figure of 500 men killed in the ambushes and the figure of 2,000 prisoners who were in the field at Sandici and later executed in Kravica.

The witness was adamant that he 'never mentioned' the figure of 500 men killed in an ambush near the village of Kamenica - not even in the statements he signed where the figure appears. 'I said that one could walk on the dead bodies but I didn't count them', the witness explained.

## 2010-06-24

THE HAGUE

### TOLIMIR ACCUSES UNPROFOR OF BIAS

Prosecution witness, former UNPROFOR officer who served in BH, denied the claim that the blue helmets 'tolerated the BH Army attacks' on Serb positions and responded to VRS actions with 'ultimatums and punishment.'



◀ Louis Fortin, witness at the Zdravko Tolimir trial

The accused Zdravko Tolimir continues his cross-examination of Canadian officer Louis Fortin. In the summer of 1995, Fortin served as assistant to French general Gobillard, commander of the UN forces in the Sarajevo Sector. Tolimir tried to corroborate two arguments: that UNPROFOR in Srebrenica and Zepa was 'favoring Muslims' and that the VRS attack launched in the summer of 1995 was an inevitable consequence of the way in which the Muslims exploited the existence of the enclaves under the UN protection.

UNPROFOR tolerated the attacks the BH Army launched from the UN-protected areas although those areas should have been demilitarized according to the agreement, the accused suggested. Furthermore, as Tolimir said, UNPROFOR did the same thing in Sarajevo, where the UN sector had its headquarters. Fortin himself served there. UNPROFOR tolerated the attacks by the BH Army from the city on the VRS positions around Sarajevo. At the same time, UNPROFOR would 'punish' the Bosnian Serb army with air strikes for its response when it failed to withdraw its heavy artillery.

The Canadian general dismissed Tolimir's claims about the UN's partiality, explaining that UNPROFOR protested whenever there was a violation of the agreement on the protected areas. This included the BH Army attacks on the VRS positions. 'The Muslims didn't make it any easier for the UNPROFOR', the witness explained, noting that those attacks were preceded by an extended and exhausting blockade of the enclaves by the Bosnian Serbs. The people inside were forced to desperately seek ways to find food.

The witness also denied the claim that UNPROFOR's 'task was to prevent the attacks by the Bosnian Serb troops', as the accused suggested. The UN had a mandate to protect the enclaves, make sure supplies reached them and supervise the implementation of the agreement on protected zones.

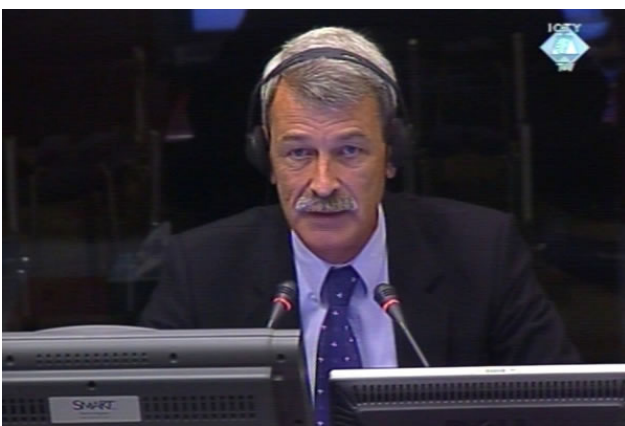
The cross-examination of the Canadian officer continues next Tuesday. Tolimir has asked for 10 hours for the cross-examination.

## 2010-06-30

THE HAGUE

### ULTIMATUM AS RESPONSE TO ULTIMATUM

At the trial of General Zdravko Tolimir, Dutch colonel Robert Franken described how he exchanged ultimatums with the commander of the VRS Main Staff on 10 July 1995. Mladic demanded that the Dutch Battalion, the BH Army and civilians leave Srebrenica. Franken responded by demanding that the VRS withdraw; if they refused, air strikes would follow.



◀ Robert Franken, witness at the Zdravko Tolimir trial

Former deputy commander of the UNPROFOR Dutch Battalion in Srebrenica Robert Franken is testifying at the trial of General Zdravko Tolimir. This is the fifth time Franken testifies before the Tribunal, describing the events of July 1995.

The prosecutor first read out the summary of Franken's testimony at the Srebrenica Seven trial in October 2006. At the trial of the seven Bosnian Serb military and police officers, Franken said that the Serb forces intensified their attacks on the Dutch Battalion positions and the shelling of the Srebrenica enclave as early as in April 1995. The Serb forces harshly restricted the passage of convoys carrying food and medication of the population

in the protected zone and fuel, ammunition and military equipment for the Dutch Battalion. Today Franken described those restrictions as 'convoy terrorism', noting that the strength of the Dutch Battalion dropped from 300 to 147 because replacements could not be brought in.

The VRS launched its attack on the Srebrenica enclave on 6 July 1995. On 10 July 1995, Mladic's troops 'randomly' shelled Srebrenica. Direct fire was opened on the UN observation posts and on the base in Potocari. General Mladic gave an ultimatum to the BH Army, the Dutch Battalion, the UNHCR and civilians to 'leave the territory' by 6am on 11 July 1995. Colonel Franken responded by issuing his own ultimatum in turn, demanding that the VRS withdraw to the so-called Morillon's line; if they refused, air strikes would follow.

The BH Army 'disappeared from Srebrenica' on 11 July 1995, Franken said; at the same time, Mladic's troops took over several UN observation posts. The captured Dutch soldiers were transferred to Bratunac. The civilian population started fleeing en masse towards Potocari. Although the 'blue helmets' escorted the refugees, the column was under constant mortar fire. As Franken said today, 114 persons were wounded. In order to protect them, the Dutch moved the refugees to the rear of their base in Potocari. The air strikes finally began in the afternoon, but it was already too late. Mladic threatened to shell the base in Potocari and 'kill the UN personnel' in Bratunac. As Franken said, he took the threat seriously because 'Serbs had used the artillery indiscriminately before' targeting refugees fleeing from Srebrenica towards Potocari.

The Dutch colonel then described how men were separated from the rest of the people in Potocari and detained in the 'white house'. The witness also spoke about the evacuation of women and children. The Dutch Battalion troops tried to escort the refugee convoys, but after they sent off two buses, the VRS soldiers prevented them from doing that. Colonel Franken was thus deprived of 'the capability to see and hear what was going on'. Franken also recounted how on 17 July 1995 he signed the Srebrenica declaration together with the Bosniak representative Nesib Mandzic, stating that the 'evacuation proceeded without any incidents in full compliance of the Geneva Conventions and international humanitarian law'. Although Franken thought the declaration was 'pointless because the population could not opt to stay', he signed the document to facilitate the evacuation of the injured, Franken said.

The accused General Tolimir began his cross-examination of Colonel Franken by establishing the strength of the BH Army's 28th Division and defining the borders of the enclave which was under ostensible UN protection. The cross-examination continues tomorrow.

## 2010-07-01

THE HAGUE

### DEFENSE OF THE PROTECTED ZONE

In the cross-examination of Colonel Franken, former deputy commander of the Dutch Battalion in Srebrenica, Tolimir accused the UNPROFOR of siding with the BH Army in July 1995.



◀ Robert Franken, witness at the Zdravko Tolimir trial

The UN forces in Srebrenica in July 1995 sided with the BH Army against the VRS, the accused VRS general Zdravko Tolimir said as he continued his cross-examination of Dutch colonel Robert Franken.

During the whole of the hearing today, former Mladic's deputy commander for security in the VRS Main Staff used documents which show that the BH Army deliberately violated the agreement on protected and demilitarized zones in Srebrenica and Zepa from their very establishment in March 1993. In July 1995, the witness served as the deputy commander of the Dutch Battalion in Srebrenica. The Bosniak forces obtained arms and attacked the nearby VRS positions from the

enclaves regardless of the blue helmets presence or even in collusion with them, the accused suggested. Arms were smuggled in from Tuzla, by helicopter or in convoys that entered the enclave from south-west, going through an area known as the 'lamppost triangle'.

Franken confirmed that Dutch soldiers could not access the area and that the battalion command repeatedly received reports of arms shipments coming in. Nevertheless, the witness noted that the blue helmets didn't have enough equipment and were not authorized to track down arms shipments to the enclave and prevent them. 'We failed to demilitarize the enclave', the Dutch officer noted.

As the accused put it, the attack on Srebrenica, launched on 6 July 1995, was a consequence of UNPROFOR turning a deaf ear to the VRS protests. In June 1995, the VRS protests culminated in a demand they made to the UN command in Sector Sarajevo to 'demilitarize the enclaves immediately; if not the VRS will do it on its own'. According to Franken, the Dutch Battalion wasn't told about the demand.

Three days after the VRS attack, on 9 July 1995, the UN issued an order to defend the enclave Srebrenica. This order expanded the original mandate of UNPROFOR which was to demilitarize the enclave, prevent military operations by the warring factions and to secure humanitarian aid supplies. All restrictions in the rules of engagement were rescinded at that point in time, Franken said. The task was to defend the town under attack by the VRS and the Dutch Battalion was trying to carry out that task, Franken insisted.

When Tolimir asked if this was decided by the UN Security Council, Franken replied, 'I don't know and I didn't care' on which level the decision was made. 'I received the order immediately from my superior command and for as long as it didn't require me to commit any crimes, I complied with it', the Dutch officer said.

Zdravko Tolimir will continue his cross-examination of the Dutch officer on Tuesday afternoon.

2010-08-19

THE HAGUE

**FORBIDDEN TRIANGLE IN PROTECTED AREA**

Completing his evidence at the trial of Zdravko Tolimir, former UNPROFOR chief of staff in BH, General Nicolai testified he was never told that the BH Army restricted the movement of UN troops in Srebrenica in the 'Bandera Triangle' inside the enclave in the summer of 1995.



◀ Cornelis Nicolai, witness at the Zdravko Tolimir trial

Dutch general Cornelis Nicolai, who served as chief of staff of UNPROFOR in BH, completed his evidence today. In his cross-examination, the accused Zdravko Tolimir again contested the claim that the 'blue helmets' in Srebrenica enjoyed full freedom of movement. The BH Army restricted their movement in the enclave formally protected by the UN, Tolimir contended, showing the Dutch general the evidence of Major Robert Franken, who was deputy commander of UNPROFOR Dutch Battalion in the summer of 1995.

In his evidence, Franken said that the Dutch soldiers were denied access to one part of the enclave, known as the 'Bandera Triangle'; he showed the court where this

area was on the map of the enclave. Today Tolimir showed this map to General Nicolai, who nevertheless maintained he had received no reports to that effect. As far as Nicolai knew, UNPROFOR's movement within the enclave was never restricted. 'This still surprises me', Nicolai said.

General Tolimir, Mladic's assistant commander for security in the VRS Main Staff, brought up a series of documents to show that the BH Army violated the agreement on the demilitarization of Srebrenica and Zepa after the establishment of the 'protected areas' in March 1993. Nicolai agreed that Srebrenica was never completely demilitarized. On the other hand, Nicolai rejected Tolimir's suggestion that UNPROFOR tolerated the illegal efforts to supply arms to the BH Army in the enclave. Nicolai reminded the court that the no-fly zone was established precisely to limit those activities. The no-fly zone significantly reduced the number of helicopters overflights, used to supply weapons, but it was impossible to put a stop to those activities because of the rugged terrain.

In the final part of his cross-examination of the Dutch general, Tolimir focused on the claim that UNPROFOR was biased, favoring the Muslim side. Tolimir put it to Nicolai that three days after the VRS attacked the enclave, UNPROFOR 'was working on securing political preconditions for NATO air support' although the situation in the field didn't call for that. Nicolai dismissed the suggestion, saying that on 9 July 1995 he relayed to the Dutch Battalion General Janvier's order to take positions in the eastern part of the Srebrenica enclave. This meant that the Bosnian Serbs would have to attack the UN troops if they wanted to continue their onslaught on the enclave.

As Nicolai explained, this was the French general's response to the Dutch demands for air support. Janvier believed that air support could not be approved unless there was a direct engagement between the Serb forces and the UN and unless civilians came under attack. If the VRS were to attack the blue helmets, the UN troops could return fire and call in NATO air support.

The accused finally asked the Dutch general to comment on the evidence of Canadian officer Louis Fortin. The assistant commander in the UN Sarajevo Sector claimed that 'UNPROFOR would punish only the Serbs because they considered the Serbs to be the aggressors in the war'. Nicolai tersely said he found the remark to be 'total nonsense'.

2010-08-23

THE HAGUE

**TOLIMIR: 'SREBRENICA HAS FALLEN, ZEPa IS NEXT'**

At the trial of Zdravko Tolimir, the prosecution continued its case with the evidence on the events in Zepa. Zepa is the other enclave nominally protected by the UN to be captured by the VRS in July 1995, after Srebrenica.

A witness whose name was not disclosed began his evidence today with protective measures but without a pseudonym. During the war, the witness served as the president of the Zepa executive board and a member of its War Presidency, which comprised the president of the Zepa municipality Mehmed Hajric and 'chief military commander' Avdo Palic. According to the witness, there were about 1,200 men of military age in Zepa in July 1995. About 600 of them were fighters.

The witness confirmed that the enclave was never 'ever entirely demilitarized' as its defenders had kept their light infantry weapons. The witness also verified that arms continued to be brought into the enclave in the second half of

1994 with helicopters. The weapons were used in actions by the Zepa Brigade, under Palic's command, targeting the Serb positions outside of the enclave as a 'part of an operation to lift the siege of Sarajevo and to ease the pressure on the Sarajevo front', the witness recounted.

The political leadership in Zepa was not officially informed about those attacks and was against them. This led to a disagreement between the military and political elements in the Zepa War Presidency. General Palic received his orders through the military chain of command, the witness said.

The day after the fall of Srebrenica, on 12 July 1995, the VRS called the War Presidency of Zepa to negotiate the evacuation of the enclave. Although the War Presidency forwarded this invitation to the political and military leadership in Sarajevo, members of the War Presidency decided – without receiving a reply – to accept the invitation. Two members, the witness and Mujo Omanovic, were appointed to negotiate.

On 13 July 1995, a two-member delegation from Zepa met with VRS general Zdravko Tolimir and Colonel Rajko Kusic at an UNPROFOR checkpoint in Boksanica. Tolimir started the meeting by saying 'Srebrenica has fallen, Zepa is next', the witness recounted. As Tolimir explained, this could be done in two ways: either 'the entire population would board buses and leave the enclave' or the VRS would capture Zepa in a military operation.

When the witness asked if agreeing to evacuate meant that a '35-year old man could board a bus with his family and leave the enclave', Tolimir said, 'yes, of course'.

While the witness and Omanovic talked to Tolimir at Boksanica, the War Presidency in Zepa received a reply from Sarajevo ordering them 'not to agree to negotiate with the aggressor' because the only thing the Serbs could offer was an 'ultimatum to surrender'.

The testimony of the former official from Zepa will continue after the court hears another witness, testifying as PW 076.

## 2010-08-24

THE HAGUE

### EVACUATION OF ZEPA OR DEATH SENTENCE

Former president of the Zepa executive board and a member of its war presidency recounts how at the negotiations General Ratko Mladic demanded that the entire population be evacuated from the enclave, threatening the Bosniak representatives that they 'will sign their death warrant' if they declined.



◀ Images from the video filmed during negotiation of the Žepa delegation with Ratko Mladić on the 19. 07. 1995.

After a brief evidence of yet another employee of the BH Army surveillance service who testified under the pseudonym PW-076, the notes and transcripts of six intercepted conversations were admitted into evidence. Their contents were not disclosed. The trial continued with the evidence of former president of the executive board in the Zepa municipality and member of its war presidency. The witness began his evidence yesterday with protective measures but without a pseudonym.

When the witness continued his evidence today, the footage of the negotiations talks between the Zepa delegation and Ratko Mladic on 19 July 1995 was shown in court, revealing the identity of the witness. The witness

had said that he and Dr. Benjamin Kulovac took part in the negotiations. The person seen in the footage sitting by the doctor introduced himself as Hamdija Torlak and General Mladic addressed him as such.

Yesterday, the witness described the first round of talks on 13 July 1995; General Zdravko Tolimir demanded that the entire population of Zepa be evacuated. The Zepa war presidency rejected the demand in fear that men of military age would meet the same fate as the men in the Srebrenica enclave, the witness explained.

As the witness recounted, the next day, on 14 July 1995, the Serb forces launched a heavy artillery attack on Zepa. The shelling lasted until 19 July 1995. There was a lull, followed by an invitation to another round of talks – this time with General Ratko Mladic.

The prosecutor today showed a video of the talks between General Mladic and the Zepa defense commander, Avdo Palic. They talked on 19 July, using the radio equipment of the UN Ukraine Battalion. Mladic is trying to talk Palic to attend the talks at a checkpoint manned by the Ukrainians, telling him it was their 'last chance' and that refusal to do so would be tantamount to 'signing your death warrant'.

Doctor Kulovac and Torlak arrived at the Ukrainian check-point on Boksanica instead of Palic. General Mladic told them the entire population should leave the enclave, adding that he would provide the trucks and buses, which would be escorted by the UN vehicles. The witness noted today that parts in which Mladic gave his terms to the BH

Army were edited out of the footage of the negotiations filmed by the VRS cameramen. Mladic told the BH Army they had to surrender their weapons and be registered by the Red Cross. After that the BH Army personnel would be exchanged, he said.

When the Zepa War presidency insisted that the men of military age be exchanged on the 'all for all' basis, the Serb side took it as their refusal of Mladic's terms. As a result, the attacks on Zepa resumed on 20 July 1995 with increased ferocity.

The VRS troops came closer to the center of Zepa. On 24 July 1995, when the VRS conquered the 'key elevation' for the defense of the enclave – Brezova Ravan – the Serb troops stopped. Mladic called for another round of talks, and this time, the witness went alone. Mladic was very angry, the witness recounted, asking him to sign immediately a paper that was a 'sort of agreement on the disarmament'. One of the items referred to the evacuation of the population.

He decided to sign that paper as he had no choice, the witness explained. 'We were forced to do it. I would have signed any paper that meant the people would have to be evacuated, because the inner core of the war presidency had decided to do it,' the witness said today. He will continue his evidence tomorrow.

## 2010-08-25

THE HAGUE

### STAYING IN ZEPA WAS NOT 'A REALISTIC OPTION'

At the trial of Zdravko Tolimir, the president of the Zepa Executive Board continues his evidence. In July 1995, he negotiated with General Mladic and his security assistant the evacuation of the enclave nominally protected by the UN.



◀ Images of the evacuation of Zepa in July, 1995

The evacuation of the civilians from Zepa started on 25 July 1995, one day after Hamdija Torlak, the president of the Executive Board and member of the War Presidency in Zepa signed an agreement with Ratko Mladic. Paragraph 7 of the Agreement on the Disarmament, its official title, stated that the citizens of Zepa would be given an opportunity 'to choose freely their place of residence, in line with the Geneva Conventions'. The witness today described the paragraph as 'whitewash designed to cover up things that were in fact not in line with the Geneva Conventions', since, as he insisted, 'remaining in the enclave was not a realistic option for the Muslims'.

It took two days for the people to evacuate and the operation was coordinated, on Mladic's orders, by VRS general Zdravko Tolimir and BH Army colonel Avdo Palic, who commanded the Zepa brigade. As the witness recounted, his role was to stay at the UNPROFOR checkpoint in Boksanica while Tolimir was in the centre of Zepa 'to guarantee the safety of the Serb general', i.e., as a hostage of sorts.

In the footage, the witness was able to identify the site in Zepa from which the buses with the injured, women, children and the elderly departed for Kladanj. He also identified Colonel Avdo Palic, cleric Mehmed Hajric who was the president of the War Presidency, and Amir Imamovic, head of the civil defense. In the last amended indictment against General Tolimir issued in 2009, he is charged with the deaths of these three 'eminent residents of Zepa' who went missing after the fall of the enclave.

The last time the witness saw Avdo Palic was on 25 July 1995, at a UN checkpoint in Boksanica. He heard that Palic had been arrested in Zepa upon his return. He had not heard anything about Palic's fate until 'a couple of years back', when Palic's remains were found near the village of Vragolovi.

The remains of Mehmed Hajric and Amir Imamovic were found at the same site. The two were captured together with the witness on 27 July and detained at a farm in Rogatica. They spent a few days together in the same room of the makeshift prison, but then Imamovic and Hajric were taken away. Their fate remained unknown until their bodies were recovered near Vragolovi.

When Judge Mindua asked the witness why he had been spared, the witness answered in closed session. The witness did speculate in open session that he may have been spared because of 'some video tapes', but did not specify the contents or source.

The accused Tolimir is expected to start cross-examining the witness tomorrow. The witness's name is not mentioned in public in court, as agreed previously by the parties. The witness himself, however, said his own name, both in the footage taken when Zepa fell and in court.



**2010-09-07**

THE HAGUE

**CHECKING AUTHENTICITY OF INTERCEPTED CONVERSATIONS**

In an effort to prove the authenticity and reliability of intercepted communications between various RS military and police officers recorded in 1995 by the BH Army and police intelligence services, the prosecution called Stephanie Frease to give evidence at the trial of Zdravko Tolimir. Frease is former OTP investigator; in 1995, she was involved in a project to gather and analyze materials related to the intercepted conversations.

At the trial of Zdravko Tolimir today, the prosecution tendered into evidence the statement its former investigator Stephanie Frease gave at the previous trial for crimes in Srebrenica and Zepa. In her evidence, Frease talked about the effort to collect, analyze and verify the authenticity of intercepted communications between various RS military and police officers recorded by the BH military and police intelligence services. The prosecutor then asked her some additional questions about the criteria and the procedure used to check the authenticity of the material.

The prosecution learned there were recordings and transcripts of intercepted conversations as soon as it began investigating the Srebrenica events in 1995. The authorities in Sarajevo did not deliver the first documents to the prosecution before March 1998, Frease said. The material contained 550 pages of photocopied transcripts of conversations intercepted from 9 to 30 July 1995. In April 1998, the prosecution received 134 notebooks in which the operators wrote down the contents of the communications they intercepted. The collection was supplemented in May 1999 with 57 more notebooks and two floppy disks. In 2000, the prosecution got two boxes of audio tapes with recorded conversations.

Stephanie Frease worked on analyzing the material until 2000 when she left the OTP. With the help of a team of experts, translators and analysts, Frease was trying to establish the reliability and authenticity of the material by comparing it to other documents and aerial photos taken at the same time. Frease also created a data base which systematized all the documents related to the intercepted conversations.

In preparations for the trial of the Srebrenica Seven which started in 2006, the prosecution once again hired Stephanie Frease to make a comparative analysis of the existing material and new documents obtained after Frease left the Tribunal. In 2001, the BH Information and Documentation Agency handed over to the OTP four floppy disks with the transcripts of conversations the BH State Security surveillance service recorded in 1995.

After a detailed analysis of all the versions of intercepted communications – from audio recordings and handwritten notes in notebooks to typed-up copies in electronic format – the initial skepticism of the investigators about the material was quashed. As Frease said, she never found any documents that would cast doubt on the whole collection.

The authenticity of the documents was additionally verified by linking the intercepted conversations with other documents about the period and locations discussed in the conversations. Among them are the conversations between Colonel Ljubisa Beara, security officer in the VRS Main Staff, and the commander of the 65th Protection Regiment Zoran Malinic Zok of 13 July 1995, Frease confirmed. In their first conversation around 11am, Malinic tells Beara about 400 Muslims captured in Konjevic Polje who are to be taken to a nearby sports field. In their second communication around 2pm, Malinic says there are now about a thousand Muslims. Beara tells Malinic to ‘cram them all into the sports field’.

Frease linked two documents with those conversations: an order from the 65th Protection Regiment command, issued on 13 July 1995 about what to do with ‘1,000 prisoners in the Konjevic Polje area’, and aerial photos of a football field near Konjevic Polje taken on 13 July 1995 and showing a field full of people.

Stephanie Frease continues her evidence tomorrow.

**2010-09-10**

THE HAGUE

**TOLIMIR: INTERCEPTED CONVERSATIONS ‘FABRICATED’ BY THE BH SECURITY SERVICE**

In the cross-examination of former OTP investigator, the accused Zdravko Tolimir put it to her that the recordings and transcripts of the intercepted conversations between various Bosnian Serb military and police officers during the Srebrenica operation were in fact fabricated or tampered with in the ‘labs of the BH State Security Service’. The material was then surrendered to the Tribunal, he argues.



◀ Zdravko Tolimir in the courtroom

As he cross-examined prosecution witness Stephanie Frease, who used to work for the prosecution as an investigator, General Zdravko Tolimir revisited a point in Frease's testimony when she said that as early as in 1995 the Srebrenica investigation team leader Jean Rene Ruiz had asked the BH authorities to hand over the recordings and transcripts of the intercepted conversations between various Bosnian Serb military and police officers. Ruez had heard that they existed. The first transcripts, Frease stated, were handed over to the OTP in the spring of 1998. In Tolimir's view, only two things can account for the three-year interval between the request and the delivery of the material.

The first reason is that in 1995 – when they received the OTP's request – the BH authorities had no recordings or transcripts of the intercepted conversations and it follows that it took them three years to fabricate them. The alternative is that the recordings existed but because of their contents it was not in the interest of the BH army and police to hand them over to the Tribunal. In that case, a three-year delay before the material was handed over was used by the State Security Service to 'make a selection in their labs' of the recordings and transcripts and delete the unwanted parts.

Stephanie Frease rejected this suggestion, contending those were 'highly trained persons' working in the surveillance services of the State Security and the BH Army who had a responsible job, 'like court reporters', to write down exactly what they heard. Frease once again said there was no doubt about the authenticity and reliability of the material. 'Mistakes are always possible but there was no pattern which would indicate there was any kind of selection', Frease said.

Presiding judge Flugge then asked the witness if she tried to find out why only one side could be heard in some of the recordings. The accused has repeatedly insisted on that point, too. The phenomenon was investigated, Frease said, but she was not able to explain to the Trial Chamber the technical aspects.

## 2010-09-16

THE HAGUE

### TOLIMIR: 'SELF-EVACUATION' OF MUSLIMS FROM SREBRENICA

General Zdravko Tolimir continues his cross-examination of Kenyan major Kingori, in an effort to support his version of events in Srebrenica in the summer of 1995: according to him, Muslims from Srebrenica 'requested on their own' to leave the enclave and the 'UN forces helped them'.



◀ Josef Kingori, witness at the Zdravko Tolimir trial

The accused general Zdravko Tolimir continues his cross-examination of former UN military observer Josef Kingori. Bringing up a letter the mayor of Srebrenica sent to President Alija Izetbegovic on 9 July 1995, Tolimir argued that the military and political leadership of the enclave had a detailed plan to leave Srebrenica even before Mladic's troops launched the attack. There was another plan to separate the population into two groups which were to withdraw along different routes, Tolimir claimed.

According to Kingori, even if the evacuation from Srebrenica had been planned, it couldn't have been the result of a voluntary decision by the people. Their departure was a necessity, caused by the incessant shelling from the VRS positions. On 11 July, the VRS forces finally entered the town. Kingori also rejected Tolimir's suggestion that the VRS shelled only military targets. 'I don't know of any facilities used by the BH Army except for the communications center in two small rooms located in the post office building', Kingori said.

Tolimir also tried to contest the witness's evidence about the threats the VRS officers issued to the Muslim population of Srebrenica through UNPROFOR personnel and UN military observers. Kingori testified that 'Major Nikolic and Colonel Vukovic' in their contacts before the attack on Srebrenica repeatedly told him to tell the Muslims that it 'is best for them to pack and move out or else they will be killed' because Serbs 'don't want to live with the Muslim fundamentalists'.

The accused general suggested that Kingori misinterpreted, because of 'language barrier', what the two VRS liaison

officers with the UN had said. At the meetings in the Fontana Hotel, General Mladic offered the people of the enclave free choice: to leave or to stay if they laid down their arms.

'We had no reason not to believe the liaison officers', responded Kingori. They certainly received their instructions from their superior officers, all the way up to Mladic, since this was their job – to liaise with the UN troops. Also 'what they told us always came true, including those threats', the Kenyan colonel stressed. We had no reason to doubt them, Kingori said. Josef Kingori will complete his evidence on Monday.

## 2010-09-28

THE HAGUE

### CAUSE OF DEATH OF SREBRENICA VICTIMS

In his evidence at the trial of VRS general Zdravko Tolimir, British pathologist John Clark noted that the victims in Srebrenica were mostly men who died of gunshot wounds to the back. Clark worked on the postmortems of Srebrenica victims.



◀ John Clark, witness at the Zdravko Tolimir trial

The trial of Zdravko Tolimir, former Mladic's assistant for security in the VRS Main Staff continued with the evidence of British pathologist John Clark. From 1999 to 2001, Clark headed a team of pathologists examining the remains of Srebrenica victims exhumed from mass graves in Kozluk, Konjevic Polje, Glogova, Lazete, Zelene Jadar and the bodies found in the Ravnica area. Tolimir is charged with genocide and other crimes in Srebrenica in the summer of 1995.

Clark already testified at the trials of General Radislav Krstic and of the seven Bosnian Serb military and police officers charged with Srebrenica crimes. Transcripts of Clark's previous evidence were admitted into evidence

and the prosecutor read a brief summary. Dr. Clark's task was to examine the bodies of exhumed victims, determine the number and type of injuries and establish cause of death, the prosecutor said. Dr. Clark also supervised members of his team working on the exhumations and postmortems of the victims from mass graves.

Dr. Clark established that almost all victims were men of various age groups. The victims did not have any military gear or weapons. As Dr. Clark estimated, up to 86 percent of the victims died of gunshot wounds, mostly in the back. About 5 percent of the victims were killed by explosions and cause of death could not be safely determined for 8 to 9 percent of the victims. In his previous evidence, Clark noted that some of the victims were blindfolded or had their hands tied. On some sites like Ravnica bodies were found close to surface and were in 'very bad shape'.

In the cross-examination, Tolimir put it to the witness that the victims whose bodies were exhumed from mass graves in Srebrenica had in fact been killed in the fighting. They wore civilian clothes because they were in a demilitarized zone; they did not put on their uniforms because they didn't want 'UNPROFOR to prevent them from taking part in military activities', Tolimir argued. Clark said that his task was not to determine if the victims had died in combat but to determine the type of injuries and cause of death. Clark repeated that the exhumed victims were not in uniform and there were no arms or ammunition near them. Many of them were too young or too old for military service and some were physically disabled, unable to use weapons, Clark said. He did say he was willing to agree that soldiers wearing civilian clothes might have been among the victims but he had no solid evidence of that.

Tolimir referred to the evidence of some witnesses who described what had happened to the column moving towards Tuzla through the woods, encountering ambushes of the Serb troops. Tolimir claimed that some of the victims had committed suicide in despair. The witness agreed this was possible, but noted he could not remember finding any injuries typical of suicide – such as 'gunshot wounds to the mouth, head or chest' – among the 86 percent of the victims who had died 'of gunshot wounds'.

The cross-examination of the witness continues tomorrow.

## 2010-10-19

THE HAGUE

### BRATUNAC INSIDER: MUSLIMS WANTED TO LEAVE AS SOON AS POSSIBLE

Former municipal official from Bratunac testified at the trial of General Zdravko Tolimir. On 12 July 1995, the witness attended the meeting between Mladic and the representatives of the Muslim people gathered in Potocari. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa.

In the summer of 1995, a civilian official in the Bratunac municipality was involved in the effort to 'take care' of the people of Srebrenica who had sought shelter near the UN Dutch Battalion base in Potocari following the arrival of Mladic's forces. Today, he testified under pseudonym PW 063.

At the trial of former assistant commander for security in the VRS Main Staff Zdravko Tolimir who is charged for genocide and other crimes in Srebrenica and Zepa, the witness's testimony from May 2007 at the trial of the seven RS officers charged with the same crimes was admitted into evidence today. The prosecutor read a summary of the witness's testimony, which focused on the role of Ljubisa Beara, the security chief in the VRS Main Staff, in the effort to organize the transportation of the men captured after the fall of Srebrenica and their detention.

In response to the prosecutor's questions, the witness confirmed that on 12 July 1995 he attended a meeting in the Fontana Hotel in Bratunac. As the witness said, General Mladic asked the Bosniak delegation from Srebrenica to state whether they wanted to leave the enclave or to stay. The witness was able to identify the VRS officers and representatives of the Srebrenica's Muslim population – Ibro Nuhanovic, Camila Omanovic and Nesib Mandzic – on the photos. As the witness said, they stated they wanted to leave the enclave as soon as possible.

General Mladic then ordered the 'comrades from the municipality' to provide food, drinks and accommodation to the people gathered in Potocari, the witness recounted. The witness spent two hours in Potocari, monitoring the distribution of bread, water and fruit juice. He claimed he didn't notice any abuse of refugees. The next day in Bratunac, the witness saw buses full of men. As he recounted, he was told that those men would be taken to the Batkovic prison camp to be exchanged for captured VRS soldiers. Instead of Batkovic, the men were first taken to various locations where they were detained for a short time and were then transferred to execution sites in the broader Srebrenica area.

In the cross-examination, the accused general focused mostly on the crimes against the Serb population in the villages around the Srebrenica enclave after it was declared a protected area in March 1993.

The witness said that contrary to the demilitarization that had been declared, the Serb villages around the enclave were under constant attacks in 1993 and 1994; the buildings were destroyed and the inhabitants expelled or killed. According to the witness, 139 persons, mostly civilians, were killed in two attacks on the village of Bjelovac. On Christmas Day in 1994, 60 persons were killed in the village of Kravica and 25 persons were killed in the village of Fakovici.

The witness said that the attempt of the men from Srebrenica to break through to Tuzla in July 1995 through the woods and hills was caused by their fear of facing the Serb army because they most probably 'had blood on their hands' from the attacks on the Serb villages. The witness also corroborated the defense claim that the Bosniaks moving in the column killed each other, because they quarreled over whether to surrender or to continue fighting the Serb forces that encircled them.

In the re-examination, the prosecutor confronted the witness with the fact that a number of detained Muslims were killed in the schools in Bratunac: as a municipal official the witness had to have known about that. The witness was reluctant to answer. The presiding judge then told the witness that he had the right not to answer a question if it could incriminate him. The hearing then continued in closed session. The re-examination of Witness PW 063 continues tomorrow.

## 2010-10-21

THE HAGUE

### SREBRENICA – COURT VIDEO, PART II

At the trial of Zdravko Tolimir, OTP investigator continues her evidence on the compilation of video recordings from Srebrenica, put together to make a reconstruction of sorts of the events following the arrival of Mladic's troops in the enclave nominally protected by the UN in July 1995.



◀ Erin Gallagher, witness at the Zdravko Tolimir trial

At the trial of Mladic's former assistant for security in the VRS Main Staff Zdravko Tolimir, the prosecution continued showing a compilation of video recordings entitled *Srebrenica - Court Video*. The footage is a reconstruction of sorts of the events in July 1995 when the crimes the accused general is charged with were committed.

OTP investigator Erin Gallagher was called to testify about the sources of the footage, the way the OTP obtained it and how the compilation was actually put together. Gallagher has been working on the Srebrenica investigation since 2006. Gallagher today continued her evidence, begun a month ago, by describing the footage

obtained from the BBC, Reuters and WTN news agencies, from the Serb Radio and Television (today the Republika Srpska Radio and Television) and from Belgrade journalist Zoran Petrovic Pirocanac. The videos show the events in Srebrenica, Potocari and nearby locations on 11, 12 and 13 July 1995.

Today, the court saw video footage showing the gathering of the refugees in Potocari near the UN Dutch Battalion base on 11 July 1995, the arrival of the VRS led by Ratko Mladic in Srebrenica on the same day, the separation of men from women in Potocari, women and children being put on buses in Potocari on 12 July and the attack of the Bosnian Serb army and police on a column of men trying to break through to Tuzla through the woods and mountains.

At the end of her evidence today, the prosecution showed the footage shot by Zoran Petrovic in Potocari, Kravica and Sandici on 13 July 1995. The witness confirmed that the film had been 'sold to many television networks and TV agencies'. However, as she went on to say, frames edited out from the original recording broadcast in 1995 by a Belgrade TV network, Studio B, were found five years ago.

The frames that were edited out had been recorded in Potocari; they show prisoners on a balcony of a white house. The prosecution alleges that the prisoners were detained there after they were separated from their families. The original footage from the Kravica farm warehouse did not show the bodies of dozens of Muslims piled in front of the warehouse; the indictment alleges that about a thousand prisoners were killed in front of the warehouse. Finally, the footage showing a field near Sandici, also found at a later date, shows the men from the column heading towards Tuzla surrendering to the Bosnian Serb soldiers, and the VRS artillery raining shells on the hills where the column from Srebrenica was trying to get through to the BH Army- controlled territory.

Investigator Gallagher will continue her evidence at a later date.

## 2010-11-08

THE HAGUE

### VICTIMS WERE SHOT DEAD, BUT NOT IN ARMED CONFLICT

Australian pathologist Christopher Lawrence is testifying at the trial of General Zdravko Tolimir. Lawrence headed the OTP forensic pathology team that conducted post mortems on the remains of 883 persons exhumed from mass graves in the Srebrenica area.



◀ Christopher Lawrence, witness at the Zdravko Tolimir trial

From May to October 1998, Australian pathologist Dr. Christopher Lawrence headed the OTP forensic pathology team that conducted post mortems on the remains of victims exhumed from mass graves in Srebrenica.

In February 2007, Dr. Lawrence testified about this effort at the trial of the seven Bosnian Serb military and police officers later convicted for crimes in Srebrenica and Zepa in 1995. At the trial of Zdravko Tolimir, former security officer in the VRS Main Staff, the prosecution tendered into evidence the transcript of Dr. Lawrence's testimony at that trial. The prosecutor read out a brief summary from that statement in court.

Dr. Lawrence and his team performed post mortems on the remains of victims exhumed from the Brana mass grave near the village of Petkovci in the Zvornik area, and the remains recovered from seven secondary graves at Cacarski road, the Hodzici road, Liplje and Zeleni Jadar.

The Australian pathologist said that some of the bags in which the remains were brought to the morgue in Visoko contained whole bodies but, more often than not, there were only body parts. This made it more difficult to establish the cause and manner of death.

When Dr. Lawrence was shown photos, he recounted that the determination of the cause of death was made even more difficult by the fact that the bodies were 'in a very bad shape'. Soft tissue had mostly decomposed and it was hard to distinguish bone defects caused by bullets from those caused later, in most cases when the bodies were moved from primary to secondary graves. Dr. Lawrence concluded that most of persons whose remains he had examined 'died of gunshot wounds'.

After he examined the bodies of 883 people, Dr Lawrence concluded that in most cases, the victims were not soldiers and that they didn't die in combat. Based on several factors, Dr. Lawrence determined that they had been executed.

In the cross-examination, General Tolimir insisted that he didn't want to contest Dr. Lawrence's report, but wanted Dr. Lawrence to clarify the points Tolimir didn't understand in the report. He wanted to know how the Australian pathologist was able to tell which of the victims had been soldiers and which non-combatants.

Many of the bodies had ligatures on hands and had been blindfolded; post mortems revealed that many of the

victims had been sick and elderly, or women and children. The only logical conclusion was that they couldn't have been involved in the fighting. The fact that their bodies had been hidden – transferred from primary to secondary graves – also pointed to the conclusion that they had not died in combat, Lawrence noted.

The trial of General Tolimir continues tomorrow.

## 2010-11-09

THE HAGUE

### BLUE HELMETS ARRESTED FOR 'SECURITY REASONS'

Continuing the cross-examination of former UN Dutch Battalion soldier Colonel Egbers, the accused general Zdravko Tolimir put it to the witness that in July 1995, the VRS detained Dutch peace-keepers for their own security.



◀ Vincentijus Bernardus Egbers, witness at the Zdravko Tolimir trial

Dutch officer Vincentius Bernardus Egbers began his evidence at the trial of Zdravko Tolimir last Monday. Today, Egbers returned to the courtroom to allow the former general charged with genocide and other crimes in Srebrenica and Zepa in 1995 to continue his cross-examination.

In July 1995, Egbers, who was a lieutenant at the time, commanded a platoon in Bravo Company in the UN Dutch Battalion in Srebrenica. From 8 to 14 July 1995, Egbers witnessed the events described in the indictment against general Tolimir.

On 8 July 1995, the Serb forces opened artillery fire on the observation post manned by Egbers's platoon, Egbers recounted. Then, on 9 and 10 July 1995, before the Serb troops entered the enclave, the Dutch officer escorted the people from Srebrenica to Potocari. On 13 July 1995, as he was escorting a refugee convoy, Mladic's troops stopped Egbers in Konjevic Polje and detained him in a local school. Egbers was held there until the next day.

Continuing the cross-examination, the accused general suggested that the Dutch officer had been 'detained for his own security'. Egbert rejected this claim, noting there were no obstacles that day en route to Potocari – except for the Bosnian Serb forces. Tolimir nevertheless insisted that the BH Army attacks in that area were so fierce that the VRS was compelled to protect the UNPROFOR soldiers, and 'put them up' in the school in Konjevic Polje. The Dutch officer remarked ironically that the accused was trying to convince him that he 'should be grateful to the Bosnian Serb army for protecting me'.

Tolimir also put it to the witness that the Dutch Battalion commander, Colonel Karemans, met with General Mladic on 11 and 12 July 1995 and demanded that the people of Srebrenica be evacuated from that area. Egbers rejected this suggestion, prompting Tolimir to refer to the claims of several witnesses about 'the people's explicit wish to leave the enclave'.

'Those people had no choice', Egbers replied. 'Their circumstances, without any food and water, on a hot summer day, without any chance of returning home, forced them to do that. Certainly they did say yes when they were asked if they wanted to leave, but they were forced into that situation', the Dutch officer concluded.

The trial of Mladic's assistant for security and intelligence continues tomorrow.

## 2010-11-10

THE HAGUE

### THE INVESTIGATION OF THE SREBRENICA VIDEOS MADE BY BELGRADE JOURNALIST

The prosecution continues its case at the trial of Zdravko Tolimir. OTP investigator Blaszczyk testified about the investigation of the video recordings made by Belgrade journalist Zoran Petrovic Pirocanac in the Srebrenica area in July 1995.



◀ Tomasz Blaszczyk, witness at the Zdravko Tolimir trial

The prosecution continues calling evidence at the trial of General Zdravko Tolimir. Investigator Tomasz Blaszczyk gave evidence about the investigation of a video recording made by Zoran Petrovic Pirocanac, journalist from Belgrade in the Srebrenica area on 13 and 14 July 1995. Mladic's former assistant for security and intelligence in the VRS Main Staff is charged with genocide and other crimes in Srebrenica and Zepa in 1995.

Petrovic's video, shown at all previous Srebrenica trials before the Tribunal, shows the events in Potocari, on a part of the road leading to Bratunac near the villages of Sandici and Lolici and in the Zeleni Jadar area two days after the Bosnian Serb forces entered Srebrenica and

took over the enclave.

In 2006 and 2007, the investigator and an OTP photo and video technician, Zoran Lesic, revisited the sites in the Srebrenica area recorded on the video. The investigator took photos and determined their coordinates using GPS. The locations were then plotted onto the maps of the area and bound in a book together with the photos and freeze frames from Pirocanac's footage. The prosecution tendered the book into evidence today.

The prosecution first obtained the video in 2002 from the BBC. Later that year, Ljubomir Borovcanin, commander of the police forces in the Srebrenica operation, gave a VHS tape with same footage to the OTP. On 13 and 14 July 1995, Borovcanin acted as the host of the Belgrade journalist when he visited the enclave. Finally, the author himself, Zoran Petrovic Pirocanac, gave the prosecution the uncut footage in 2006, but none of those tapes, as Blaszczyk confirmed today, contained the parts broadcast on 17 July 1995 by Belgrade TV channel Studio B.

One of 'missing' parts was recorded in Potocari; Borovcanin drove Pirocanac there in the military vehicle. The Belgrade journalist recorded a group of prisoners on a terrace of the so-called White House. As alleged in the indictment, the men who had been separated from the women were detained there before they were taken to other locations and executed. This part of the footage was missing from the tape Pirocanac had given to the OTP. Instead of the captives in the White House, the tape shows a shell casing.

As the OTP investigator said, Zoran Petrovic explained that some parts of the original video were 'missing' because he 'lacked experience' working with his camera. As a result, he taped new footage over those parts. When the prosecutor asked if he found the explanation convincing, Blaszczyk replied he finds it hard to believe it: all the taped-over parts, such as the footage from Potocari, contained 'footage incriminating' the Bosnian Serb forces involved in the Srebrenica operation.

Tomasz Blaszczyk continues his evidence tomorrow.

## 2010-11-15

THE HAGUE

### IDENTIFICATION IN SREBRENICA COURT VIDEO

The OTP investigators were able to identify not only some of the perpetrators but also a number of the victims on the video footage of the events in Srebrenica in July 1995 shown as part of the compilation *Srebrenica – court video*. The video was shown at the trial of General Zdravko Tolimir.



◀ Erin Gallagher, witness at the Zdravko Tolimir trial

OTP investigator Erin Gallagher returned to the witness stand at the trial of Zdravko Tolimir, Mladic's former assistant for security in the VRS Main Staff. Gallagher is testifying about the procedure to identify persons in the videos shown during the prosecution's case.

Investigator Gallagher, who has been involved in the Srebrenica investigation since 2006, testified in late September 2010 about the way in which the video compilation entitled *Srebrenica – court video* was made. Apart from saying when and where the videos were recorded, Gallagher also identified locations, persons and items in the footage.

The photos of the Srebrenica refugees in Potocari on 13 July 1995 and in a field near the village of Sandici – where Bosnian Serb forces held the Bosniaks who had been captured or had surrendered – were shown to the family

members of the persons reported missing after the enclave fell. The investigator collated the statements of the relatives and friends with other data gathered in the process of identification – such as personal effects, any post mortem reports, DNA samples and the description of the clothes the persons wore when they went missing.

Most of the persons identified in the footage didn't survive the fall of Srebrenica. Ibro Husenovic was among the few survivors. Gallagher confirmed that Husenovic identified himself in one of the videos. Through the evidence of the OTP investigator, the prosecution tried to provide additional evidence on the credibility and reliability of the video material.

General Tolimir, facing charges of genocide and other crimes in Srebrenica and Zepa, tried to contest the data on the identification of Srebrenica victims. The accused argues that in the identification process, the investigator relied on unreliable forensic findings about persons she was searching for.

Tolimir also contends that many of the names of the survivors from Srebrenica are also on the missing persons list, or at least were on the list for a long time. This served to increase artificially the number of victims, Tolimir maintains. Tolimir tried to corroborate his claim by noting that '205 names have recently been deleted from the missing persons list when it was established they were alive'. The investigator replied that although the lists changed as the new data came to light over the past 15 years, it was established that not a single person from the latest list updated in 2009 had survived.

## 2010-11-17

THE HAGUE

### HOW TO 'TAKE CARE' OF PRISONERS BEARA GOT 'RID OF'

Former civilian official in the Zvornik municipality testifies at the trial of General Zdravko Tolimir. The witness talked about a meeting where a VRS officer who introduced himself as Colonel Beara demanded that the municipal authorities 'assist' in the effort to take care of a large number of prisoners 'that should be got rid of'

Former municipal official from Zvornik is testifying under the pseudonym PW-065 at the trial of Zdravko Tolimir; his testimony today is virtually identical to the one he gave in March 2007, again with protective measures, at the trial of the seven Republika Srpska military and police officers. The Trial Chamber found them guilty of the crimes committed in Srebrenica and Zepa. The transcript of witness' previous testimony was tendered into evidence today at the trial of former Mladic's assistant for security, who is charged with crimes in Srebrenica and Zepa.

After the solemn oath the presiding judge warned the witness, just as he was warned in March 2007, that he could refuse to answer any questions that might incriminate him. However, as the presiding judge noted, if the Trial Chamber ordered the witness to respond, what he said couldn't be used against him in court.

In 1995, witness PW-065 was an official in the Zvornik municipality and had frequent contacts with the officers from the VRS Zvornik Brigade. The witness described how in mid-July 1995 – some days after the fall of Srebrenica – he was called to the Zvornik brigade headquarters. An officer was waiting for him in the office and introduced himself as Colonel Ljubisa Beara, chief of security in the Main Staff. The colonel then made a brief speech, saying that 'a large number of prisoners that are difficult to control and should be got rid of' were located in the Zvornik area. Beara demanded that the witness and the local authorities assist in the effort. As the witness said, he was surprised to hear an officer from the Main staff say something like that. Soon after the meeting, the witness drove to Montenegro for a holiday.

In his replies to the prosecutor, the witness was reluctant to specify how Beara thought they might 'get rid of' the prisoners and what kind of 'assistance' he sought from the municipal authorities. After the prosecutor repeated his question, the witness said that he had realized that prisoners would be 'executed' and that the municipal authorities were expected to assist with the 'burial of their bodies'.

In the cross-examination, the accused general put it to the witness that his conclusion was based on assumptions and speculation. As Tolimir put it, the witness reached this conclusion based on the 'rumors' about what had happened in the Zvornik municipality after he had left for his holiday. The witness confirmed that he had indeed learned about the events in the Zvornik area only after his return from Montenegro. The witness nevertheless remained adamant about the way in which the Zvornik authorities were supposed to assist the army in the effort to 'take care' of the Bosniak detainees that Colonel Beara 'had got rid of'.

The Trial Chamber sentenced Ljubisa Beara to life and his case is currently under appeal.



2010-11-23

THE HAGUE

**'EVERYBODY KNEW ABOUT THE EXECUTIONS IN SREBRENICA'**

In his evidence at the trial of Zdravko Tolimir, former treasurer in the VRS Zvornik Brigade said that the Muslims captured after the fall of Srebrenica were executed 'in public': 'everybody knew' about them



◀ Tanacko Tanić, witness at the Zdravko Tolimir trial

Tanacko Tanic, former treasurer in the VRS Zvornik Brigade, appeared for the third time as a witness before the Tribunal, this time at the trial of Zdravko Tolimir. The presiding judge warned the witness, who is still a suspect, that he may refuse to answer any questions that might incriminate him. If the judges ordered the witness to respond, his answers could not be used against him in court.

A summary of Tanic's statement was read out in court today. After the fall of Srebrenica on 14 July 1995, Tanic saw when the Muslims were brought to a school in Orahovac near Zvornik, detained there and then taken to execution sites.

Tanic was there on the orders of his superiors in the logistics company of the Zvornik Brigade. In the schoolyard, Tanic saw two dead bodies and prisoners being put on the trucks. He also saw a pile of bags and personal possessions that was left behind. Tanic claims it was clear to him that those people were not going to be exchanged as they had been told. The indictment alleges that approximately 1,000 Muslims were executed at a site near Orahovac on 14 July 1995. There were children among them. The witness confirmed that a Muslim boy was sat with the driver and two VRS officers in the truck that took Tanic to the barracks that same evening.

The prosecutor asked Tanic why he didn't inform the Zvornik Brigade commander and other high-ranking officers about what he had seen in Orahovac. Tanic's answer was that it was not his duty to do so. Tanic saw security chief Drago Nikolic and his deputy Milorad Trbic near the school and he thought they could see for themselves what was going on. Besides, 'all the executions were carried out in broad daylight and in public and everybody knew about them', the witness insisted. The people from Serbia could watch the executions in Kozluk, near the Drina river, Tanic said; that day, the executions went on 'from noon to midnight and everybody knew about them', he added.

In the cross-examination, General Tolimir put it to the witness that he gave his first statement to the OTP investigators in June 2002 'under pressure'. The witness was told that he was being interviewed as a suspect because 'he was at a crime scene with a rifle'. Tanic denied this, claiming there was no pressure, but he did say he regretted today having given all his statements without a lawyer.

The trial of Mladic's assistant for security in the VRS Main Staff continues tomorrow.

2010-11-24

THE HAGUE

**MLADIC'S DIARIES AT THE TOLIMIR TRIAL**

An OTP investigator is testifying at the trial of Mladic's assistant commander for security Zdravko Tolimir about the authenticity of the diaries kept by the former VRS Main Staff commander and the way in which they were seized and handed to the prosecution.

Tomasz Blaszczyk, svjedok na suđenju Zdravku Tolimiru

OTP investigator Tomasz Blaszczyk appeared once again at the trial of Zdravko Tolimir as a witness, this time to testify about General Ratko Mladic's diaries that had been added to the prosecution exhibit list. Blaszczyk testified about the way in which the OTP received this material, about the chain of custody of the diaries from their discovery in Belgrade to their transfer to the Tribunal, and about the authenticity of the seized documents.

As Blaszczyk explained, the Serbian MUP seized the first five notebooks and four video tapes during their search of the apartment used by Mladic's wife Bosiljka on 4 December 2008. The OTP first received only the scans of the diaries from the Serbian police. On 21 March 2009, the witness received the original notes in Belgrade and brought them to The Hague. Blaszczyk confirmed that he had sole custody of the material from the moment he received the material to the time he handed them over to the evidence unit.

The Serbian police found additional 17 notebooks, audio and video tapes and other documents during their search on 22 and 23 February 2010. The materials were handed over to an OTP official in Belgrade in April 2010. Blaszczyk

then took custody of the materials and brought them to The Hague. In both cases the Serbian police inventoried the seized materials. Blaszczyk identified the signatures of Mladic's wife Bosiljka and son Darko on the inventory lists.

In an attempt to prove the authenticity of the seized diaries, the prosecutor compared video recordings showing Mladic writing down notes at various meetings with the actual notes he took. A video clip shows Mladic meeting with the representatives from Zepa on 13 July 1995 at Boskanica. Mladic's assistant for security in the Main Staff general Zdravko Tolimir attended the meeting.

The investigator confirmed that the contents of the video material matched the notes taken at the meeting in terms of the date and contents and was able to recognize the notebook Mladic used at the time when the original was shown today in court. The footage shows Mladic writing down notes in that notebook. The authenticity of Mladic's handwriting was confirmed by a written statement of Mladic's wartime deputy, General Manojlo Milovanovic, Blaszczyk said. Finally, a table tendered into evidence today, matched the entries from the diaries with other documents corroborating their contents.

General Tolimir wanted to postpone the cross-examination of investigator Blaszczyk because he has been able to go through 'only parts of this material I consider relevant for the indictment': Mladic's notes about the events in Srebrenica and Zepa in the summer of 1995. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa in the summer of 1995.

## 2010-11-30

THE HAGUE

### THE ATLANTIS MYSTERY

Yesterday, the trial of Zdravko Tolimir proceeded in closed session. Today, the court heard testimony of former VRS officer Djoko Razdoljac, who has been subpoenaed to testify for the prosecution.



◀ Djoko Razdoljac, witness at the Zdravko Tolimir trial

During the war, Djoko Razdoljac served as the assistant commander for logistics in the VRS Rogatica Brigade. In July 1995, he was in charge of logistics in the Zepa enclave, the other UN protected area that fell to the Bosnian Serbs that month. In his responses to the prosecutor, the witness confirmed that on 19 July 1995 he was there to greet General Mladic at the UNPROFOR checkpoint at Boksanica. General Mladic ordered him to attend 'on behalf of the Rogatica Brigade', the negotiations with the representatives of the people from Zepa, Hamdija Torlak and Benjamin Kulovac.

On a video taken at the meeting, the witness was able to identify generals Mladic and Tolimir and Colonel

Dudnjik, who commanded the UNPROFOR Ukraine Battalion. Razdoljac's task during the VRS operation in Zepa was to supply 'food, clothes and ammunition' to his brigade and other units involved in the operation. He was also tasked with getting 50-60 buses for the evacuation of the Muslim people from the enclave, and then to take care of the 'war booty' and to round up all the livestock that remained in the enclave after its fall.

The witness could not recall the date when the 'evacuation' of Zepa ended or the date when the Zepa mosque had been blown up. He did confirm that he saw the 'lads who had come in to do the job' by setting anti-tank mines which were then detonated to blow the mosque up. The presiding judge was prompted to warn the witness he could refuse to answer any questions that might incriminate him.

Razdoljac could not recall whether Hamdija Torlak, one of the negotiators from Boksanica, the Zepa priest Mehmed Hajric, war presidency member Amir Imamovic and defense commander Avdo Palic had been detained in the Rogatica prison after the fall of the enclave. He refused to change his evidence even after the prosecutor showed him a report from the security chief in the Rogatica Brigade where the men were listed as 'prisoners of war'.

According to the prosecution, Colonel Palic was given special treatment. He was assigned a code name, Atlantis, which appears in confidential documents sent to the VRS Main Staff and General Tolimir. The witness claimed he had never heard of the name Atlantis before and that he knew nothing of the whole affair. Only Hamdija Torlak survived the detention in the Rogatica prison. The remains of Avdo Palic, Mehmed Hajric and Amir Imamovic were found near the village of Vragolovi near Rogatica.

In a short cross-examination, the accused general tried to prove that there had been no secret detainees from Zepa and that the VRS did not try to hide the number and treatment of the prisoners of war in the Rogatica prison. The witness confirmed the claims in the documents shown to him by Tolimir, indicating that the International Committee of the Red Cross had been given a list of prisoners of war and allowed access to the Rogatica prison.

General Tolimir's trial continues tomorrow with the evidence of a new prosecution witness.

2010-12-01

THE HAGUE

**VIDEO OF A CRIME AS 'SOUVENIR'**

At the trial of General Zdravko Tolimir, the cameraman of the notorious Scorpions unit gave evidence today. In July 1995, the witness recorded the execution of six boys and youths in Trnovo. The commander of the Scorpions ordered him to record it; copies of the videos were later given to all the participants as 'souvenirs'. General Tolimir is charged with genocide and other crimes in Srebrenica and Zepa.



◀ Zdravko Tolimir in the courtroom

Testifying with image protection but under his full name, former member of the notorious Scorpions unit Slobodan Stojkovic confirmed today that he had taped the execution of six Bosniak boys and youths in Trnovo in July 1995. The video of the execution was first shown at the trial of Slobodan Milosevic on 1 June 2005.

Stojkovic was a member of the unit from 1992 and was in charge of logistics. In July 1995, the unit was sent to Trnovo to help defend the line held by the Bosnian Serb forces. Apart from taking care of supplies and preparing food in Trnovo, the witness was given task to record various event 'in his free time' with a video camera. The witness got the video camera from Dusan Kosanovic, who preceded him as a 'cameraman' in the unit.

As the witness said, the unit commander Slobodan Medic Boca ordered him to record the execution of six prisoners. In the recording, replayed again in the courtroom, Stojkovic identified members of the unit who took part in the execution. The witness claimed he 'didn't believe' the captured youths were from Srebrenica and that they would be executed. He assumed they would be exchanged.

The prosecutor brought up records and statements made by the accused members of the Scorpions at the trial before the Special War Crimes Court in Belgrade in 2007. The documents state that VRS officers were also seen at the crime scene. Stojkovic denied this, claiming that only the Scorpions were there in the abandoned weekend houses near Trnovo where prisoners were executed.

Stojkovic claimed he didn't know if the Scorpions were under the VRS control in the Trnovo area, adding that he didn't know if the unit commander, Slobodan Medic, met on Mount Jahorina with somebody from the Republika Srpska military leadership. The unit stopped there en route to Trnovo to get food and ammunition.

The accused general didn't have any questions for this witness. Tolimir said that the defense was happy with what a Belgrade court found about Stojkovic's video in its judgment, which was admitted into evidence.

The judges finally asked the witness to clarify what happened with his video tape after the unit returned to the headquarters in Djeletovci. As Stojkovic explained, on the orders of the commander he gave the tape to Dusan Kosanovic. Later Stojkovic heard that the tape was copied and copies were given as 'souvenirs' to the Scorpions members who took part in the execution. The witness learned that one copy even ended up in a local video rental shop in Sid where it could be rented.

2010-12-02

THE HAGUE

**FATE OF THE WOUNDED FROM ZVORNIK HOSPITAL**

In mid-July 1995, wounded Muslim prisoners from the Srebrenica area were transferred from the health center in Milici to the Zvornik hospital. The question is: were those prisoners taken the next day to Tuzla for medical treatment or were they brought to the VRS Zvornik Brigade military infirmary in Karakaj? The prosecution alleges that the wounded prisoners were executed in Karakaj soon after their transfer.

Doctor Jugoslav Gavric, retired director of the medical center in Zvornik, transferred a group of wounded Muslim prisoners from the health center in Milici to the hospital in Zvornik in mid July 1995 on the orders of the VRS medical service chief in the VRS, Ratko Rokvic. In March 2007, Gavric testified about that at the trial of seven Bosnian Serb military and police officers charged with crimes in Srebrenica and Zepa. Today, the transcript of Gavric's testimony was tendered into evidence at the trial of General Zdravko Tolimir, who is charged with genocide and other crimes in Srebrenica and Zepa in 1995.



◀ Jugoslav Gavrić, witness at the Zdravko Tolimir trial

The prosecutor read out the summary of the witness's evidence. After he received a written order signed by Dr. Davidovic, chief of the Military Medical Center, Dr. Gavric brought a 'group of 10 to 15 wounded persons' escorted by a soldier and a nurse to the Zvornik Hospital. Some of them had serious abdominal wounds. The witness recounted that those patients had been given first aid in the health center in Milici. Their medical records were put together there, and Dr. Gavric received them.

Some of the wounded prisoners were critical and the next morning, as soon as he got to work, Dr. Gavric asked if all of them had survived the night. The witness claims he was told that all of them were alive and that

they had been transferred to Tuzla for further medical treatment. As the prosecution alleges, eleven prisoners were taken from the hospital in Zvornik to the military infirmary in the Zvornik Brigade barracks in Karakaj where they were executed soon afterwards.

As he answered prosecutor Hasan's questions, Dr. Gavric couldn't specify how the patients' injuries had been inflicted. As he explained, because of the protests by the local Serbs and some other patients, he had ordered the wounded men to be segregated from the other patients in the hospital.

The summary of his testimony in 2007 indicated that the wounded were Muslims. However, in his responses to the judges, Dr. Gavric said that in July 1995 he didn't know that because he 'didn't pay attention to their names' in the documents he had received. According to Dr. Gavric, he didn't know that the wounded Muslims were transferred to the military infirmary in the Zvornik Brigade. The witness took it for granted that they were taken to Tuzla. 'We didn't communicate much with Tuzla at the time and I couldn't get any information from there', the witness explained.

General Tolimir, who represents himself, didn't have any questions for Dr. Gavric. The judges rejected the prosecution's request for re-examination, deciding that the discrepancies between the witness's evidence in 2007 and today did not call for his impeachment, which had been the prosecution's intention.

The trial of Zdravko Tolimir continues on Monday with the evidence of another prosecution witness.

## 2010-12-06

THE HAGUE

### SREBRENICA EXECUTION SITES WERE EXCAVATED FOUR TIMES

The area of Lazeta near Orahovac, the site of the execution and burial of about 1,000 Muslims, captured after Mladic's troops entered Srebrenica in July 1995, has been excavated four times, said Fredi Peccerelli at the trial of Zdravko Tolimir. Peccerelli is a forensic anthropologist and was in charge of the last excavation in the summer of 2000.



◀ Fredi Peccerelli, witness at the Zdravko Tolimir trial

About 1,000 Muslims were executed on 14 July 1995 at the execution site near Orahovac, alleges the indictment against General Zdravko Tolimir, Mladic's assistant for security in the VRS Main Staff. The Muslims were captured after the fall of the Srebrenica enclave. Their bodies were buried in mass graves dug by the military engineering unit of the Zvornik brigade near the execution site, the indictment alleges.

Excavation work has been done in the area three times since that time, according to forensic anthropologist from Guatemala Fredi Peccerelli, who is testifying at Tolimir's trial. In 2000, Peccerelli was in charge of the exhumations of the mass graves at Lazeta 1 and Lazeta

2 sites.

From July 1995 to August 2000, excavations were carried out in the Lazeta area twice more. First, in September 1995, some bodies were removed from the mass graves to be buried in the so-called secondary graves in a secret operation the VRS had launched that fall to eliminate all evidence of their crimes. After that, in 1996, the Tribunal's prosecution asked a forensic team from the organization *Physicians for Human Rights* to start exhuming the bodies at the Lazeta 2 site. The forensic experts dug two trenches, found some bodies and stopped their work. As far as Peccerelli could recall, they did it for 'security reasons'.

Today the prosecutor tendered into evidence Peccerelli's expert report on the exhumations at Lazeta 1 and Lazeta 2 sites in the summer of 2000. The remains of 127 persons were recovered from the mass grave at the first site, and two more bodies were found in a nearby trench. About 89 cloth blindfolds were recovered from the grave and more than 450 7.62mm rifle casings were collected on the surface. Some wristwatches were found and there were personal documents on three bodies.

At the second location, which was, according to the witness, 'dug up without authorization' in the fall of 1995, the *Physicians for Human Rights* team dug out two trenches in 1996. In August 2000, forensic experts found another 16 complete bodies and 26 body parts. Blindfolds were also found, made of the same cloth as those recovered from the Lazeta 1 grave. A total of 671 rifle casings were collected from the surface.

In the cross-examination, the accused asked the Guatemalan anthropologist to explain the difference between 'complete and incomplete bodies and body parts' recovered from mass graves. The accused also asked the witness to what extent the DNA identification depended on the degree of kinship between the victim and the person who provided the sample. He wanted to know if it was possible to identify a person based on a single recovered bone and what could be established from a watch found in a mass grave.

After Peccerelli, the prosecutor called Mitar Lazarevic to the witness stand. Lazarevic, former assistant commander in the Second Battalion of the VRS Zvornik Brigade, continues his evidence tomorrow.

## 2011-02-02

THE HAGUE

### WERE EXECUTIONS OF SREBRENICA CAPTIVES PLANNED OR NOT

In the cross-examination of Lazar Ristic, former deputy commander in the 4th Battalion, Zvornik Brigade, the accused Zdravko Tolimir tried to challenge the prosecution case that there was a parallel chain of command in the VRS units participating in the Srebrenica operation in the summer of 1995; it consisted of the security officers, from battalion level up to the VRS Main Staff.



◀ Lazar Ristic, witness at the Tolimir trial

Prosecution witness Lazar Ristic served as the deputy commander in the 4<sup>th</sup> Battalion, Zvornik Brigade, in the summer of 1995. Before that, he was the security officer in the same unit. Today he agreed with Zdravko Tolimir that security officers in the VRS units, in line with the service manual, 'did not have the right to issue orders'. As Ristic recounted, as a security officer in a battalion, he could merely 'propose to the commander measures to be taken', but not issue any order to anyone. The instructions to arrest deserters, for instance, did not have the force of orders, and were not binding for the military police.

Apart from trying to deny the existence of a parallel chain of command, in the security sector, Tolimir tried to prove in his cross-examination that the executions of Muslims captured after the fall of Srebrenica was not pre-planned. Ristic claimed he had reached the same conclusion after he discussed the execution in Orahovac with former Zvornik Brigade security officer, Drago Nikolic. As Ristic said, Nikolic told him on that occasion that on 14 July 1995 he was 'taken aback and surprised' by the decision to move the prisoners to the Zvornik area. Believing that the prisoners would be exchanged, he put them up in the school in Orahovac, because it was close to the demarcation line. The accused and the witness agreed that the decision to exchange the prisoners was 'obviously altered at a later stage'.

When the accused tried to prove the Bosnian Serbs did not intend to execute the men captured after the fall of Srebrenica, the prosecutor addressed the issue in Ristic's re-examination. He showed Ristic the statement of the facts signed in May 2003 by the former Zvornik Brigade chief of staff, Dragan Obrenovic, which is part of his plea agreement. In the statement, Obrenovic says that Nikolic told him on 13 July 1995 that the prisoners were brought to the Zvornik area. Nikolic said they were brought in 'to be executed'.

Ristic confirmed he had read Obrenovic's statement but maintained that 'decision to exchange prisoners was altered subsequently'. If the intention had been to execute them, the witness contends, they would have been shot in Konjevic Polje, where they were either captured or surrendered. The prosecutor then put it to the witness it was impossible because there were still some people from the international organizations in the Konjevic Polje, and the captives could not be executed in their presence. Ristic said he had no knowledge of the events outside of the area of responsibility of the 4<sup>th</sup> Battalion; he was adamant that the prisoners were not to be brought to Orahovac.

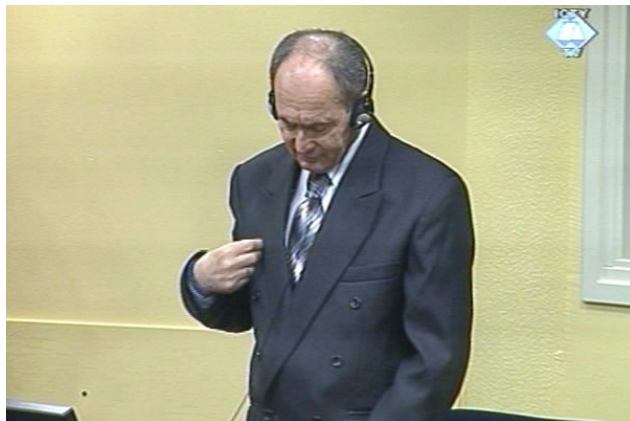
The trial continues tomorrow with a new prosecution witness.

2011-02-03

THE HAGUE

**HOW TO SURVIVE MLADIC'S PROMISES**

In the cross-examination of a survivor of the execution in Branjevo, General Zdravko Tolimir, Mladic's former assistant for security in the VRS Main Staff, tried to defend his former commander.



◀ Zdravko Tolimir in the courtroom

The prosecution at the trial of Zdravko Tolimir called a witness who testified under the pseudonym PW-016. On 16 July 1995, the witness survived an execution at the Branjevo farm. According to the indictment, more than 1,000 Muslims captured after the fall of Srebrenica were executed there. The witness's evidence from the trial of General Radislav Krstic was tendered into evidence and the prosecutor read the summary of the statement.

After the arrival of Mladic's troops in Srebrenica, the witness joined the long column of soldiers and civilians heading toward Tuzla through the woods. When the Serb soldiers ambushed the part of the column where the witness was, the witness was captured and detained

in the school in Nova Kasaba. From there, he was transferred to a football field half-filled with prisoners, who were lined up. General Mladic came soon afterwards, and promised to the prisoners that they would be taken to 'Bratunac for lunch and then to Batkovic where they will be exchanged'.

The captured Muslims were taken to Bratunac but instead of having lunch, they were awake all night, without any food or water. The next day they were taken to a school in the village of Pilica near Zvornik. Two days later, on 16 July 1995, the witness, with his hands tied behind his back, was brought before an execution squad at the Branjevo farm. The bullet only grazed the witness's back but he fell down and lay among the dead until the next day. Together with another survivor the witness tried to find a way to the liberated territory. Exhausted, the witness finally surrendered to the Serb forces and was taken to the Batkovic prison camp near Bijeljina, where he was detained until 26 December 1996, when he was exchanged.

In the cross-examination, the witness confirmed to the accused general that he had served in the BH Army 28<sup>th</sup> Division, claiming he had not been armed. Tolimir put it to the witness that 'General Mladic's promises' came true in his case: he eventually arrived in Batkovic, although with a delay, and was exchanged there. 'Yes, after he executed 10,000 persons', the witness commented, adding that the reason why he was able to reach Batkovic was because he escaped from the execution site.

The accused intended to corroborate his argument that the 'initial decision of the supreme commander' to exchange prisoners from Srebrenica was 'later changed' and the prisoners were executed. When Tolimir asked the witness if there was a possibility that the decision had been changed, the witness couldn't say.

The trial continues on Monday with the evidence of Mile Simanic. In the summer of 1995, Simanic was deputy commander in the 5<sup>th</sup> Engineers Battalion of the VRS Drina Corps.

2011-02-07

THE HAGUE

**SIMANIC CAN'T RECALL SIGNING KEY COMBAT REPORT**

Mile Simanic signed a combat report stating that 'about 1,000 to 1,500 enemy soldiers and civilians were arrested killed' in July 1995 in the Konjevic polje area. At the trial of Zdravko Tolimir Simanic recognized his signature but couldn't remember signing the document

On 14 July 1995, the 5<sup>th</sup> Engineers Battalion of the VRS Drina Corps informed the command that its soldiers 'in cooperation with the MUP forces successfully engaged the enemy' and that '1,000 to 1,500 enemy soldiers and civilians were arrested killed'. According to the indictment against General Zdravko Tolimir, more than 1,000 Muslims captured after the fall of Srebrenica were killed on 13 July 1995 near Konjevic polje, in a warehouse at a farm in Kravica.

The combat report for 14 July 1995 was signed by deputy battalion commander Mile Simanic, who was called as a witness at the trial of Mladic's assistant for security in the VRS Main Staff. In July 1995, Simanic's battalion guarded the barracks and the ammunition depot in Konjevic polje. There were too few soldiers – only about 20 – and the barracks were further secured by mine fields laid on two sides. Simanic claims that his unit had no combat tasks except 'guarding the barracks'. The prosecutor then showed the witness a document describing successful combat

activities of the battalion troops and asked him if he had signed the document.

Simanic recognized his signature but didn't remember signing the combat report. The witness explained that he often signed blank documents that were later filled in with text or simply didn't bother to read them before signing. Commander Andjelkovic was usually in charge of administrative tasks in the battalion, Simanic explained. As Andjelkovic was away at the time, Simanic filled in for him. According to Simanic, the information about a large number of 'enemy civilians and soldiers who were arrested killed' came to the battalion headquarters from the soldiers who came back from their regular leave. The fact that two soldiers from the battalion were injured on 13 July 1995 while on guard duty in the barracks in Konjevic polje showed, according to Simanic, that 'something was going on'.

Simanic claimed that he didn't write or read the report and didn't remember signing it. He noted nevertheless that the superior command should have been notified about the events so that it could check them, since the battalion 'didn't have intelligence officers who could do it'.

The accused general is representing himself in his trial. In the cross-examination, Tolimir showed the witness some reports the Drina Corps sent to the VRS Main Staff on 14 and 15 July 1995. The reports make no mention of 'the enemy soldiers and civilians who were arrested killed' that the combat report from Simanic's battalion speaks about. The witness agreed with the accused general that the Corps command concluded after checking the information that it was not worth being included in a report to be sent to the VRS Main Staff.

General Zdravko Tolimir's trial continues tomorrow.

## 2011-02-28

THE HAGUE

### EVACUATION OR FORCIBLE EXPULSION

According to former worker in the UN civilian mission in BH Edward Joseph, when Mladic's troops entered the enclave in July 1995 the people were not evacuated from Zepa, but forcibly expelled. Joseph is testifying for the prosecution at the trial of Zdravko Tolimir.



◀ Edward Joseph, witness at the Zdravko Tolimir trial

Edward Joseph is testifying for the prosecution at the trial of Zdravko Tolimir. In July 1995, Joseph was in Zepa as an UNPROFOR civil affairs officer. Zepa, a protected area, came under attack by Mladic's troops after they took Srebrenica. Joseph's colleague in Zepa was Ukrainian Viktor Bezruchenko. In August 2007, Joseph testified about his mission in Zepa at the trial of the seven Bosnian Serb military and police officers charged with the crimes in Srebrenica. The transcript of the testimony was admitted into evidence today at the trial of Mladic's former assistant for security in the VRS Main Staff. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa.

Joseph's superior was David Harland, chief of the UN civil affairs in BH. Harland reported on the situation in Zepa to the senior civil affairs officer. After the prosecutor showed the witness a series of Harland's reports, the witness confirmed that he and Bezruchenko were the sources for some of the information contained in the reports.

Joseph also confirmed that he had contributed to some of Harland's assessments in the reports. For example, before Mladic's troops entered Zepa, the witness thought 'the Serbs will not launch an infantry attack on the enclave before they exhaust it completely'. Joseph explained what he meant when he used the word 'exhaust': to isolate the enclave, to cause shortages, and to shell non-military targets.

One of Harland's reports speaks about a plan for the 'evacuation' of people from Zepa. The prosecutor asked why the word 'evacuation' was in quotation marks. The procedure was more akin to 'a forcible expulsion' than an evacuation 'of the kind you'd see following a natural disaster', the witness replied. Judge Niamba asked the witness if a proper evacuation as he'd described it was possible at all in a war. Joseph maintained it was, supporting his claim with the recent evacuations from Libya caused by the clashes between the government forces and the anti-government protesters.

At the beginning of the cross-examination, General Tolimir remarked that in his evidence Joseph presented a 'series of assumptions' because the prosecutor asked him some hypothetical questions. Tolimir, who represents himself, will continue cross-examining Joseph tomorrow.

2011-03-03

THE HAGUE

## REMOVAL OF PEOPLE FROM ZEPA WAS NEITHER VOLUNTARY NOR ACCIDENTAL

In his evidence for the prosecution at the trial of Zdravko Tolimir, former UNPROFOR civil affairs officer Edward Joseph contends that the removal of the Muslim population from Zepa was the objective of the VRS operation launched in July 1995, and not its accidental consequence.



◀ Edward Joseph, witness at the Zdravko Tolimir trial

In his cross-examination of prosecution witness Edward Joseph, the accused Zdravko Tolimir contended that Bosniaks in fact thwarted the agreement on the voluntary surrender of soldiers and the evacuation of the people from Zepa in July 1995.

The agreement that was reached, according to Tolimir, between 'the legitimate representatives' of Bosniaks on the one hand, and himself and General Mladic on the other hand on 19 July 1995 collapsed because of an attack launched by the BH Army the next day on the UNPROFOR Ukrainian Battalion. The BH Army was able to seize substantial quantities of weapons and military equipment.

The witness could neither confirm nor deny the claims of the accused that the Bosniaks attacked UNPROFOR. As he explained, he was not in a position to determine to what extent that attack affected the fate of an agreement. Every attack on UNPROFOR, launched by any of the sides, represented a violation of the basic agreement on the establishment of protected zones, Joseph added.

In the re-examination, prosecutor Nelson Thayer revisited the issue, showing the witness his report on the situation in Zepa of 19 July 1995. In the report, Joseph said that the 'VRS continued shelling the protected zone and the civilian population there'. The witness confirmed he received the information from the Ukrainian blue helmets in the field and that he himself heard the shelling when he was at the UNPROFOR check point in Boksanica.

At the end of his testimony, the witness was asked if the removal of the population from the enclave (Joseph had called it 'forcible expulsion') was a collateral consequence of the VRS military action. Joseph replied it wasn't. 'That was the objective of the military action: to eliminate the military threat and to remove the civilian population', the witness concluded.

After Joseph completed his evidence, protected witness PW 018 took the stand at the Tolimir trial. In July 1995, the witness survived an execution near the village of Nezuk. The witness had been captured while trying to get through to the territory under the BH Army control.

2011-03-07

THE HAGUE

## SALVATION OR A MILITARY OPERATION?

The attempt by the civilians and BH Army soldiers to break through to the liberated territory from Srebrenica was in fact a military offensive launched by the 28th Division on the VRS defenses, Zdravko Tolimir contends. Former Mladic's assistant for security in the VRS Main Staff is charged with genocide and other crimes in Srebrenica and Zepa in 1995.

Protected witness PW 018 left Srebrenica on 11 July 1995, just before Mladic's troops entered the town. The next day the witness headed out from the village of Susnjari in a column of civilians and soldiers towards Tuzla, which was controlled by the BH Army. The witness had already testified at the Radislav Krstic trial about his ordeal that lasted until 20 July 1995, when he finally reached the liberated territory. The transcript of the testimony the witness gave in 2000 was admitted into evidence today at the trial of Zdravko Tolimir. The prosecutor asked the witness some additional questions.

As the column tried to break through to Tuzla, the witness managed to survive a number of ambushes and to pass through some mine fields where hundreds of people in the column were killed. On 19 July 1995, the witness reached the area of Baljkovica and Nezuk. There Bosnian Serb soldiers in camouflage uniforms captured the witness. He remembers only that the soldiers wore the insignia with the words 'Krajina...' and 'Drina...'

The witness was taken out to be executed together with nine other prisoners, including a relative of the witness and



a 15-year old boy. The soldiers brought the prisoners out one by one and then fired a single shot in the back. A bullet hit the witness in the left shoulder: he fell and lay there until dark, pretending he was dead. After the soldiers left, the witness ran into the forest. The next day, the witness managed to get through to the BH Army-controlled territory.

General Tolimir spent most of his cross-examination focusing on issues related to the formation, organization and coordination of the movement of the column that was trying to reach Tuzla. The witness and other civilians and soldiers were in the column.

The witness dismissed Tolimir's suggestions that the forming of the column was in fact tantamount to the 28<sup>th</sup> Division organizing an effort to fight its way through the VRS defense lines; it was merely an attempt to retreat towards the liberated territory. The witness disagreed with Tolimir's claim that when civilians joined the column they became legitimate military targets and that they were thus exposed to additional dangers. 'Here we are talking about people trying to save their lives, to stay alive', the witness said.

In an effort to prove his argument, Tolimir referred to a statement made by Ramiz Becirevic in August 1995, where the former chief of staff of the BH Army 28<sup>th</sup> Division describes the 'timeline of the breakthrough'. The witness noted he didn't know Becirevic, adding that he couldn't comment on Becirevic's statement about the structure of the BH Army units because he himself served in the Srebrenica Territorial Defense until March 1993, and had nothing to do with the army in any way after that time.

The trial continued with the evidence of handwriting expert Kathryn Barr, set to continue tomorrow.

## 2011-03-08

THE HAGUE

### PRSTOJEVIC: 'I THINK ONE THING AND SAY SOMETHING ELSE'

In the examination of Nedjeljko Prstojevic, former president of the Ilidza Crisis Staff, the prosecutor put it to the witness that he has always been a stalwart 'admirer and supporter' of Radovan Karadzic. Prstojevic denied this, saying he was 'a man who obeys law'. After a mild brain hemorrhage in 1996, 'I sometimes think one thing and say something else', the witness admitted. Prstojevic nevertheless blamed the discrepancies between what he had said at the Krajisnik trial in 2005 and his evidence now to bad translations and 'incomplete' transcripts of intercepted conversations.



◀ Nedjeljko Prstojevic, witness at the Radovan Karadzic trial

Continuing the examination of Nedjeljko Prstojevic, former president of the Crisis Staff in the Serb municipality of Ilidza, the prosecutor put it to the witness he was a 'leading admirer and supporter' of Radovan Karadzic. According to the prosecutor, the witness is trying to protect the former Republika Srpska president by making a large number of corrections to the evidence he gave in 2005 at the trial of Momcilo Krajisnik.

Prstojevic labeled such prosecutor's claims 'weird', because he was, as he said, 'a man who obeys law' who supported the Serb leadership when it acted fairly and lawfully, but opposed the decisions he thought were not feasible. Prosecutor Alan Tieger then quoted from an

article published in the British newspaper *London Observer*. According to the article, at an election rally in Dobrinja in September 1996, the witness addressed a crowd of about 3,000 Serbs, praising Karadzic calling him 'a legend' and 'the greatest Serb among us', comparing him with Orthodox saints.

'I don't remember this at all', Prstojevic replied. During the examination, the prosecutor often had to refresh Prstojevic's memory by quoting from his evidence at the Krajisnik trial. Bringing up a document known as 'Variants A and B', the prosecutor tried to show that the Ilidza municipal authorities acted under the instructions issued by the SDS Main Board on 19 December 1991. In 2008, in his evidence in Krajisnik's defense, Karadzic claimed that the instructions represented 'an expert opinion of some frightened retired officers' and that the SDS Main Board merely 'circulated' it.

In the Ilidza municipality, the instructions were implemented 'partially' and 'formally', Prstojevic said. When the Crisis Staff and the Assembly of the Serb Municipality of Ilidza were established in early 1992, an 'end was put to' the instructions. As he objected to the prosecutor's questions, Karadzic several times all but put answers into the witness's mouth. This prompted the judges to caution Karadzic.

Last Thursday, at the beginning of his evidence, Prstojevic said that he suffered a 'mild brain hemorrhage in 1996': as a consequence, he has problems remembering things. Prstojevic added that sometimes he 'thinks one thing and says something else'. As for some glaring discrepancies between what he said in the Krajisnik case and what he claimed today, he claimed those were caused mostly by bad translations into English and incomplete transcripts of

intercepted conversations, where some sentences end with three dots.

According to Prstojevic, at the 17<sup>th</sup> session of the Serb assembly he didn't speak about 'expelling' Muslims from Ilidza as his words were interpreted at the Krajisnik trial. Rather, Prstojevic claims, he spoke about 'pushing them back', which is a military term used for the 'enemy personnel' and not civilians. In his speech before the Assembly, Prstojevic actually referred to a meeting on 18 April 1992 when Karadzic, Momcilo Krajisnik and members of the Serb government came to Ilidza. According to the prosecutor, the meeting dealt with the military and security situation. Prstojevic claims that this topic was only glossed over while the discussion focused on the future seat of the Serb government.

## 2011-03-10

THE HAGUE

### 'NON-VIOLENT' ETHNIC CLEANSING IN ZEPA

In his evidence at the trial of Zdravko Tolimir, former British officer in UNPROFOR likened the scenes he saw in Zepa in July 1995 with the Holocaust.



◀ David Wood, witness at the Zdravko Tolimir trial

British officer David Wood, now retired, is testifying for the prosecution at the trial of Zdravko Tolimir. In July 1995, he was a close associate of General Rupert Smith, the commander of the UN troops in BH. Lieutenant colonel Wood, who was a major at the time, commanded a unit of the Joint Monitoring Commission in the UNPROFOR command in Sarajevo.

As a member of General Smith's team, the witness accompanied the UN commander at almost all the meetings about the crisis in Zepa, the second UN-protected enclave taken by the VRS after Srebrenica. The witness met high-ranking Bosnian Serb officers on many occasions. Generals Mladic and Tolimir stood out

in Wood's memory because he saw them very frequently in the second half of July 1995.

The witness was introduced to Tolimir in 1995 in Pale at a lunch for the UN delegation after their meeting with Radovan Karadzic. Tolimir made it clear that he knew what Wood did, remarking that the two of them 'are in the same job'. Tolimir also showed him a small bag attached to his belt. A hand grenade was inside, the witness recounted, and Tolimir explained to him that he 'will never be caught' because he would kill himself with the grenade.

The British officer also described his encounter with Tolimir in Zepa on 25 July 1995. There the witness who was 'the sole UNPROFOR representative at the scene', observed the women, children and elderly being put on buses and driven out of the enclave. According to the witness, Tolimir coordinated the operation and was assisted by several soldiers and police officers. In about 30 minutes the witness spent there, there was no overt violence. However, Wood claims he felt as if he witnessed a 'scene from the Holocaust'. Tolimir held a pistol at shoulder height, contributing to the atmosphere of fear among 'the people who were already scared' and everything looked like 'an instance of non-violent ethnic cleansing', Wood said.

In the cross-examination, Tolimir used the testimony of the previous witness, UNPROFOR civil affairs officer Edward Joseph to contest the evidence of the British lieutenant colonel. Joseph recounted that he too observed the people board buses in the center of Zepa and assisted them. The accused asked the witness to look at a video recording showing the civilians and Mehmet Hajric, president of the Zepa War Presidency, and Avdo Palic, who commanded the BH Army unit in the enclave. Palic and Tolimir are seen shaking hands in the video. Lieutenant colonel Wood nevertheless remained adamant that in the half hour he spent in Zepa on the afternoon of 25 July 1995 he didn't see those persons or anyone from UNPROFOR.

Judge Niamba asked the witness what he, as an UNPROFOR officer, could or should have done in the situation he described. The British officer replied that he didn't respond because there was no direct violence. The witness thought that his presence at the time was enough to deter violence.

The trial of General Tolimir for genocide and other crimes in Srebrenica and Zepa continues on Monday.

2011-03-14

THE HAGUE

**ANONYMOUS SAVIOR**

The trial of former Mladic's assistant for security in the VRS Main Staff proceeded for the most part in closed session today with the evidence of a police officer from Bijeljina. In July 1995, the witness saved the life of a 16-year old youth when he took him out from a group of Bosniak captives who were later executed by the Bosnian Serb soldiers.

A former Serb police officer from Bijeljina testified today at the Zdravko Tolimir trial under the pseudonym PW 054 and with image and voice distortion to protect his identity. He testified for the most part in closed session. In the examination-in chief, the public heard only that the transcript of the witness's testimony at the trial of seven Bosnian Serb military and police officers in 2006 had been admitted into evidence. The seven Bosnian Serb military and police officers faced the same charges as Tolimir: genocide and other crimes in Srebrenica and Zepa in 1995. Even the brief summary of the witness's statement, as a rule meant to be made public, was read out in closed session.

In a mop-up operation in the Zvornik area in the second half of July 1995, a group of Bosniaks surrendered to the witness's unit. After the fall of Srebrenica, the Bosniaks were trying to reach Tuzla through the woods. Among them was a 16-year old youth whom the witness saved by hiding him in a safe place before the other prisoners were executed. This is more or less all that could be learned in the brief parts of the hearing that were open to the public.

In the cross-examination, the accused general referred to the witness's statement that his superior officer had ordered him not to allow any of the civilians and soldiers in the column moving from Srebrenica through the territory covered by the witness's unit. 'Not even a fly shall pass through', Tolimir repeatedly quoted the words of the witness's commander. Tolimir put it to the witness that the purpose of the instruction was to stop further advance of the column towards Serb positions and not to kill all the men from the column who fell into the Serb soldiers' hands. The witness remained adamant that his understanding of the order was for his unit to kill everybody they encountered.

The trial of Mladic's former assistant for security in the VRS Main Staff continues tomorrow with another prosecution witness.

2011-03-21

THE HAGUE

**TOLIMIR WAS MLADIC'S RIGHT HAND MAN**

British general Rupert Smith began his evidence at the trial of General Zdravko Tolimir, former Mladic's assistant for security and intelligence in the VRS Main Staff. General Smith was the last UNPROFOR commander in Bosnia and Herzegovina.



◀ Rupert Smith, witness at the Zdravko Tolimir trial

'General Gvero played second fiddle to General Tolimir who was in turn described by Mladic as his right hand man', British general Rupert Smith said in a statement he gave the OTP investigators in 1996.

Testifying at the trial of General Zdravko Tolimir charged with genocide and other crimes in Srebrenica and Zepa in July 1995, General Smith explained what this impression was based on. Mladic himself described Tolimir as his 'right hand man' – Smith would not have put that in quotation marks in his statement otherwise. The impression that Tolimir was 'Mladic's trusted and close associate' was based on a number of meetings Smith had in 1995 as UNPROFOR commander in BH with

Mladic, commander of the VRS Main Staff; Tolimir often attended those meetings. From their relationship, body language and their tone of voice, Smith was able to conclude they talked 'as equals' and that they 'worked together, not in a strict hierarchical relationship'.

In late July 1995, Smith negotiated the evacuation of the civilians from Zepa with Mladic's right hand man. Smith concluded that Tolimir was personally in charge of the cleansing of the enclave. Tolimir had to find the buses and oversee the boarding of the civilians. According to Smith, Tolimir played the same role earlier that month in Srebrenica, although Smith could not say whether Tolimir was physically present in Srebrenica. He remained adamant even when the prosecutor told him Tolimir had not been in Srebrenica. In light of Tolimir's function as Mladic's assistant for security and intelligence, a key element in the command process, according to Smith, everything that happened after the fall of Srebrenica was within Tolimir's purview.

Before General Smith started his evidence, the transcript of the testimony he gave in 2003 at the trial of the seven Bosnian Serb military and police officers charged with the crimes in Srebrenica was admitted into evidence. Among them were three security officers: from the VRS Main Staff, the Drina Corps and the Zvornik Brigade; all three were Tolimir's subordinates. The three received the harshest punishment: Beara and Popovic were sentenced to life and Nikolic to 35 years in prison.

Smith briefly recapped his statements and repeated some of the claims he made recently at the Radovan Karadzic trial. He described how in early 1995 the warring factions began their preparations for a military solution to the conflict in order to win the war by the end of the year. The BH Army built up its strength and bought more weapons, while the Republika Srpska Army was getting ready to tighten the noose around the enclaves in Srebrenica and Zepa in order to be able to control them better and to free up some of the forces tied up there and commit them to other active fronts. The intent to tighten the noose around the UN protected enclaves was apparent from the Bosnian Serb strategy of preventing supply convoys from entering the enclave. This not only served to exhaust the population, but to weaken the strength of the enemy troops and the peace-keepers to resist the final VRS offensive.

In this situation, both sides tried to use UNPROFOR for their own ends, General Smith said. The Bosnian Serbs tried to use it as 'hostage' to exert pressure on the international community, and the BH Army as its 'shield', turning the peace-keepers effectively into their allies, and to provoke the outside intervention.

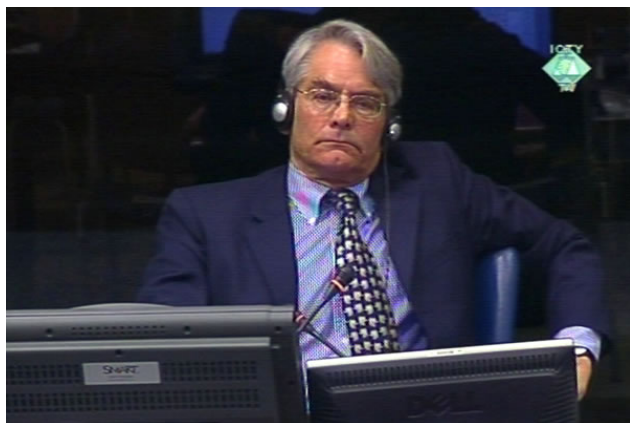
General Tolimir will have, as indicated, four full days to cross-examine General Smith.

## 2011-03-22

THE HAGUE

### TOLIMIR: BH GOVERNMENT, VRS AND UN AGREED ABOUT THE EVACUATION OF ZEPA

In July 1995, the warring factions and UNPROFOR agreed to evacuate the people of Zepa, but only the Bosnian Serbs are blamed for their exodus, claims General Zdravko Tolimir. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa in 1995.



◀ Rupert Smith, witness at the Zdravko Tolimir trial

The people in the Zepa protected area were evacuated in late July 1995 in line with an agreement reached by 'all three sides': the BH government, the VRS and UNPROFOR and all three sides took part in it, claimed the accused Zdravko Tolimir, Mladic's former assistant for security, as he cross-examined General Rupert Smith, who commanded the UN troops in BH at the time.

Despite 'the joint agreement' and the fact that everyone took part in the evacuation, only one side – the Serb side – is blamed for the expulsion of the civilian population of Zepa, Tolimir said. He corroborated his claim about 'a consensual evacuation' with the correspondence between Alija Izetbegovic and the war presidency of

Zepa which states that General Smith 'guarantees the safety of the evacuation of women, children and the elderly from the enclave'.

Izetbegovic expressed great concern for the civilians, Smith said, but was unable to recount any details from his conversation with Izetbegovic on 18 July 1995. Smith couldn't remember if he 'used the term guarantee' when they spoke about taking care of civilians.

The British general confirmed he was aware that the people of Zepa wanted to leave the enclave. The accused then asked the witness if anybody 'was preventing the people of Zepa from leaving the enclave'. The witness stressed that the key issue was not whether anyone prevented them from leaving or not, but under what circumstances they decided to leave their homes.

Smith also noted the circumstances under which the population in the enclave abandoned their homes, saying that 'the enclave had fallen and they found themselves surrounded by the VRS soldiers'. In his next question, Tolimir put it to Smith that no VRS soldiers had entered Zepa before the evacuation. The British general reminded Tolimir that Tolimir himself, armed and escorted by Serb soldiers, was in Zepa at the time and was 'telling the population to leave'.

Tolimir indicated, he would play a recording tomorrow which would prove that he was as responsible for the evacuation of Zepa as the UNPROFOR soldiers who were there when the population boarded the buses and left the enclave.

Today Tolimir tried to defend the late Serbian president Slobodan Milosevic, noting that Milosevic had made it

possible for hundreds of BH Army soldiers to cross from Zepa to Serbia where they were placed under the protection of the International Red Cross. Insisting on Milosevic's credit will not necessarily favor the VRS and the accused general, since the prosecution has an intercepted conversation in which General Krstic, Drina Corps commander, and Colonel Beara, who was the security chief in the Main Staff complain that Milosevic is refusing to send back hundreds of 'their Turks' who had fled from Zepa and crossed the Drina river into Serbia. Tolimir was Colonel Beara's immediate superior.

## 2011-03-23

THE HAGUE

### AGREEMENT FOLLOWED OCCUPATION

The accused Zdravko Tolimir continues his cross-examination of General Rupert Smith. Using a series of documents about the fall of Zepa in July 1995, Tolimir tried to corroborate his argument that the BH authorities stalled the negotiations about the surrender of the enclave and obstructed the evacuation of the people although the 'official negotiators of the Muslim side' signed an agreement to that effect.



◀ Rupert Smith, witness at the Zdravko Tolimir trial

According to General Zdravko Tolimir, the VRS in Zepa acted in line with the three agreements signed between 19 and 27 July 1995 with the war presidency of the enclave. Tolimir is on trial for genocide and other crimes in Srebrenica and Zepa.

Insisting on the contents of those agreements, Tolimir put it to General Rupert Smith that they were signed by 'the legitimate representatives of Zepa' acting in the interest of the entire population of the enclave, who agreed that all men of military age should surrender and lay down their arms in the presence of UNPROFOR and then be registered by the International Committee of the Red Cross and evacuated to the BH Army-controlled

territory.

The British general, who commanded UNPROFOR in BH at the time, acted as a mediator in the negotiations between the warring sides. General Smith rejected Tolimir's suggestion. 'You're swapping causes and effects constantly', Smith said. He explained that the wish of the people in Zepa and their representatives to leave the enclave was not the reason why the agreement was concluded. The agreement was a consequence of the occupation and the firm control the VRS exerted in the enclave. According to the British general, the agreement of 27 July 1995, quoted repeatedly by the accused, was in fact an agreement 'signed under duress'.

Tolimir tried to convince the judges that the Zepa war presidency members who had signed the agreement were not pressured by the VRS but by the BH government. BH president Alija Izetbegovic obstructed the negotiations and the implementation of all three agreements signed on 19, 24 and 27 July 1995, the accused argued. Tolimir brought up a letter written by Colonel Avdo Palic to President Izetbegovic. In the letter Palic, who commanded the defense of Zepa, says that 'the representative of Zepa is negotiating' with the VRS, asking the president to agree with the proposal to exchange the prisoners with Bosnian Serbs and to organize helicopters to evacuate the troops.

According to Tolimir, Palic's letter clearly shows that he had accepted the 'representative of Zepa' in the negotiations as the representative of the military forces in the enclave and had asked the president to assist with the evacuation. General Smith rejected Tolimir's explanation. As the witness explained, the military forces are seldom under the control of the local civilian authorities because they are always used at the state level. This is why local military commanders cannot be subordinated to local civilian authorities, Smith believes.

In the end, Tolimir put it to General Smith that in Zepa, he as Mladic's assistant for security merely implemented the agreement that the British general had helped conclude. General Smith dismissed the suggestion. 'The agreement was concluded as a result of your attack on the protected zone', Smith said. After the attack on Zepa and the events in Srebrenica, it was necessary to evacuate the people, and they were indeed evacuated, Smith claimed. The British general said that he had asked Mladic to conduct the evacuation publicly in order to minimize the possibility of a replay of the events in Srebrenica, which had already come to light.

2011-03-24

THE HAGUE

**'COOPERATIVE DEMOCRACY' AND 'HUMANITARIAN AIRSTRIKES'**

On the third day of the cross-examination of former UNPROFOR commander in BH General Rupert Smith, the accused General Zdravko Tolimir sought to corroborate yet again his argument that the UN troops in BH were partial. According to Tolimir, the UN forces in BH 'sided with one of the parties in the conflict': they supported and assisted the BH Army in its attacks against the VRS.



◀ Rupert Smith, witness at the Zdravko Tolimir trial

According to Tolimir, during the war in BH UNPROFOR tried to introduce 'cooperative democracy' that was 'defended with Tomahawk missiles'. The international forces sided with the BH Army, because they considered it was 'willing to cooperate' while the VRS was 'non-cooperative', and was punished by NATO air strikes, Mladic's former assistant for security claimed.

In vain the British general strove to explain to the accused that the NATO airstrikes launched on 30 August 1995 had nothing to do with the failure of the Bosnian Serbs to cooperate, but were 'the direct consequence and response to the mortar attack on the Markale town market in the protected zone of Sarajevo which caused

a lot of civilian casualties'. Tolimir denied that the VRS was responsible for the Markale massacre. Mladic demanded that a joint commission be established to investigate the incident, he contended. According to Tolimir, General Smith 'is not a ballistics expert' and was not in a position to establish the point from which the fatal mortar shell was fired. Tolimir also denied that the VRS was responsible for the first Markale massacre. According to Tolimir, it was 'established' at the Karadzic trial that the 'shell was dropped down from a roof'. Tolimir also claimed that the commander of the 'blue helmets' in Gorazde in mid-May 1995 informed the Bosniak State Security Service that Tuzla 'will soon be shelled'. It was indeed: on 25 May 1995, more than 70 persons were killed at Kapija in Tuzla.

General Smith then tried to explain to the accused that at the London conference – convened after the fall of Srebrenica and the massacre that followed – the representatives of the countries contributing troops to UNPROFOR decided that if the attacks on the protected areas resumed, the UN military commanders could order air strikes that would continue until exclusion zones or protected zones were reestablished. Tolimir didn't accept this explanation. Tolimir compared the airstrikes against the VRS positions in late August and early September 1995 to the current intervention of the international coalition in Libya, describing it as 'humanitarian airstrikes'. This prompted the presiding judge to intervene, cautioning the accused that this trial was about the events in Srebrenica and Zepa in 1995 and attempts to shift the focus on the current events in Libya were inappropriate.

General Rupert Smith will complete his evidence on Monday.

2011-03-28

THE HAGUE

**TOLIMIR ACCUSES SMITH OF 'VIOLATING UNPROFOR MANDATE'**

In the final part of his cross-examination of former UNPROFOR commander Rupert Smith, General Tolimir again accused the UN troops of 'violating their mandate', 'siding with Bosniaks and Croats' and 'using force' against the Serb troops when they entered the enclave which was nominally under the UN protection in July 1995. Tolimir is on trial for genocide and other crimes in Srebrenica and Zepa in 1995.

On the fifth day of the testimony of British general Rupert Smith, who commanded UNPROFOR in BH, the accused general Zdravko Tolimir continued pursuing his argument that the UN and NATO 'sided with Bosniaks and Croats' against the Bosnian Serbs and their army in the war in BH.

General Smith dismissed the accusations of Mladic's former assistant for security, and disagreed with Tolimir's suggestion that the international forces aided the BH Army in July 1995, supplying it with arms, ammunition and fuel by smuggling them through in the convoys carrying humanitarian aid for the civilians.

According to the accused general, the use of force by the UN Dutch Battalion in Srebrenica in July 1995 meant in fact that the peace-keepers clearly supported one of the warring sides. Tolimir maintained that UNPROFOR thus violated the mandate given to it by the UN Security Council. The British general rejected Tolimir's claims, stressing

that in Srebrenica and Zepa, UNPROFOR acted in line with its powers, and the obligations it had under its mandate to protect the civilian population in the protected zones.

The prosecutor returned to the issue in the re-examination, referring to Security Council Resolutions 834 and 836 which spelled out UNPROFOR's mandate. The two resolutions covered UNPROFOR operations based on the so-called 'green order' issued in July 1995 by the Dutch Battalion command, in hope that it will be able to prevent the entry of Mladic's troops into the Srebrenica enclave, Smith explained.

Contesting Tolimir's claim that the 'green order' – allowing UNPROFOR to use force – was a violation of the peace-keepers' mandate and meant that they sided with the Bosniaks, the prosecutor asked the witness if and when such orders could be issued in BH.

General Smith explained that it was a step the peace-keepers took if any side threatened UNPROFOR checkpoints established to prevent the fall of the protected zone. According to Smith, 'a limit' was clearly set and to cross it meant that UNPROFOR would 'take off their blue helmets and put on green ones' and engage the troops that crossed the limit.

Tolimir is charged with genocide and other crimes in July 1995 in Srebrenica and Zepa. On 9 June 1995 the Dutch 'blue helmets' received a 'green order' and set up blockade points. They were however unable to stop Mladic's forces from crossing a 'clear limit' they had drawn and prevent the fall of enclave and ensuing crimes.

The trial of general Tolimir continues tomorrow.

## 2011-03-29

THE HAGUE

### HOW DID THE VRS MAIN STAFF FUNCTION

Bosnian Serb army general Ljubomir Obradovic testifies at the trial of Zdravko Tolimir for genocide and other crimes in Srebrenica and Zepa. Obradovic described the structure and function of the VRS Main Staff and the role of the accused general. At the time, Tolimir was Mladic's assistant commander for security and intelligence.



◀ Ljubomir Obradovic, witness at the Zdravko Tolimir trial

British general Rupert Smith completed his evidence at the trial of General Zdravko Tolimir today. The next witness was VRS general Ljubomir Obradovic. This is his second testimony as a prosecution witness before the Tribunal. In November 2008, Obradovic testified against his former superior, General Radivoje Miletic, who was on trial with six other Bosnian Serb officers for genocide and other crimes in Srebrenica and Zepa. The Trial Chamber sentenced General Miletic to 19 years in prison, and his case is currently under appeal.

In his evidence today, Ljubomir Obradovic confirmed that in the summer of 1995 he served as chief of operations in the Training and Operations Administration in the VRS

Main Staff. In his replies to the prosecutor, Obradovic described in detail the structure of the VRS Main Staff and the way in which it functioned. Obradovic also spoke about the place and role of the accused general Zdravko Tolimir.

As one of Mladic's assistants, General Tolimir headed the security and intelligence department in the Main Staff. Together with five other high-ranking officers that headed five other departments in the Main Staff, Tolimir was a member of Mladic's inner circle. Tolimir's department comprised two sectors and their heads were Tolimir's immediate subordinates. Colonel Salapura was chief of the intelligence department and Colonel Ljubisa Beara headed the security department. As a member of the Srebrenica Seven, in June 2010 Beara was found guilty of genocide and other crimes and was sentenced to life. Beara's case is also under appeal.

According to Obradovic's description of the structure of the Main Staff, Tolimir was in charge of the 10<sup>th</sup> Reconnaissance and Sabotage Detachment. The detachment was tasked with securing the Main Staff and its commander Mladic. As alleged by the prosecution, on 16 July 1995 this detachment was involved in a mass execution of over 1,000 Bosniaks captured after the fall of Srebrenica at the Branjevo military farm near Zvornik. The detachment also executed 500 Bosniaks in the Culture Hall in the village of Pilica. Drazen Erdemovic, who was a member of the detachment, has testified about it before the Tribunal.

Ljubomir Obradovic continues his evidence tomorrow.

2011-03-30

THE HAGUE

**CHEMICAL WEAPON AS A 'RUSE'**

General Zdravko Tolimir 'proposed the use' of chemical weapons in the attack on Zepa in July 1995 'probably to deceive and intimidate the BH Army soldiers and make them surrender and leave the enclave', Ljubomir Obradovic said in his evidence at the trial of Mladic's former assistant for security. Obradovic served as a staff officer in the VRS Main Staff during the war.



◀ Ljubomir Obradovic, witness at the Zdravko Tolimir trial

Did the VRS have and use chemical weapons? Did the accused general Zdravko Tolimir call for their use in July 1995? The prosecutor tried to get answers to these questions as he continued the examination-in chief of Ljubomir Obradovic, former staff officer in the VRS Main Staff. He is testifying as a prosecution witness at the trial of Mladic's former assistant for security in the VRS Main Staff, charged with genocide and other crimes in Srebrenica and Zepa.

The questions were motivated by a document Tolimir sent on 21 July 1995 from the Rogatica Brigade headquarters to the VRS Main Staff, to the attention of General Radivoj Miletic. General Tolimir described the situation in Zepa

and proposed that chemical weapons be used against the BH Army in the enclave. 'It would be best to destroy them with chemical weapons or aerosol ordnance', Tolimir wrote in the document, explaining that this could be the fastest way to bring about 'the fall of Zepa and the Muslims' surrender'.

The prosecutor recalled that this document was shown to the witness during his previous testimony in 2008. The witness then said he didn't know about any chemical weapons, that the claim was 'outrageous', and the document itself 'ridiculous'. Today, Obradovic repeated that he had no knowledge of any chemical weapons that were either in the possession or were used by the VRS, but his take on the document itself and the contents was different than in 2008.

As he read the Directive 7.1 about the creation of 'an unbearable situation [...] for the survival of the [Muslim] population of Srebrenica or Zepa', Obradovic concluded that Tolimir's proposal to use chemical weapons might in fact have been an attempt to 'deceive and intimidate' the enemy to make them pull out of the enclave. The witness added that he found it 'illogical' that Tolimir should submit such a proposal directly to General Miletic, whose rank was lower than Tolimir's.

The accused Zdravko Tolimir will cross-examine General Ljubomir Obradovic tomorrow.

2011-03-31

THE HAGUE

**TEAR GAS OR POISON GAS IN ZEPA**

Chemical agents are not the same as chemical weapons, Mladic's former assistant for security general Zdravko Tolimir noted as he started cross-examining prosecution witness Ljubomir Obradovic, former staff officer in the VRS Main Staff.

Today Zdravko Tolimir quoted from a document the prosecutor used to show his intention to use chemical weapons in Zepa in July 1995. Tolimir repeated a sentence in which he proposed to use 'chemical agents' to speed up the surrender of BH Army soldiers from Zepa and the fall of the enclave. Prosecution witness Ljubomir Obradovic, former chief of the operations department in the VRS Main Staff, agreed with the claims of the accused that the 'agents are not the same as weapons'. Yet yesterday when he was examined by the prosecution, Obradovic didn't note the difference.

According to Tolimir, chemical agents are 'not-lethal agents with temporary effects, delivered in the form of hand grenades or short-range rifle-launched grenades'. It was just 'tear gas', Obradovic confirmed, agreeing with Tolimir's suggestion that it was the same chemical substance used in sprays 'women use for self-defense'. Chemical weapons, on the other hand, are lethal chemicals delivered in long-range rounds, the accused and the witness agreed.

Yesterday in his examination-in chief Obradovic said that Tolimir's suggestion was most probably an attempt to deceive and intimidate the enemy. Obradovic thus implied that the accused general in fact never intended to use chemical agents, be they 'agents' or 'weapons'. Judge Mindua reacted when the witness today seemed to accept the explanation about Tolimir's intention to use just teargas, asking the witness to explain if it meant that he recanted



the interpretation he gave in court yesterday. The witness evaded a direct answer, saying that yesterday he 'only mentioned the possibility' (that the purpose was to deceive and intimidate). Insisting once again on the difference between 'chemical agents and chemical weapons', the witness again agreed with the claim of the accused that in July 1995 he proposed that only tear gas be used in Zepa.

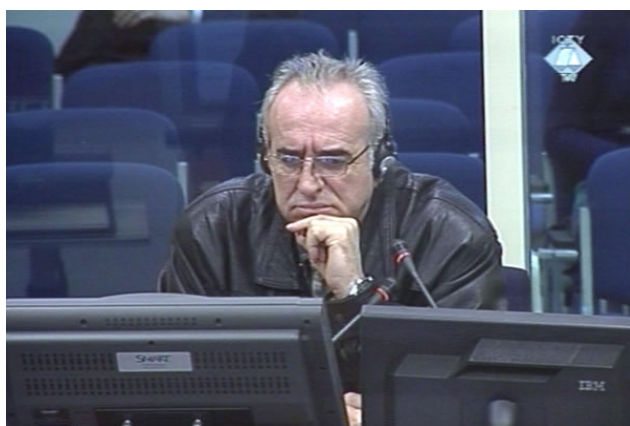
At the beginning of Obradovic's re-examination, prosecutor Peter McCloskey noted he had evidence that the chemical agents Tolimir spoke of contained 'more than just tear gas'. This was in fact the reason why McCloskey wanted to ask the witness some more questions. The hearing today was extended beyond the usual time, but McCloskey still had some questions left for the witness at the end of it. The judges will decide later if the witness should return to The Hague to be re-examined by the prosecution.

## 2011-04-04

THE HAGUE

### PENITENT WITNESS

A terrible crime happened in Srebrenica and it cannot be justified in any way, Momir Nikolic said at the trial of Zdravko Tolimir. The former chief of security and intelligence in the VRS Bratunac Brigade, who pleaded guilty to the Srebrenica crimes in 2003, is currently serving his 20-year sentence.



◀ Momir Nikolic, witness at the Zdravko Tolimir trial

After pleading guilty, Momir Nikolic testified three times at the trials for the crimes in Srebrenica: at the trial of two VRS officers, Vidoje Blagojevic, who served in the Bratunac Brigade, and Dragan Jokic, from the Zvornik Brigade; the trial of the seven Bosnian Serb military and police officers charged with genocide and other crimes in Srebrenica and Zepa and at the trial of former chief of the VJ General Staff Momcilo Perisic. Perisic was charged with contributing to the crimes in Srebrenica by providing support to the VRS forces.

Nikolic testified today at the trial of Zdravko Tolimir, Mladic's assistant for security in the VRS Main Staff. Nikolic confirmed the contents of the plea agreement he

made with the prosecution in 2003. Nikolic also confirmed the accuracy of a document in which he admits he 'told lies' when he said that he had taken part in the crime in Kravica. As alleged in the indictment, about 1,000 Bosniaks, captured after the fall of Srebrenica, were executed in a co-op warehouse in Kravica. Today Nikolic insisted that it was the only 'lie' he told. His evidence was a truthful description of what he saw and experienced, including his own role in the events in Srebrenica. Nikolic was, as he claimed, deeply remorseful for it.

'It's not only that I am sorry, this is the cause of my suffering', Nikolic said with tears in his eyes, apologizing to all the victims. Nikolic – a former teacher – apologized in particular to 'my students who were killed in the crimes in Srebrenica'. Although his role was not crucial, as Nikolic said, because he 'neither ordered nor planned' the crimes, Nikolic felt responsible because he 'obeyed orders' that resulted in a large number of victims and caused a great deal of suffering to the people in the enclave. 'I am aware of my guilt and I have repented for it', Nikolic said. Replying to the prosecutor, Nikolic confirmed that he was the first VRS officer to plead guilty for the crimes in Srebrenica.

Today, the former chief of security and intelligence in the VRS Bratunac Brigade described the functioning of the security and intelligence element of the chain of command in the VRS units. According to the rules of service inherited from the former JNA, the security and intelligence department in a brigade was in charge of the reconnaissance units and a military police platoon, Nikolic explained. The department chief was responsible for their work, but only unit commanders had the power to issue orders. In July 1995, Colonel Vidoje Blagojevic commanded the Bratunac Brigade in which Nikolic served. Blagojevic was tried before the Tribunal. He was convicted of the Srebrenica crimes and sentenced to 15 years in prison.

Nikolic had to relay all the intelligence and other information to his commander, but also to the intelligence and security department of his superior command, which was the Drina Corps, which in turn reported to the Main Staff, where the officer in charge of the security and intelligence was General Zdravko Tolimir, now in the dock.

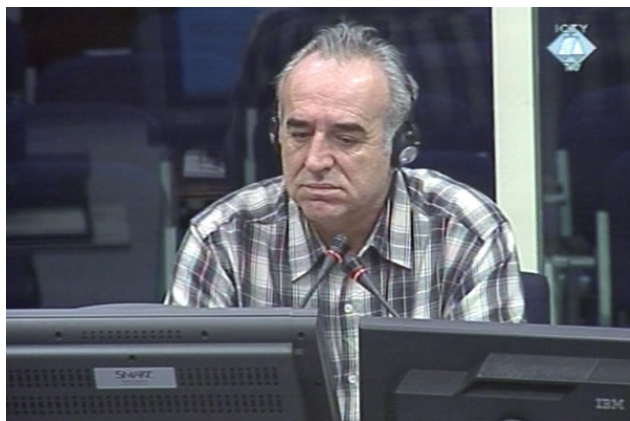
Nikolic continues his evidence tomorrow.

2011-04-05

THE HAGUE

**PREPARATIONS TO ELIMINATE SREBRENICA ENCLAVE**

Momir Nikolic, former chief of security and intelligence in the VRS Bratunac Brigade, continues his evidence at the trial of Zdravko Tolimir, former chief of security in the VRS Main Staff. Nikolic described how the Bosnian Serb forces prepared the operation aimed at the 'elimination' of the enclave by putting pressure on UNPROFOR and the people in Srebrenica.



◀ Momir Nikolic, witness at the Zdravko Tolimir trial

In the period before the VRS launched its Srebrenica operation, the enclave, nominally protected by the UN, was exposed to growing pressure from the Bosnian Serb forces. Momir Nikolic, former chief of intelligence and security in the VRS Bratunac Brigade, described the events as he continued his evidence today at the trial of Zdravko Tolimir. Nikolic is currently serving a 20-year sentence after he pleaded guilty to the Srebrenica crimes in 2003.

The zone was put under increasing pressure by blocking the convoys that brought in supplies to the people of Srebrenica and to UNPROFOR and other international organizations whose representatives were stationed in

the enclave after it was declared a protected area in 1993, Nikolic said. At the time, Nikolic also acted as a liaison officer with UNPROFOR, and supervised the checking of convoys entering and leaving the enclave. The permits for the convoys to pass through were issued only by the VRS Main Staff. Nikolic's only task was to make sure that only the contents listed in the pass reached the enclave.

The prosecutor showed the witness a series of documents in which the VRS planned restrictive measures towards the enclave. One of the documents is an order by the VRS Drina Corps commander Milenko Zivanovic from July 1994. In addition to blocking the convoys, his soldiers are ordered to restrict movement on the Srebrenica-Zepa, Srebrenica-Kladanj and Srebrenica-Tuzla roads and to train and equip snipers in the Drina Corps units in that area. Nikolic confirmed that he had obeyed this order. As the Srebrenica operation neared, the VRS measures against the enclave grew even more restrictive: the final goal was 'the elimination of the enclave'. The measures were to encourage the people to leave Srebrenica and to reduce the operational readiness of the UN Dutch Battalion, thus lessening its ability to launch any efficient action against the VRS troops.

In late June 1995, the VRS captured an UNPROFOR check point and forced the Dutch Battalion to withdraw from the position 'at the intersection of the roads for Skelani and Milici, south of Srebrenica'. The VRS claimed that Checkpoint Echo was located outside of the enclave and asked that it be moved back 300 to 400 m towards Srebrenica. In their reply, the Dutch insisted that they didn't have the mandate to change the borders of the enclave and that only the UN Security Council could do it. General Zivanovic then ordered the check point to be taken, Nikolic recounted.

This prompted the prosecutor to ask why it was important to take this position. It made it easier to enter the enclave, Nikolic replied, and indeed this is what happened soon afterwards. Momir Nikolic continues his evidence tomorrow.

2011-04-06

THE HAGUE

**MOMIR NIKOLIC: EXECUTIONS WERE 'IMPLICITLY UNDERSTOOD'**

One day after the fall of Srebrenica, it was clear that all Muslim men captured after Mladic's troops entered the enclave would be executed, former security officer in the VRS Bratunac Brigade said on the third day of his evidence at the trial of Zdravko Tolimir.



◀ Momir Nikolic, witness at the Zdravko Tolimir trial

Momir Nikolic is currently serving his 20-year sentence for the Srebrenica crimes, following his guilty plea. Nikolic described in detail the VRS operation Krivaja 95 and its aftermath in Srebrenica in July 1995. Nikolic headed the Security and Intelligence Department in the Bratunac Brigade. On 8 July 1995, Colonel Radislav Jankovic, deputy chief of security in the VRS Main Staff, joined Nikolic's department. At that time, the accused

Tolimir was the assistant commander for intelligence and security of the VRS Main Staff. Jankovic told Nikolic he had come to assist in the implementation 'of this major operation', Krivaja 95.

After the fall of Srebrenica, on 11 July 1995, the people from the enclave headed towards Potocari in a huge column of refugees. Nikolic was ordered to provide security for the meetings in the Fontana Hotel in Bratunac, where General Mladic met with the UN Dutch Battalion commander, Colonel Karremans. That same evening and on the next day, Mladic met with the representatives of the refugees from Srebrenica. Before the third meeting, on 12 July 1995, Nikolic talked with the two officers from the Drina Corps who were his superiors, Colonel Svetozar Kosoric, in charge of intelligence, and security officer Vujadin Popovic. Popovic told Nikolic that all the men in Potocari, close to 2,000 of them according to his estimate, would be arrested and detained. When he was asked what would happen to them then, Popovic replied, 'all the *Balijas* [derogatory word for Muslims] should be killed'.

On 12 and 13 July 1995, Nikolic secured the Potocari-Bratunac road, which General Mladic was supposed to take. The commander of the VRS Main Staff made a stop in Konjevic Polje on 13 July 1995 and promised the Bosniak captives he met there that they would be transferred to Kladanj. Kladanj was controlled by the BH Army. Nikolic claims that when he asked Mladic what would happen with those men, Mladic only waved his hand in a way that the witness took to mean they should be killed. 'To oppose Mladic at that time was tantamount to suicide', Nikolic said, explaining why he didn't do anything when he realized the danger that the captured Bosniaks faced.

As Nikolic recounted, Ljubisa Beara, chief of security in the VRS Main Staff, and Miroslav Deronjic, president of the Bratunac municipality and Karadzic's commissioner for civilian affairs in Srebrenica, met in Bratunac the next day and discussed the execution of prisoners. Beara and Deronjic argued about where the prisoners would be put, referring to what their respective 'bosses', Mladic and Karadzic, had told them. Nevertheless, both Beara and Deronjic agreed that the prisoners should be killed, Nikolic claimed. As Nikolic put it, it was 'implicit'.

At the end of the examination-in chief, the former chief of security and intelligence in the VRS Bratunac Brigade confirmed his involvement in the effort to exhume and relocate the bodies from the mass graves in the area of responsibility of the Bratunac Brigade, in September and October 1995. The operation was referred to as 'clean-up', but it was not correct military terminology, Nikolic said. Although it was planned as a covert operation, it involved too many civilian and military institutions and could not remain secret. The prosecutor asked the witness why the operation was meant to be secret. 'Most likely because it was supposed to cover up the evidence of crimes', Nikolic replied.

The accused general, who served as Mladic's assistant for security and intelligence in the VRS Main Staff, will cross-examine the former Bratunac Brigade security officer tomorrow. Tolimir faces charges of genocide and other crimes in Srebrenica and Zepa.

## 2011-04-07

THE HAGUE

### TOLIMIR "DEFENDS" NIKOLIC

The accused general Zdravko Tolimir dedicated the first day of his cross-examination of Momir Nikolic to the defense of the position and role of security and intelligence officers in the VRS units. The prosecution has 'blamed' Nikolic and other security officers 'for many things they are not responsible for', Tolimir contends.



◀ Momir Nikolic, witness at the Zdravko Tolimir trial

The accused general Zdravko Tolimir began his cross-examination of Momir Nikolic, former security officer in the VRS Bratunac Brigade, with a series of questions about the causes of Yugoslavia's break-up. Tolimir suggested to Nikolic that break-up was caused by 'external influences'. Addressing his former superior from the VRS Main Staff as 'general' and 'sir', Nikolic agreed with Tolimir that Serbs and Muslims could have gone on living in harmony in Bratunac had it not been for the 'external influences'.

In July 1995, Tolimir was Mladic's assistant for intelligence and security in the VRS Main Staff. Nikolic was in charge of intelligence and security in the Bratunac Brigade. Nikolic faced trial for genocide and other crimes in Srebrenica

and Tolimir is on trial for Srebrenica and Zepa. In 2003, Nikolic pleaded guilty to persecution. According to the plea agreement, the prosecution dropped all other charges. Nikolic came to the Tribunal to testify at the Tolimir trial from Finland, where he is currently serving his 20-year sentence.

The accused general spent most of his time today on an effort to define the position, role and powers of security officers at all levels, from the battalion to the Main Staff. Quoting from the VRS Rules of Service, Tolimir tried to prove that security officers in the Bosnian Serb army were not authorized to command and issue orders. According to Tolimir, only unit commanders could do that. Nikolic testified about the issue in his examination-in chief and for

the most part agreed with Tolimir's quotes from the Rules of Service. This prompted the presiding judge to tell the accused that the documents he quoted had already been admitted into evidence and the judges could read them for themselves. The presiding judge warned the accused that he might consider the point of this line of questioning.

Although Tolimir accepted the suggestion of the presiding judge, he explained that he did it not for his own sake, but for Momir Nikolic's. As Tolimir put it, 'Nikolic has been blamed for many things he is not responsible for'. Judge Fluegge then reminded him that Nikolic was not on trial. Tolimir then asked the witness directly why he assumed responsibility for all the actions in the brigade, 'when he was nothing but an intelligence and security officer'.

'I accepted the part of responsibility I believe is mine', Nikolic replied. The military police in the Bratunac Brigade took part in the Srebrenica operation and they were under his jurisdiction, he said. As the chief of intelligence and security in the Bratunac Brigade, Nikolic felt he was responsible for their actions.

The accused general Tolimir continues his cross-examination of Momir Nikolic on Monday.

## 2011-04-12

THE HAGUE

### PEOPLE DID NOT DECIDE FREELY TO LEAVE SREBRENICA, BUT WERE FORCED

Momir Nikolic continues his evidence at the trial of Zdravko Tolimir. When the accused suggested in the cross-examination that the people of Srebrenica 'were free to choose whether they wanted to stay or to leave the zone', Nikolic said that the people of Srebrenica were transferred by force. The zone was under the nominal protection of the UN but fell to the Bosnian Serb troops.

'I don't believe that anyone really wants to leave everything they have from one day to the next', Momir Nikolic said. Based on what he saw in Potocari in July 1995, when he was the security officer in the VRS Bratunac Brigade, Nikolic concluded that the 'people of Srebrenica were free to choose their gate only in theory'. In practice, they had no choice, Nikolic says. In light of the 'hatred, clashes, the killings that had already happened, and the thirst for revenge... for all intents and purposes, they could not have stayed and survived', Nikolic insisted.

According to Tolimir, this answer contained Nikolic's 'personal view' which was different from 'actual events'. In July 1995, as Mladic's assistant for security and intelligence, General Tolimir was Nikolic's superior.

Tolimir tried to prove his claim that the people left Srebrenica voluntarily by bringing up various documents like the UNHCR report from July 1995. The document says that 70 to 80 percent of the refugees 'expressed their desire to leave Srebrenica'. According to Tolimir, the testimony of witnesses at previous Srebrenica trials also serves to underpin that claim. Those witnesses described how the refugees in Potocari jostled each other in their haste to get on the buses and leave the area as soon as possible.

Nikolic however stuck to his assessment repeating that the evacuation was the result of necessity. The population of Srebrenica was forced to agree to it although '95 percent of them didn't want to leave the enclave'.

In the two days of the cross-examination, the witness disagreed with many of Tolimir's suggestions. General Tolimir nevertheless ended by thanking Captain Nikolic for his answers. Tolimir apologized to Nikolic for having possibly contributed to 'something that may have bothered' Nikolic, blessed him and wished him a pleasant trip and to return home soon.

Nikolic in turn thanked the general for his 'fair examination and respect' adding that he too had a great deal of respect for Tolimir as an officer and a general.

In a brief re-examination, Nikolic repeated that the objective of the VRS operation in Srebrenica was to 'cleanse' the enclave 'of Muslims', by 'forcing them to leave'. Nikolic, who pleaded guilty to crimes in Srebrenica, is currently serving his 20-year sentence in Finland.

Zdravko Tolimir's trial continues tomorrow with the evidence of another prosecution witness.

## 2011-04-14

THE HAGUE

### ACCUSED AND PROSECUTION WITNESS AGREE ON EVERYTHING

Zoran Carkic, former security officer in the VRS Rogatica Brigade, confirmed today in his cross-examination every claim put to him by the accused general Zdravko Tolimir, Mladic's assistant for security in the VRS Main Staff who is on trial for genocide and other crimes in Srebrenica and Zepa.



◀ Zoran Carkic, witness at the Zdravko Tolimir trial

In his cross-examination, prosecution witness Zoran Carkic promptly agreed with and confirmed every claim put to him by the accused Zdravko Tolimir. Carkic agreed that 'the causes of the war' in BH were 'imported from outside' and 'provoked' by incidents such as the attack on the JNA column in the Dobrovoljacka Street in Sarajevo. Furthermore, Bosniaks 'abused the status' of protected areas, because they launched commando attacks from Srebrenica and Zepa on the neighboring Serb villages and VRS positions. The witness also agreed with the accused that the population of the enclaves was 'free to choose' in July 1995, and they chose to leave the enclaves.

In July 1995 Carkic was among the VRS security officers whose superior in the Main Staff was General Tolimir. The reasons why the prosecution felt this witness's testimony was important will remain unclear because he gave most of his evidence in closed session. The final part of his cross-examination also went on in closed session. However, while the court was in open session, Tolimir's former subordinate confirmed to the accused general that officers in the VRS intelligence service, from the level of battalion to the Main Staff, did not have the power to command; they could only give proposals and advice to the command in charge.

In Carkic's cross-examination, Tolimir also tried to contest the importance of a letter he dictated to the witness in July 1995. The prosecution alleges that in that letter Tolimir informed General Milan Gvero about 800 prisoners from Srebrenica who could be housed in the horse and pig farm in Sjemecka ravan, in the area of responsibility of the Rogatica Brigade.

Carkic confirmed that the farm was never used as a prisoner facility and agreed with the accused that the letter he dictated was a 'notice', not an order. Carkic also agreed that the purpose was only to indicate suitable buildings where prisoners could be housed 'if need arose'. In the part of the hearing open to the public, Zoran Carkic didn't say if any prisoners, and how many of them from Srebrenica, were transferred to the Rogatica Brigade and what their fate was.

Former security officer in the Rogatica Brigade now works in the Department of Spatial Planning and Municipal Services in the Rogatica municipality. It is his job, for instance, to grant planning permissions for the houses of the few refugees who had returned to the municipality, he explained. The returnees confirm that the VRS order to evacuate Zepa in July 1995 covered only 'the period until the end of the war', Carkic agreed with Tolimir. They were not ordered to leave the area forever, he said.

In a brief re-examination, the prosecutor asked the witness about the operation in which a number of mosques and Muslim cultural monuments and houses in the municipality were destroyed. The Rogatica Brigade took part in that operation. The witness, who became visibly agitated, denied that he was ever involved in anything of the sort, saying it was 'illogical' to say that he used to destroy houses only to rebuild them today. The trial of Zdravko Tolimir continues on Monday.

## 2011-04-18

THE HAGUE

### WHAT HAPPENED TO MORE THAN 1,000 PRISONERS?

Immediately after the fall of Srebrenica, the then chief of security in the Eastern Bosnia Corps received an order from the Main Staff to prepare the accommodation for more than 1,000 Muslim prisoners who would arrive in the Batkovic prison camp. As the prisoners never showed up, the chief of security called the Main Staff. General Tolimir told the security chief to stop preparing the accommodation because this 'idea had been abandoned'. It seems that the men who never reached the Batkovic prison camp ended up at some of the Srebrenica execution sites.

In July 1995, Milenko Todorovic was the chief of security and intelligence in the VRS Eastern Bosnia Corps. The prison camp Batkovic near Bijeljina was in Todorovic's area of responsibility. Prisoners of war, mostly BH Army soldiers, were held in the Batkovic camp before they were exchanged for captured VRS soldiers.

In his evidence at the trial of Zdravko Tolimir, Mladic's former assistant for security and intelligence in the VRS Main Staff, witness Todorovic confirmed that he received an order immediately after the fall of Srebrenica, in mid-July 1995, to prepare the accommodation of more than 1,000 prisoners who were to be transferred from the Zvornik area to Batkovic. Todorovic didn't contest the fact that he had been given this task, but claimed that he didn't know how he ended up getting it.



◀ Milenko Todorovic, witness at the Zdravko Tolimir trial

According to the prosecution, the telegram arrived from the Security and Intelligence Administration in the VRS Main Staff and was signed by general Tolimir. The telegram was not saved, and Todorovic said that he could confirm 'with 90 percent certainty' that it was a telegram. Describing his subsequent activities related to the task he had received, Todorovic said that he 'showed the whole' telegram to his commander Novica Simic.

The prison camp, or as the witness called it 'a collection center', in Batkovic was secured by the military police of the Eastern Bosnia Corps. Todorovic was the military police's superior in the security service chain of command. Like the preceding witnesses who were security officers

in various VRS units, Todorovic explained that only corps commanders could issue orders, while the task the security officers at all levels of command could only 'propose' how units were to be used and 'control the military police'. The prosecutor then showed the witness an instruction sent to a military police company with the witness's signature. The instruction orders the military policemen to prepare the facilities in Batkovic for the admission of new prisoners. Todorovic agreed that the military police units 'were obliged to act in line with that instruction'.

Todorovic described how as soon as the word leaked of an influx of a large number of prisoners, the families of captured VRS soldiers put a lot of pressure on the command to organize an exchange as soon as possible. However, the prisoners never arrived in the Batkovic prison camp. The witness was ordered by his commander to call the Main Staff to enquire where they were. General Tolimir told him to 'stop preparing their accommodation because the idea had been abandoned', the witness recounted.

Todorovic continues his evidence tomorrow.

## 2011-04-19

THE HAGUE

### WHAT HAPPENED TO AVDO PALIC AFTER VANEK'S MILL?

In August 1995, former commander of the BH Army Zepa Brigade was transferred to the military detention facility of the Eastern Bosnia Corps. In the night of 5 September 1995, an officer from the intelligence and security sector in the VRS Main Staff took Palic from the detention unit. Colonel Milenko Todorovic, who was the security chief in the Eastern Bosnia Corps, confirmed this as he continued his evidence at the trial of Zdravko Tolimir.



◀ Milenko Todorovic, witness at the Zdravko Tolimir trial

The remains of Avdo Palic, commander of the BH Army in Zepa, were discovered in the village of Vragolovi near Rogatica in August 2009, 14 years after he disappeared without a trace after he was captured by the VRS. With the evidence of the former chief of security and intelligence in the VRS Eastern Bosnia Corps, the prosecution is trying to prove that Palic and two other members of the war presidency in Zepa, Mehmed Hajric and Amir Imamovic, were murdered and that Zdravko Tolimir, who was Mladic's assistant for security in the VRS Main Staff, is responsible for those murders.

Palic's code name as a prisoner of war was 'Atlantis', Colonel Todorovic confirmed rather unwillingly after the

prosecutor showed him a letter of 10 August 1995, signed by the chief of security in the VRS Main Staff Ljubisa Beara, ordering the transfer of 'Atlantis' from the Rogatica detention unit to the military detention facility of the Eastern Bosnia Corps. This facility was known as Vanek's Mill (Vanekov mlin) and was located in the military barracks in Bijeljina.

Todorovic claims he did not learn that the prisoner was actually Avdo Palic before the night of 5 September 1995, when the detention unit warden Milan Savic called Todorovic on the phone telling him that 'a major Pecanac' from the VRS Main Staff had come to take Avdo Palic but refused to sign the paper confirming this. 'Pecka', as the witness called Pecanac, couldn't explain why he didn't want to sign the document. Todorovic claims he told Pecanac that if he refused to sign, he couldn't take Palic away. Major Pecanac then signed the 'receipt' and took Palic from the prison in Vanekov mlin. The timeline of events leading to the burial of the commander of the Zepa fighters in a grave in Vragolovi near Rogatica is broken again at this point. Major Dragomir Pecanac was a security officer in the intelligence and security sector in the VRS Main Staff. General Tolimir was chief of that department.

The accused general dedicated the first part of his cross-examination to the issues related to the outbreak of the conflict in Slovenia in late June 1991, when Todorovic was a JNA officer in Maribor. The presiding judge repeatedly asked the accused about the relevance of that line of questioning, as the indictment against him pertains to July 1995. Tolimir nevertheless insisted that the Federal Republic of Yugoslavia is 'unfairly blamed' for sending its officers to the VRS although the officers volunteered to serve in it, like Todorovic did. Todorovic was forced to leave Maribor in June 1991 and then joined the VRS voluntarily two years later.

Todorovic's cross-examination continues tomorrow.

## 2011-04-27

THE HAGUE

### PALIC WAS AN IRREDEEMABLE OPTIMIST, TOLIMIR A TRAINED OFFICER

'Avdo was an irredeemable optimist and he believed that one day people would be ashamed of what they did in war, that they would feel remorse, he believed in justice', said Esma Palic, whose husband commanded the defense of Zepa, as she testified at the trial of Zdravko Tolimir, charged with genocide and other crimes in Zepa and Srebrenica in July 1995. According to Esma Palic, her husband described Tolimir as a 'trained officer' who could be trusted.



◀ Esma Palic, witness at the Zdravko Tolimir trial

At the trial of Mladic's assistant for security and intelligence in the VRS Main Staff, Zdravko Tolimir, the court heard testimony of Esma Palic. She described how she spent most of the war with her two babies in a shelter near her parents' house in Zepa, to escape daily artillery attacks. 'There is no place smaller than Zepa that has been hit with more shells,' she said. Her husband, who commanded the Zepa Brigade of the BH Army, spent most of his time on the defense lines of the enclave.

After the fall of Srebrenica in July 1995, she heard stories from the survivors about the atrocities committed by the Serb forces; those were 'enough to make you wish to die lest you should fall into their hands'. The shelling

increased in frequency and her parents' house was completely destroyed. They went to Stitkov Do, where they sheltered until 24 July, when the evacuation of Zepa started.

On that day, 'that endlessly warm day in July', 'distraught people' gathered in the center of Zepa, the witness recounted. 'All of them had lost someone already,' she said, and 'long-bearded' Serb soldiers made insulting comments. She met her husband in front of a café in the town center. He told her they would be evacuated and that 'everything would be fine', because Zdravko Tolimir had given him guarantees to that effect. He described Tolimir as a 'trained officer'. He said he would escort the convoy in a car together with Tolimir. She begged him 'not to trust Tolimir', despite the fact that 'Tolimir looked civilized, unlike the others'.

Esma Palic said goodbye to her husband when the convoy stopped near Kladanj. She continued on with her children on foot until she reached BH Army-controlled territory. Avdo Palic went back to Zepa and she never saw him again. A few days later she learned he had been captured. 'This is when my war started', Esma Palic said, recounting how 'day in day out' she was trying to find out what had happened to her husband. When his body was finally identified 14 years later, she continued 'searching for justice and those who are responsible' for her husband's death.

Before she left Zepa, Avdo Palic handed to his wife a folder with the correspondence with Rajko Kusic, commander of the Rogatica Brigade, and Dragomir Pecanac, security officer from the VRS main Staff. Among the papers that the witness looked at much later, was a note, written on a piece of paper taken from a cigarette pack, that Ratko Mladic sent to Avdo Palic with a bottle of whiskey. This was an attempt to convince Palic to leave Zepa, says Esma Palic, adding her husband would never have agreed to it.

In the cross-examination, Tolimir yet again argued that the people left Zepa voluntarily. The accused claims he personally made an offer to Avdo Palic on 24 July to leave for Kladanj with his family, but he refused. Visibly upset, Esma Palic said her husband never mentioned the offer to her, but she expected it, as 'Avdo was a thorn in the Bosnian Serb side in Zepa'. She insisted she was 'proud' that her husband did not want to leave the people of Zepa and his fellow fighters, who would probably have faced the same fate as the people of Srebrenica. She asked Tolimir why, 'if you were so well-meaning', he did not save Palic's life after her husband 'did his mission and saved the civilians from Zepa'.

Tolimir also put it to the witness that the BH Federation authorities stalled the identification of her husband's remains, but Esma Palic rejected the argument. She accused the Republika Srpska authorities of deliberately trying to cover up the place where her husband was buried. They, Esma Palic said, 'handed over his unidentified body to the federal

commission for missing persons; as a result, she had to wait for eight years for him to be identified. Visibly upset, the witness labeled this conduct on the part of the RS authorities 'an affront and a crime'.

Esma Palic dismissed Tolimir's argument about the voluntary surrender of the enclave to the Serb forces: she said Hamdija Torlak, who represented the people of Zepa had been 'forced' to sign the purported agreement about the surrender. Anyone else would have had to do the same in his shoes, she said. There was no freedom of choice whatsoever, the witness said. She said Tolimir's argument was 'ironic': one could hardly speak about freedom of choice after all the 'killing, torching and slaughter' by Mladic's forces. 'That would make us right morons,' Esma Palic said.

The cross-examination of the Zepa defense commander's widow will continue tomorrow.

## 2011-04-28

THE HAGUE

### ESMA PALIC: TOLIMIR'S TRAP FOR AVDO PALIC

As she completed her testimony at the trial of Zdravko Tolimir, on charges of genocide and other crimes in Srebrenica and Zepa, witness Esma Palic accused Mladic's former assistant for security that in July 1995, he led her husband into a trap. Her husband Avdo Palic was the commander of the BH Army Zepa Brigade.



◀ Esma Palic, witness at the Zdravko Tolimir trial

Nothing was done in Zepa without Zdravko Tolimir, and there is nothing related to Zepa and Avdo Palic that Tolimir doesn't know, said Esma Palic at the end of her testimony against Mladic's assistant for security in the VRS Main Staff. Esma Palic's husband, Avdo Palic, was the commander of the Zepa Brigade of the BH Army. Palic was captured in July 1995 by the Bosnian Serb army, after the fall of the UN-protected enclave. His fate remained unknown until August 2009, when his remains were identified after the exhumation from a mass grave near Rogatica.

Esma Palic was not able to answer most of the questions the accused general asked as the cross-examination

continued, since they mostly had to do with the causes of the war in BH in April 1992, and the establishment of the UN-protected areas in March 1993. Irritated by the accused who put it to her that the VRS attack on Zepa was caused by commando actions launched from the enclave against the neighboring Serb villages and VRS positions by the BH Army soldiers, the witness who was visibly upset confirmed that on the eve of the VRS attack in July 1995, the Zepa Brigade soldiers asked the UN troops to give them back their weapons in order to be able to defend themselves. The VRS did come under attack, the witness confirmed, but not civilians, Esma Palic insisted. Avdo Palic and his fighters did not commit any crimes, she added.

In the re-examination, the prosecutor asked the witness what led her to conclude that Avdo Palic was handed over to Zdravko Tolimir after his arrest in July 1995. As she explained, the conclusion was based on the statements of VRS soldiers who took part in the kidnapping, as she called it, of her husband from the UNPROFOR base in Zepa. Tolimir also questioned Avdo Palic in Zoran Carkic's apartment, said Esma Palic. According to her, Carkic himself confirmed that in his statement to the VRS Investigating Commission. The prosecutor showed the witness a document sent from the Rogatica Brigade command to the VRS Main Staff, to the Drina Corps commander, General Krstic, and to the intelligence department in the corps, stating that 'the interview with Avdo Palic yielded the information about the mine fields'.

As Esma Palic replied, she has never seen this document, but this is exactly what she needs in her fight for justice and her effort to find out all the details about her husband's fate. 'Zdravko Tolimir led my husband straight into a trap,' Esma Palic said. 'The two men were the ranking officers of the two warring sides in Zepa. Had Tolimir been captured, Avdo Palic would have been responsible for his fate, and since Palic was the one in captivity, Zdravko Tolimir is responsible,' Esma Palic concluded.

The next prosecution witness is testifying with protective measures as Witness PW 064; on 13 July 1995, he witnessed the killings in front of the co-op warehouse in Kravica.



2011-05-02

THE HAGUE

**ENCLAVES WERE 'RIPE FOR THE PICKING'**

Colonel Petar Salapura, former chief of the Intelligence Administration in the VRS Main Staff, described a conversation with the accused Zdravko Tolimir in the spring of 1995. Tolimir agreed with Salapura's assessment that any attacks on the eastern enclaves would be 'counterproductive' and would prompt a strong response of the international community. Tolimir added that those enclaves were 'ripe for the picking' anyway.



◀ Petar Salapura, witness at the Zdravko Tolimir trial

Retired VRS colonel Petar Salapura began his evidence today as a prosecution witness at the trial of his former superior, General Zdravko Tolimir. Tolimir is on trial for genocide and other crimes in Srebrenica and Zepa in the summer of 1995. During the war in BH, Salapura was chief of the Intelligence Administration in the VRS Main Staff. The administration Salapura headed worked in tandem with the Security Administration; the two formed the Intelligence and Security Sector. The accused Tolimir, Mladic's assistant for security in the VRS Main Staff, was the chief of the Intelligence and Security Sector.

At the request of the prosecutor, the presiding judge warned Salapura before he started his evidence that he didn't have to answer questions that could incriminate him. Salapura didn't exercise this right today, but nevertheless evaded direct answer to some of the prosecutor's questions.

One of these questions was whether Salapura knew about the Directive 7. The document, signed by Republika Srpska president Radovan Karadzic on 8 March 1995, states that the VRS should '**by planned and well-thought-out combat operations, create an unbearable situation of total insecurity, with no hope of further survival or life for the inhabitants of Srebrenica or Zepa.**' Salapura claimed that he didn't know about any directive at the time, adding that he heard about the Directive 7 for the first time in 2004, when he testified for the first time as Vidoje Blagojevic's defense witness. Blagojevic was the commander of the VRS Bratunac Brigade. Salapura didn't budge, even when the prosecutor showed him the document of 31 March 1995, in which Mladic orders the launching of Operation Sadejstvo 95 'on the basis of the Directive 7'.

When the prosecutor put it to him that based on this order he had to have known about the directive, Salapura disagreed. He claims that only those who in anyway 'participated in the preparation and drafting of the directive' knew about it, and he wasn't one of them. Salapura also rejected the prosecutor's claim that the next VRS operation on 24 June 1995, was in fact designed to create 'an unbearable situation of total insecurity' for the population of Srebrenica, as stated in the Directive 7. In the operation, the VRS soldiers attacked the UNPROFOR checkpoint in Zeleni Jadar. According to Salapura, the objective of the operation was to 'warn the Muslim side' to stop their incursions from the enclave and to 'put pressure on UNPROFOR' to disarm the people in the protected zone or prevent the BH Army attacks from the enclave.

Salapura claims that in the spring of 1995 he told Tolimir that 'the eastern enclaves should absolutely not be touched', as it would be counterproductive: the international community would respond vehemently. Tolimir agreed with Salapura, adding that the enclaves were 'ripe for the picking', Salapura said.

Petar Salapura continues his evidence tomorrow.

2011-05-03

THE HAGUE

**FORGED DOCUMENTS FOR THE ACCUSED IN THE HAGUE**

In January 1996, Petar Salapura, who is now testifying as a prosecution witness at the trial of general Zdravko Tolimir, asked the Republika Srpska MUP to issue ID documents 'with Serb names or new Serb names and surnames if the holders already have Serb names' to eight soldiers of the 10th Commando Detachment. Some of them were foreign nationals or were indicted by the Tribunal in The Hague.

In January 1996, the Republika Srpska interior minister received a telegram from the Intelligence and Security Sector in the VRS Main Staff with a request to issue ID documents to eight soldiers of the 10<sup>th</sup> Commando Detachment who were 'foreign citizens or are indicted by the Tribunal in The Hague'. The ID documents were to be issued with 'Serb names or with different names and surnames if they already have Serb names'. Petar Salapura, who was the chief of the Intelligence Administration in the VRS Main Staff at the time, signed the request. Today, Salapura continued his evidence at the trial of his former superior, General Zdravko Tolimir, Mladic's assistant for security and intelligence.

The prosecutor had to work hard to make the witness confirm the authenticity of the telegram. Salapura, who was called to testify in The Hague as a prosecution witness, claimed he didn't remember ever sending such a request. He also maintained that he learned of the mass executions that followed the fall of Srebrenica only after Drazen Erdemovic's confessed to his part in them in March 1996. Erdemovic was a soldier in the VRS 10<sup>th</sup> Commando Detachment and participated in the execution of more than 1,000 Bosniak captives at the Branjevo farm on 16 July 1995.



◀ Petar Salapura, witness at the Zdravko Tolimir trial

The request Salapura sent to the interior minister two months before Erdemovic's confession indicates that the witness had to have known about the mass executions even before March 1996, the prosecutor contended. Moreover, the prosecutor argued, it showed that Salapura participated in an attempt to conceal the perpetrators and protect them from prosecution. The witness persistently evaded answering the questions about the request; his evasion was cut short by the presiding judge who asked him a series of questions on this topic. The former intelligence officer in the VRS Main Staff then reluctantly admitted that he had sent this request.

The prosecutor then asked Salapura if that could have 'angered' his superior, General Tolimir, since the request was sent from his sector. Salapura first said he doubted that Tolimir even knew about it, only to confirm that Tolimir had to have received reports about the request.

Salapura spoke about the details of why and how he had requested forged documents for the soldiers of the 10<sup>th</sup> Commando Detachment only when General Tolimir began his cross-examination. General Tolimir is on trial for genocide and other crimes in Srebrenica and Zepa in the summer of 1995.

The intention was not to hide anything but to enable those soldiers – which included 'a Muslim and two Croats' – to 'live normally, without any kind of trouble' in Bijeljina where they settled down, Salapura claimed. The idea was to prevent them from 'being exposed to provocations' as non-Serbs. Nothing was concealed, the witness said. He corroborated this by saying 'very soon journalists discovered' those soldiers in Bijeljina.

Salapura today confirmed that on 12 July 1995 in Belgrade he was told by a 'trusted person' the date when the Croatian Army would launch its offensive on the Republic of Serbian Krajina; the operation was codenamed Storm. In an effort to relay the information to the Main Staff and General Mladic, Salapura went to the Bratunac and Srebrenica area on 13 July 1995. As Salapura said today, he learned about the fall of Srebrenica on 12 July 1995. On 13 July 1995 Salapura saw 'women, children and the elderly' being loaded onto buses in Bratunac. However, Salapura didn't see the moment when the men of military age were separated from their families. Salapura passed twice through Konjevic Polje and saw about 500 prisoners at the stadium. The witness didn't know anything about where and how they ended up. From 14 July 1995 on, Salapura was in the Main Staff in Crna Rijeka; he nevertheless claimed that he didn't know anything about what was going on in those days in the Zvornik area. As alleged in the indictment, thousands of Bosniaks captured after the fall of Srebrenica were executed in a number of locations there. The intelligence and security officers from several VRS units, including the Main Staff, participated in the executions.

Zdravko Tolimir continues his cross-examination of Petar Salapura tomorrow.

## 2011-05-04

THE HAGUE

### WORLD WAR III ACCORDING TO TOLIMIR

In the cross-examination of Petar Salapura, former intelligence officer in the VRS Main Staff, General Zdravko Tolimir tried to contest the adjudicated facts related to the breakup of the former Yugoslavia and the independence of its former republics, BH in particular. Salapura was Tolimir's immediate subordinate in July 1995.

The war in BH marked the start of the World War III, the Muslims initiated it with the support of the international community, making it possible for NATO to expand into the Balkans and on to Libya, all under the pretext of peace missions in these countries. This is what the accused Tolimir said today, when the judges asked him why he was devoting most of the time he had for the cross-examination of Petar Salapura to issues related to the cause of the war in BH and the events from 1992. According to the Trial Chamber, the topic is not relevant for Tolimir as he is charged with genocide and other crimes in Srebrenica and Zepa in July 1995. The current witness, Colonel Salapura, is a former officer in the intelligence service of the VRS Main Staff.



◀ Petar Salapura, witness at the Zdravko Tolimir trial

The presiding judge repeatedly warned the accused general that he was not using court time efficiently when Tolimir insisted on addressing the issues such as the attack on the JNA column in the Dobrovoljacka Street in Sarajevo on 3 May 1995 and the role of Stjepan Mesic, the last president of the SFRY presidency, in the breakup of the former Yugoslavia. Tolimir defended his line of questioning, saying that those events influenced the actions of the witness and his own during the war.

Since the presiding judge asked for a legal explanation, Tolimir consulted with his legal advisor and said the 'defense contests the adjudicated facts'. Tolimir explained that the purpose of his line of questioning was

to contest the adjudicated facts such as the 'path to BH independence'. According to the defense, BH did not gain independence when the Parliament adopted the declaration of independence on 15 October 1991 as adjudicated, but when the war broke out.

While the Trial Chamber did not dispute the right of the defense to contest adjudicated facts, the judges warned the accused that they 'fail to see how the evidence of this witness may serve to contest any of the eight adjudicated facts' related to the events from 1991 and 1992 and the breakup of the SFRY. The presiding judge told the accused, who is defending himself, that the Trial Chamber must ensure that the court time is used efficiently, advising Tolimir to keep that in mind as he used his remaining time.

Tolimir nevertheless asked some more questions about 'the fighting in Kupres' that went on before the BH declaration of independence, as the witness confirmed. Tolimir tried to contest the adjudicated fact about the independence of BH with the claim that the captured JNA soldiers from Kupres 'were taken to prison camps in Croatia'. Many of them were killed or disappeared.

Zdravko Tolimir continues his cross-examination of Petar Salapura tomorrow.

## 2011-05-11

THE HAGUE

### 'BLOCKADE AND CLEAN-UP' IN SRERENICA

Former security officer in the VRS Main Staff testifies for the prosecution at the trial of Zdravko Tolimir. On 17 July 1995, the witness reported to the accused general about the progress of the 'blockade and clean-up' operations in the enclave after it fell to the Bosnian Serb forces.



◀ Dragomir Keserovic, witness at the Zdravko Tolimir trial

General Dragomir Keserovic, prosecution witness at the trial of Zdravko Tolimir, continued his evidence today. Keserovic described how he was sent to Bratunac on 17 July 1995 to check the progress of the 'blockade and search operations' in the Srebrenica area. General Tolimir was instrumental in the amendment of Mladic's initial order of 16 July 1995, according to which Keserovic was to assume command in the operation and step up the efforts, Keserovic said today. Tolimir intervened after Keserovic complained he couldn't accomplish the task 'without a properly established command in place'.

In July 1995, Keserovic, who was a lieutenant colonel at the time, served as chief of the military police department in the VRS Main Staff. However, Keserovic was not in command of any of the units that were part of the joint RS military and police forces that fought in the Srebrenica operation. In the late evening of 16 July 1995, after his conversation with Mladic, Tolimir told Keserovic he didn't have to 'assume command'. Keserovic was to go to Bratunac to check on the progress of the operation and to talk to the commander of the Dutch Battalion. Keserovic was to inform the UN commander that the 'weapons and equipment' the VRS had seized from them 'will be returned' and that the Dutch would be evacuated via Serbia instead of the Sarajevo airport, as planned previously.

The next day, on 17 July 1995, Keserovic went to Bratunac and completed his mission. Keserovic confirmed that on the occasion he talked to the commanding officers in the units that took part in the blockade and clean-up operations. Keserovic also talked to the commander of the Bratunac Brigade, Vidoje Blagojevic. Keserovic was present when Colonel Jankovic translated the message to the UN Dutch Battalion commander. Keserovic was also there when the International Committee of the Red Cross organized the evacuation of the wounded prisoner from

Bratunac. Keserovic confirmed that a group of prisoners was separated from the rest; they were not allowed to leave. Keserovic was told that the prisoners were on the list of war crimes suspects.

When Keserovic returned, he submitted a report to General Miletic in the operations center of the Main Staff in Crna Rijeka late in the evening of 17 July 1995. That same evening, Keserovic reported to General Tolimir. According to Keserovic, Tolimir told him that 'it is not okay' to detain wounded prisoners; the situation had to be dealt with soon. Keserovic didn't know how 'it was dealt with' since on 23 July 1995 he moved to the Main Staff forward command post in Drvar to join General Manojlo Milovanovic.

At the end of the examination-in chief, the prosecutor put to Keserovic the testimony of a witness who was in the special police and was involved in the 'blockade and clean-up' operation. He witnessed the capture of about 200 persons. The prisoners disappeared without a trace until they were finally exhumed from a mass grave in Cerska. Keserovic claimed he knew nothing about it. When the prosecutor repeated the question, Keserovic again categorically denied that he had commanded the 'blockade and clean-up' of the Srebrenica area after the fall of the enclave.

As the hearing today drew to a close, General Zdravko Tolimir began his cross-examination of Keserovic. The cross-examination continues tomorrow.

## 2011-05-12

THE HAGUE

### TOLIMIR: INTERNATIONAL FORCES 'SPIED' ON THE VRS

General Zdravko Tolimir continued the cross-examination of the former chief of the military police in the VRS Main Staff. The international forces favored one side in the conflict and could no longer claim they were part of a peace-keeping mission, since it was relaying intelligence about the VRS to the BH Army, tolerated the illegal arming in the protected areas and launched air strikes against the Bosnian Serb positions, Tolimir argued. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa in 1995.



◀ Dragomir Keserovic, witness at the Zdravko Tolimir trial

In March 1995, the BH Army troops were superior to the VRS. The BH Army planned an offensive in the protected areas of Srebrenica and Zepa to merge the two enclaves and link them up with Tuzla and hopefully even with the Gorazde enclave. This is how the accused general Zdravko Tolimir described the situation on the Eastern Bosnian front in the spring of 1995 as he cross-examined prosecution witness Dragomir Keserovic. Keserovic was the chief of the military police in the VRS Main Staff and was subordinated to Tolimir. At the time, Keserovic was in Krajina, on the western front, but he confirmed Tolimir's description, adding that the intelligence on the

movements and arming of the BH Army troops 'reached Krajina too'.

Keserovic also confirmed that the VRS intelligence and security received intelligence about the arming of the BH Army units in the zones protected by the UN protection, which were to be demilitarized. Tolimir put it to the witness that UNPROFOR also had this intelligence but didn't do anything about the illegal arming of the BH Army in the enclaves. Keserovic agreed with the accused, confirming that the BH Army violated the peace agreement signed in December 1994 by launching attacks on the VRS positions.

Tolimir illustrated his claim that UNPROFOR was aware of the BH Army intentions with a quote from a statement General Rupert Smith gave in August 1996. The UNPROFOR commander in BH described his meetings with the military and political representatives of the warring sides in March 1995, and said that he realized at that point that the 'Bosnian Serbs believe that further fighting is inevitable because the Eastern enclaves are too strong'. The 'BH Army obviously doesn't intend to extend the cease-fire agreement that has been in force since late April 1995'.

The international forces not only tolerated such behavior of the BH Army but in the final months of the war they joined the forces that fought against the Republika Srpska Army, Tolimir contended. Keserovic agreed with Tolimir's claim and confirmed that the NATO forces 'acted together with the Croatian Army and in late August 1995, they destroyed the VRS communications system', a vital operative element of an army. As a consequence, the VRS lost ground in 18 BH municipalities which had been under the VRS control until then, Keserovic explained.

UNPROFOR was informed about the attack 'as it was informed about all the previous attacks by NATO forces on the positions held by the Serbs in Bosnia and Croatia'. This is evident from the fact that the UN peace-keepers left the positions that were close to the Serb forces, the witness and the accused agreed. Tolimir claimed that UNPROFOR relayed intelligence about the VRS to the BH Army and thus sided with one of the warring parties.

Dragan Keserovic continues his evidence on Monday.

2011-05-25

THE HAGUE

**GENERALLY KNOWN FACTS AND RUMORS, ACCORDING TO DR PIROCANAC**

Zdravko Tolimir, on trial for genocide and other crimes in Srebrenica and Zepa, cross-examined Zoran Petrovic Pirocanac, Belgrade journalist who holds a doctorate in 'present history' from a Parisian university. Petrovic Pirocanac expounded in great detail his geopolitical views and theories about 'Islamist' conspiracies corroborating them with second-hand 'facts'.



◀ Zoran Petrovic Pirocanac, witness at the Zdravko Tolimir trial

'It is a generally known fact, general...' This is how prosecution witness Zoran Petrovic Pirocanac, journalist from Belgrade, began most of his answers to the accused Zdravko Tolimir in his cross-examination. In most of his questions, Tolimir asked Dr Petrovic to share his geopolitical expertise about the break-up of Yugoslavia, the war in Bosnia, the independence of Kosovo, the spreading of 'Islamism', the US interventions in Afghanistan and Iraq and similar issues. On several occasions, presiding judge Christoph Floegge warned Tolimir not to ask Pirocanac for any 'expert explanations' because he had not been called as an expert witness. Petrovic was called to testify about facts: what he saw and recorded during his two-day stay in the Srebrenica

area on 13 and 14 July 1995, Judge Floegge said.

Pirocanac as a fact witness proved to be no less problematic, since it turned out he mostly spoke about 'facts' of which he as a witness had no direct knowledge. He heard about them second hand. For example, Petrovic said that he heard about the 'fact' that Osama Bin Laden met Alija Izetbegovic in 1993 or 1994 from German journalist Renate Flotau. As for the 'fact' that about 100 fighters from the column that headed towards Tuzla through the woods after the fall of Srebrenica in July 1995 did not reach the liberated territory before next spring and were accommodated in the IFOR base used by the US forces and were later transferred to the USA, Petrovic learned from French intelligence officer Bunel who was later convicted of spying for Serbs. Pirocanac then used his 'analysis of dates and facts' and 'the information obtained from the Serbian *Diaspora*' to conclude that those Muslims now live in Richmond but their names were on the Srebrenica victims' list. The third 'fact' Petrovic Pirocanac presented to the judges was that somewhere on Mt. Igman the French and Dutch 'blue helmets' had coffee with Bin Laden's mujahideen. A French TV crew that shared the story with Petrovic saw it but didn't film it.

Pirocanac did not say who told him the 'generally known fact' that 'Bin Laden's men had infiltrated the BH diplomatic service and were sent to Tanzania and Zambia where they organized terrorist attacks on American embassies'. This 'fact' surprised Zambian judge Niambe, who noted that there had been no terrorist attacks in her country asking the witness if he actually meant Kenya. Pirocanac then corrected himself saying 'Excuse me my honor' in fluent English, so fluent in fact that it baffled Google Translate when we ran it in an effort to find out what he meant.

In the re-examination, the prosecutor asked the witness to explain how the incriminating frames were deleted from the original tapes he had made in the Srebrenica area on 13 and 14 July 1995. The excerpts showed the dead Muslims in front of the Kravica warehouse doors, captives on the balcony of the so-called White House in Potocari and a large group of prisoners in the field near Sandici. This footage was also in the film shown on 17 July 1995 by Belgrade-based Studio B channel. Petrovic said he was careless and gave the material to 'anyone who asked', adding that he didn't know who edited out those frames. As Petrovic noted, the prosecution should be grateful to him for 'risking my life' to record the footage that was among the most precious evidence in the archives of the Tribunal in The Hague.

In his previous evidence at the trial of the seven Bosnian Serb military and police officers charged with crimes in Srebrenica in 2007, Petrovic complained that the prosecution had labeled him the 'so-called journalist', claiming it was impossible to tell if Petrovic was a 'journalist or a policeman'. This time round, Pirocanac said he had had 'a fruitful conversation' with the prosecutors; he now believes they don't want to discredit him and charge him with 'speech crime', contrary to what the accused Tolimir claimed.

2011-06-09

THE HAGUE

**INSIDER FROM THE VRS MAIN STAFF GIVES EVIDENCE**

The name of Zoran Malinic, former commander of the military police in the 65th Protection Regiment of the VRS Main Staff, was mentioned at all the trials for crimes in Srebrenica before the Tribunal. At the trial of Zdravko Tolimir, Malinic appeared for the first time as a prosecution witness. Malinic testified under his name but with image distortion as a protective measure. The presiding judge warned the witness that he had the right not to answer any incriminating questions.

The key issue in the examination-in chief of prosecution witness Zoran Malinic were the events on 13 July 1995 in Nova Kasaba. As alleged in the indictment, the Serb forces held about 1,000 Muslim men captured after the fall of Srebrenica in the local football field in Nova Kasaba.

Malinic was stationed with his military police unit in the school building in Nova Kasaba, some 300 meters away from the football field. The witness described that in the early morning of 13 July 1995 he heard that 'some members of the BH Army 28<sup>th</sup> Division surrendered'. Malinic sent a patrol that returned 'with only three prisoners'. During the day 'there was a lot of commotion, gunfire, explosions, people surrendering' and the number of prisoners rose to 'several hundred'.

According to Malinic, more and more prisoners were captured; this went on until the early evening, when the prisoners were put on the buses. Malinic later heard that they were 'taken to Bratunac'. The prosecutor showed Malinic an order sent to him by the commander of the 65<sup>th</sup> Protection Regiment Milomir Savcic on 13 July 1995. In the order, General Tolimir, Mladic's assistant for security, proposes how the captured Bosniaks should be treated. First, unauthorized access to prisoners was prohibited. UN vehicles were not allowed to travel along the Bratunac-Konjevic Polje road, which passes by the football field in Nova Kasaba. Thirdly, the prisoners were to be put in facilities where they 'cannot be seen and photographed'.

Malinic contested the authenticity of the document, claiming that the way in which the order was phrased didn't comply with the rules specifying how orders were to be drafted. 'It's impossible to say if it's an order or an instruction', Malinic said. According to Malinic, the fact that he 'held the prisoners in the football field' proved that he 'either didn't comply with' the order 'or he 'never received it'. Since he would have been prosecuted if he had not executed the order, Malinic claimed, he concluded that he 'probably didn't receive it'. The prosecutor asked Malinic if he knew that mass graves were discovered in the Nova Kasaba area; hundreds of bodies were recovered from the pits. Malinic tersely said he did not.

The witness continued to contest the allegations from the indictment in his examination-in chief, corroborating the case of the accused Tolimir that the VRS treated prisoners 'in line with its rules of service'. Finally, Malinic's former superior officer gave him an opportunity to say something 'about the accusations levied against you [Malinic]'. Malinic availed himself of the opportunity, saying that General Radislav Krstic, the VRS Drina Corps commander, should be asked why he identified not only Malinic but his entire unit too as the perpetrators of war crimes. In his statement to the OTP before the beginning of the trial, General Krstic identified as 'main perpetrators' of the crimes in Srebrenica General Mladic and his 'clan from Knin' – mostly security officers. Tolimir, Beara and Popovic topped Krstic's list, and Zoran Malinic was on it too. General Krstic was convicted of the crimes in Srebrenica and was sentenced to 35 years.

At the end of the cross-examination, Tolimir wished the witness a safe trip home and a successful career. Malinic replied by wishing the general 'good health and a long life', and to 'successfully proffer arguments to defend yourself against the accusations'.

The trial of Zdravko Tolimir continues next week.

2011-07-07

THE HAGUE

**RICHARD BUTLER TESTIFIES FOR THE FIFTH TIME**

Prosecution military expert began his evidence at the trial of Zdravko Tolimir. As the prosecutor indicated, the witness would talk in particular about the position and the role of officers in the VRS Main Staff. General Tolimir, charged with genocide and other crimes in Srebrenica and Zepa, was Mladic's assistant for security and intelligence in the VRS Main Staff.

After investigator Dusan Janc completed his evidence at the trial of Zdravko Tolimir, the prosecution called its military expert Richard Butler. He is now an intelligence officer in the US National Security Agency. Until November 2003, Butler was one of the prosecution analysts who investigated war crimes in the former Yugoslavia.



◀ Richard Butler, witness at the Zdravko Tolimir trial

Butler was particularly involved in the Srebrenica investigation and wrote two expert reports on it. The first report was completed in 2000 for the trial of General Radislav Krstic, former commander of the VRS Drina Corps. The report focused on defining the position and role of corps officers in the Bosnian Serb army. The report was amended and adapted for the second trial for the Srebrenica crimes in 2003. Former commander of the Bratunac Brigade Vidoje Blagojevic and officer of the engineering unit of the Zvornik Brigade Dragan Jokic were in the dock. Butler again analyzed the position and role of VRS officers, but this time at the level of a brigade.

Butler wrote his second report in 2007 for the trial of the seven Bosnian Serb military and police officers, when he was asked to focus on the position and role of officers in the VRS Main Staff. In both reports, Butler noted that the Bosnian Serb army was modeled on the former JNA. The legislation on the armed forces in Republika Srpska was in fact the same as the former SFRY legislation. The VRS adopted the same chain of command and defined the responsibilities and powers of officers along the same lines.

In his reports, the military analyst used the Rules of Service and operating manuals of the JNA units that served as a basis for the RS military legislation. The documents that came in from the VRS units during the Srebrenica investigation as well as statements of witnesses, former Bosnian Serb army officers, confirmed that Butler's approach to the analysis of the command structure and functioning of the VRS was spot-on.

The last time Butler updated and amended his existing reports was in April 2010, and he resumed his efforts in the past two weeks as he was preparing in The Hague for his evidence at the Tolimir trial. Butler supplemented his last report and its annexes – documents, photos, aerial shots and transcripts of intercepted conversations – with new information he had been able to collect in the meantime. Today Butler said that he amended the data about the Bosniak detainees who were treated in the hospital in Milici and were later transferred to the Zvornik area, where they disappeared without a trace.

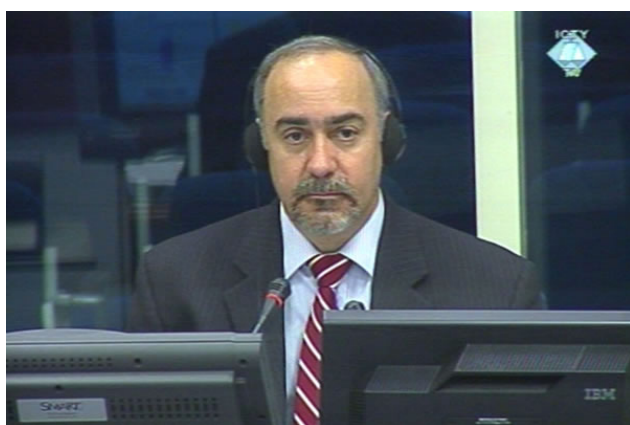
Richard Butler's evidence is expected to last some days and will continue tomorrow.

## 2011-07-08

THE HAGUE

### TOLIMIR'S RESPONSIBILITY FOR PRISONERS OF WAR

American military analyst Richard Butler contends that Zdravko Tolimir as the Assistant Commander for Intelligence and Security in the VRS was responsible for the fate of the prisoners of war executed after the fall of Srebrenica. At first, the accused was unaware of the plan to execute the POWs, but, as Butler contends, Tolimir had to be informed at one point: nobody would risk the failure of the plan because of his ignorance thereof.



◀ Richard Butler, witness at the Zdravko Tolimir trial

At the trial of General Zdravko Tolimir, Mladic's former assistant for security and intelligence in the VRS Main Staff, Richard Butler continued his evidence. Butler, who is a military analyst and intelligence officer in the US National Security Agency, drafted a series of reports in which he analyzed the position and role of VRS officers in the Srebrenica operation in the summer of 1995.

At the beginning of his evidence today, Butler said that it was 'essential' for the Serb politicians in Bosnia to eliminate the 'Drina River as a border between two worlds'. This was one of strategic goals formulated at the 16<sup>th</sup> session of the Bosnian Serb Assembly in May 1992. Although the Drina River valley from Srebrenica

to Zvornik was inhabited by a mostly Muslim population, the territory was geographically important for Serbs and represented the 'basis of the former Serb state', Butler explained.

As Butler said, Republika Srpska's laws and regulations called for its personnel to respect laws of war and Geneva Conventions. According to Butler, former JNA officers like Tolimir were taught about laws that apply in armed conflicts. According to the guidelines of the VRS Main Staff of October 1992, crimes against humanity and international law could be punishable by death sentence. Butler confirmed that 'these crimes are as a rule perpetrated in organized way, through the implementation of a policy set by the leadership during an armed conflict as a part of wider military actions pursuant to the orders of superior officers'. This, the witness contends, is an 'exact description of

the circumstances in Srebrenica'. The Guidelines 'highlight the responsibility of senior officers to prevent crimes', the witness confirmed. Butler argued that this regulation could be applied to General Tolimir, who occupied one of the highest posts in the VRS Main Staff during the events in Srebrenica; in fact, all the officers in the intelligence and security service were subordinate to him.

Butler noted that the VRS made 'minimal efforts to investigate perpetrated crimes'. In the first investigation of the Srebrenica crimes, the Republika Srpska police concluded that 'victims killed themselves'. The second Srebrenica investigation 'ended up in a dead-end street'. The investigation was conducted by Colonel Ljubisa Beara who was later sentenced to life for the same crimes in Srebrenica, Butler said.

In the second part of his testimony, Butler said that Tolimir, as the assistant commander for intelligence, was responsible for prisoners of war and for the cover-up of the information about the operation described in the indictment. The goal of that operation was to 'arrest, transport, murder, bury and re-bury thousands of men of military age in Srebrenica', the prosecutor claims.

According to the document he sent to his subordinate officers on 12 July 1995, Tolimir demanded the 'arrest of as many members of the routed Muslim groups fleeing from Srebrenica as possible'. Tolimir also demanded that 'those who resist be liquidated and to make a list of men of military age evacuated from the UN base in Potocari'. When he sent the letter, Tolimir didn't know that Mladic and his subordinates had agreed to 'execute everybody they could take out from the mass of people gathered in Potocari', Butler said. However, Tolimir certainly received information about it later as nobody would risk spoiling the plan because of Tolimir's ignorance thereof, the witness explained.

Richard Butler continues his testimony on Monday.

## 2011-07-12

THE HAGUE

### HOW THE VRS 'CROSSED THE LINE'

Isolating the enclaves of Srebrenica and Zepa was a legitimate military target of the VRS. However, the March 1995 Directive 7 of the Supreme Command included an illegitimate objective: to force the civilians from the enclaves to leave, prosecution witness Richard Butler said in his evidence at the trial of Zdravko Tolimir.

In his analysis, the American military analyst says that before the Bosnian Serbs launched their attacks on Srebrenica and Zepa, they tried to block the routes between the enclaves to prevent the BH Army's 28<sup>th</sup> Division from bringing in arms and equipping themselves for the attacks on the VRS positions in the vicinity. Until 2003, the witness was part of the Srebrenica investigation in the Tribunal's OTP. The aim of the Bosniak forces was to engage as many VRS units as possible to prevent them from being deployed in the Sarajevo theater. The attacks launched by the BH Army 28<sup>th</sup> Division from the enclaves violated the agreement on protected zones, Butler confirmed, and isolating the two enclaves, Srebrenica and Zepa, was a legitimate military target of the VRS, the US intelligence officer said.

However, in March 1995 the Supreme Command of the Bosnian Serb Army, headed by President Radovan Karadzic issued the so-called Directive 7. Butler contends that the directive included civilians as the targets of the VRS military actions in the eastern enclaves. The notorious language in the directive, about 'planned and well-thought-out combat operations [to] create an unbearable situation of total insecurity, with no hope of further survival or life for the inhabitants of Srebrenica or Zepa', 'crosses the line' because civilians become a target of the military operation, the American intelligence officer said.

According to Butler, creating an 'unbearable situation' didn't mean that at the time the VRS intended to conquer the enclaves militarily. The goal of the Bosnian Serbs was to create a situation that would convince the international community that the enclaves were not viable and to push them to evacuate the people out of Srebrenica and Zepa. The same motive was behind the restrictions to the influx of supply into the enclaves, for both the local population and UNPROFOR, Butler explained. This was done to force the UN to restrict its operations and make it more difficult for the blue helmets to assist the locals.

The VRS achieved this objective by the controlling convoys bringing in supplies to the enclaves, Butler said, not contesting the 'legitimate concern' of the Serb forces that the humanitarian aid convoys entering the enclaves could be used to smuggle in arms and ammunition. Making it impossible for the military observers to be relieved or disrupting the UN supply lines into the enclaves clearly showed that the VRS forces acted in accordance with the Directive 7. In other words, the intention behind the VRS actions was to render life in the enclaves impossible for both the population and the international forces.

Zdravko Tolimir had to have known about those objectives and actions the VRS took to implement them, Butler argued. Specific military tasks stemming from the Directive 7 were to a large extent meant for the intelligence and security departments in the Main Staff, headed by Tolimir. Tolimir's task was to synchronize the activities of the sector in collecting detailed intelligence about the readiness of UNPROFOR to continue with its mission and to make sure that the real plans of the VRS remained secret and hidden.

Richard Butler continues his evidence tomorrow.



2011-08-29

THE HAGUE

**WHAT DID GENERAL KNOW?**

In the final part of his cross-examination of US military analyst Richard Butler, the accused Zdravko Tolimir denied his role in the 'joint criminal enterprise to kill men of military age' captured after the fall of Srebrenica. The accused general claims he didn't know about the executions when they were carried out, from 13 to 17 July 1995; he remained unaware of them for some time afterwards.



◀ Richard Butler, witness at the Zdravko Tolimir trial

The accused general showed the prosecution expert various documents and witness statements. In Tolimir's view, the documents proved that he didn't know about the execution plan. Butler begged to differ. 'You don't have to be a genius to conclude' that Mladic's assistant for security and intelligence in the Main Staff had to know about those plans in light of his position, the scale of the crime and the number of people involved, the expert said.

Tolimir claims he was not in the Main Staff when mass executions were carried out, adding that his subordinates didn't send him any reports from which he could conclude that crimes had been committed. The US

military and intelligence analyst found it difficult to believe that on his return to the Main Staff Tolimir didn't get detailed reports about the developments in the field.

In a bid to prove that he didn't know about the plan to execute the prisoners, Tolimir referred to a cable he sent to the Main Staff in the evening of 13 July 1995. In it Tolimir suggested various locations where '800 prisoners' could be accommodated. Butler later used the same cable to stress that this was clear evidence that on 13 July 1995 Tolimir 'knew about those 800 prisoners'. It is unusual that Tolimir never asked himself what had happened with those prisoners 'at least out of professional curiosity', Butler said.

In addition to claiming that he was not part of the military circles that planned and organized the mass execution, Tolimir said that on 13 July 1995, after the meeting between Beara, security officer in the Main Staff, and Miroslav Deronjic, Karadzic's civil affairs commissioner in Srebrenica, 'the prisoners were handed over to the RS civilian authorities'. After the army 'processed them', it had nothing to do with them. Momir Nikolic, former security officer in the Bratunac Brigade who pleaded guilty to Srebrenica crimes, said in his evidence that at the meeting Beara asked that the prisoners remain in Bratunac. As Nikolic said, Deronjic insisted that they be transferred to the Zvornik Brigade area of responsibility where mass executions were carried out.

Butler dismissed this suggestion, explaining that the meeting was in no way linked with the transfer of prisoners to the Zvornik area. The first buses towards Zvornik left Bratunac in the afternoon of 13 July 1995 and Beara and Deronjic met later in the evening.

Because tomorrow is a UN holiday, the prosecution expert witness will continue his evidence on Wednesday, when he is expected to complete his marathon evidence which began before the Tribunal's summer recess. The prosecution should call three more witnesses. As General Tolimir's defense indicated today, it will not file a Rule 98 *bis* motion; Tolimir will not petition the Trial Chamber to dismiss the charges not proven by the prosecution after the end of its case.

2011-08-31

THE HAGUE

**BUTLER: TOLIMIR 'KNEW OR COULD HAVE KNOWN' ABOUT CRIMES**

Prosecution expert witness completed his marathon evidence at the trial of Zdravko Tolimir, concluding that Mladic's assistant for security knew or could have known about the crimes he is charged with.

'The fact that you were not physically present in the [VRS] Main Staff doesn't mean that you didn't know about the events in the battle field or that you were not able to issue orders', US military analyst Richard Butler told General Zdravko Tolimir as his cross-examination continued. Mladic's assistant for security and intelligence is charged with genocide and other crimes in Srebrenica and Zepa.



◀ Richard Butler, witness at the Zdravko Tolimir trial

In the final part of the cross-examination of the prosecution expert witness, Tolimir insisted that he didn't know and couldn't have known about the mass execution of Bosniaks captured after the fall of Srebrenica because he was not in the Main Staff. As Tolimir said, he was in the field, involved in an operation in the Zepa area. Tolimir showed Butler a series of documents that in his view corroborate his claim. One of the documents was a report written by Colonel Jankovic, an intelligence officer in the Main Staff, on 'the completion of the evacuation from Potocari'. 'If we want to conquer Zepa and Gorazde the same way', Jankovic suggested, it would be good to

put a positive spin on the evacuation from Potocari in the media and highlight the fact that the safe passage was offered not only to civilians but also to men of military age.

According to Tolimir, this report showed, contrary to the prosecutor's claims, that on 12 July 1995, there was no plan to kill the prisoners, because Colonel Jankovic would surely have known about it on 13 July 1995. Butler however dismissed the suggestion. According to Butler, Jankovic's report shows that he was in a position to know about the plan because he was in Bratunac at the time. Instead of reflecting the real situation in the field, the report describes how the situation was to be presented in the media, Butler noted.

In the re-examination, prosecutor Peter McCloskey turned once more to the question if general Tolimir knew or could have known in July 1995 about the crimes committed after the fall of Srebrenica. The prosecutor showed the expert witness a conversation intercepted on 15 July 1995, in which the security chief in the VRS Main Staff Ljubisa Beara asks General Krstic, the Drina Corps commander, for reinforcements to complete a mission which was part of the Srebrenica operation. At the time, General Krstic was at the Drina Corps forward command post, but was involved in the Zepa operation just like Tolimir. General Tolimir was able to communicate with the Main Staff and other VRS units just as Krstic was, Butler stressed. Butler concluded that the accused general could have known about the events following the fall of Srebrenica.

## 2011-09-08

THE HAGUE

### SURVIVOR FROM FIELD NEAR SANDICI

A prosecution witness gives evidence under the pseudonym PW14 at the trial of Zdravko Tolimir. He has talked about the events in July 1995 after the Bosnian Serb troops overran the Srebrenica enclave; he was 16 years old at the time and lived in Srebrenica with his parents, brother and sister.

A protected witness, PW 14, testifies at the trial of Zdravko Tolimir via video link. The witness confirmed that the evidence he gave at the trial of seven Bosnian Serb officers in November 2006 was true. Zdravko Tolimir, former Mladic's assistant for intelligence and security in the VRS Main Staff, is charged with the same crimes in Srebrenica and Zepa; the seven Bosnian Serbs were all convicted of those crimes.

The witness described how on 11 July 1995, after Mladic's troops overran Srebrenica, he and his father and brother joined a column of civilians and BH Army soldiers that took off towards Tuzla through the woods. The witness's mother and sister sought shelter in Potocari near the UN Dutch Battalion base.

As the witness recounted, the Serb forces ambushed the column several times. The witness saw gruesome sights: dismembered bodies and persons whose throats had been cut. Twice the witness got separated from his father and brother but managed to find them before they surrendered to the VRS in the morning of 13 July 1995 in a field near Sandici. They heard people calling on them to surrender from the base of the hill. They also saw a white UN personnel carrier and soldiers with blue helmets; this led them to believe that UNPROFOR troops were there and that 'it would not be so easy to kill us all'. In the end, it turned out that Mladic's troops had seized the UN armored personnel carrier and that Serb soldiers wore blue helmets. 'We realized that they used it to lure us to surrender', the witness said.

The men who gathered in the field had to surrender all their money and valuables. The witness was allowed to bring water from a nearby house. The witness seized that opportunity to sneak onto a bus with women and children. The buses stopped in Sandici on their way from Potocari towards Kladanj. The witness never saw his father again; his remains had not been found.

In the cross-examination, General Tolimir claimed that the column moving towards Tuzla was a legitimate military target because it contained a large number of BH Army soldiers. The accused contended that the men had been ordered by the BH Army to head into the woods. Tolimir tried to corroborate his claim that most of the victims from the column lost their lives in the fighting as they were trying to break through to Tuzla. According to General Tolimir, a number of Bosniaks were killed 'fighting each other'.

The witness dismissed all the claims of the accused, explaining that his father and brother had decided to go to the forest 'on their own' and that 'like so many others, they followed the majority'. The witness confirmed that there were armed soldiers in the column but this did not make it a legitimate military target. The witness also dismissed the suggestion of the accused that the mass killings in Srebrenica were a consequence of 'the collusion between US president Bill Clinton and Alija Izetbegovic designed to bring about NATO intervention by sacrificing 5,000 Bosniaks'. The witness replied that he knew who killed his father; 'I never heard such stories and I'm not really interested in them'. The presiding judge interrupted this line of questioning, reminding the accused that the witness had been 'just a boy' at the time, too young to be able to tell the court anything about the purported agreement between Clinton and Izetbegovic.

## 2011-10-10

THE HAGUE

### MAJOR PECANAC REFUSES TO TESTIFY AGAINST GENERAL TOLIMIR

Last weekend, the Serbian authorities arrested former VRS intelligence officer Dragomir Pecanac and handed him over to the Tribunal. The Tribunal has charged Pecanac with contempt of court for failing to comply with the subpoena compelling him to give evidence. Pecanac postponed his plea, saying he was not capable of testifying.



◀ Dragomir Pecanac in the courtroom

Dragomir Pecanac, former intelligence officer in the VRS Main Staff, refused today to testify at the trial of Zdravko Tolimir, who faces charges of genocide and other crimes in Srebrenica and Zepa in 1995. Pecanac said he was 'not mentally capable' of testifying. He demanded to be examined by a psychiatrist and neurologist. The presiding judge Fluege ordered that the unwilling witness be returned to the UN Detention Unit. Before he was taken out of the courtroom, Pecanac waved to Tolimir.

Pecanac was arrested in Belgrade and transferred to the Tribunal's Detention Unit on 9 October based on the contempt of court indictment and arrest warrant issued on 21 September 2011. Pecanac had failed to comply with the subpoena compelling him to come and testify in The Hague. The Trial Chamber issued the subpoena on 2 September 2011.

The initial appearance of the accused began this morning and proceeded in so-called private session; the public was excluded. The initial appearance had not been announced. When the session began, Pecanac and his appointed counsel, German lawyer Jens Dieckmann, asked to postpone entering his plea pending consultations with his Belgrade lawyer Tomislav Visnjic, who is expected to arrive in The Hague.

After a one-hour break, Pecanac was ushered into the courtroom once again, this time to appear at a hearing in the Zdravko Tolimir case. The judge warned Pecanac that if he refused to testify again, his refusal might result in yet another indictment for obstruction of justice. The judge told Pecanac it was up to him whether he would leave The Hague tomorrow, after completing his evidence, or if he would spend a couple of weeks, or even months, in the Tribunal's detention unit. The judge then formally asked the witness if he was willing to testify or not. Pecanac replied that he couldn't testify and asked the Trial Chamber to show some understanding for his ill health. Any health problems that Pecanac might have will be dealt with by another trial chamber, which will try him for contempt of court.

Major Dragomir Pecanac was mentioned several times at the previous Srebrenica trials. General Radislav Krstic, former VRS Drina Corps commander, was the first to bring up Pecanac's name in 2000. Krstic was found guilty of aiding and abetting genocide. In his interviews with the OTP investigators, Krstic claimed Pecanac was the third most responsible person for the massacre in Srebrenica, after Ratko Mladic and Ljubisa Beara; he placed Pecanac ahead of Zdravko Tolimir and the others.

Several witnesses identified Major Pecanac as the officer who picked seven or eight members of the 10<sup>th</sup> Sabotage Detachment for a special task, on the morning of 16 July 2011. According to the testimony of one of those men, Drazen Erdemovic, the chosen soldiers from the Sabotage Detachment executed 1,000 to 1,200 Bosniak captives at the Branjevo farm that day.

Major Pecanac was also mentioned as the officer who took Avdo Palic out of the military prison in Venekov Mlin in the night of 5 September 1995. Palic, who was the commander of the Zepa defense, was never seen again.

Finally, last month the so-called 'Pecanac collection' was admitted into evidence at the trial of Zdravko Tolimir. The collection consists of about 11,000 documents and 3,000 photos seized in the search of Pecanac's Belgrade flat in December 2009.

Dragomir Pecanac's further appearance before the judge where he will make his plea to the contempt of court charges will be scheduled later.

2012-01-12

THE HAGUE

**PECANAC PROTECTED FROM HIMSELF AND SARAJEVO MEDIA**

In October 2011, Dragomir Pecanac refused to testify at the trial of Zdravko Tolimir and was convicted of contempt of court. Today, Pecanac appeared once again in court before the Tribunal. This time, Pecanac was ready to give evidence, but in closed session in order not to incriminate himself and to be protected from 'the abuse of the Sarajevo media'.



◀ Dragomir Pecanac in the courtroom

In October 2011, Dragomir Pecanac refused to comply with the Tribunal's subpoena to testify at the trial of Zdravko Tolimir. Pecanac was arrested in Belgrade, transferred to The Hague and sentenced to three months for contempt of court. After he served the sentence, Pecanac was served with a new subpoena and a warning that he might face another contempt of court indictment if he fails to comply with it. The prosecutor didn't give up on Pecanac's testimony at the trial of Zdravko Tolimir and the judges agreed to call Pecanac once again.

This time, the former intelligence officer in the VRS Main Staff complied with the subpoena, but his evidence went on almost entirely in private session. Pecanac had asked

for his evidence to be completely closed to the public because he feared that the 'Sarajevo media may abuse my testimony'. The judges did not grant the request, but in the end decided to hear his evidence partly in private session after the prosecution argued that the witness should be protected against self-incrimination in the course of his evidence. For same reason, Pecanac's lawyer was allowed to attend the hearing and the witness was cautioned he had the right to refuse to answer any questions that could incriminate him.

Only parts of Dragomir Pecanac's evidence were open to public. The public heard Pecanac confirm that he brought potentially relevant documents with him and that he was willing to hand them over to the OTP and the Tribunal. Pecanac also said that he met Zdravko Tolimir in mid-1980s in the JNA. Both of them, like other JNA officers who were originally from the 'former BH', were transferred to the 2<sup>nd</sup> Military District in Sarajevo in May 1992, which was later transformed into the VRS. Pecanac worked as an officer in the intelligence directorate while Tolimir headed the security and intelligence department, which included both the intelligence and security directorates. Pecanac was effusive in his praise of Tolimir, extolling his virtues as a teacher and 'a hard-working professional'.

Dragomir Pecanac was mentioned repeatedly at the trials for crimes in Srebrenica and Zepa. Former commander of the Drina Corps Radislav Krstic included Pecanac, Tolimir, Ljubisa Beara and Vujadin Popovic in Mladic's 'Knin clan'. Krstic claimed that these officers bore most of the blame for the Srebrenica crimes. Krstic is serving his 35-year sentence for complicity in the genocide in Srebrenica. Witnesses identified Pecanac as the officer who assigned a group of soldiers from the 10<sup>th</sup> Commando Detachment on 16 July 1995 to the task of executing more than 1,000 captured Bosniaks at the Branjevo farm. Witnesses also claimed that Pecanac took out Avdo Palic, the commander of the defense of Zepa, from the military prison in *Vankov mlin* in Bijeljina in the night of 5 September 1995. Palic disappeared. On August 2009, his remains were exhumed from a mass grave near Rogatica.

Dragomir Pecanac's testimony continues tomorrow.

2012-01-13

THE HAGUE

**PROSECUTOR: PECANAC'S DOCUMENTS 'VERY IMPORTANT'**

The judges today granted the prosecutor's request to adjourn the trial of Zdravko Tolimir until Monday in order to have additional time to review the documents handed over by the witness Dragomir Pecanac because they are of 'great significance for Tolimir's case and other cases'. The entry on 14 July 1994 states that 'Blue knows what they did to the Turks'. The prosecutor alleges that Blue was code name of Momcilo Perisic, chief of the VJ General Staff.

The evidence of former intelligence officer in the VRS Main Staff Dragomir Pecanac at the trial of his former superior Zdravko Tolimir will continue on Monday. The prosecutor asked for additional time to prepare for the examination-in-chief as he needs to review 'one or two notebooks' and other documents that Pecanac used yesterday in his testimony. Pecanac delivered the copies of the documents to the Tribunal.



#### ◀ Dragomir Pecanac in the courtroom

After a quick look at the hand-written text, the prosecutor concluded that Pecanac's documents were of 'great significance' for his evidence, for 'Tolimir's case and other cases' before the Tribunal. The material comprises 'notes in a notebook, written down by senior officers' about the events that took place on 14 and 15 July 1995, the key dates for Tolimir's case. Mladic's former assistant for security and intelligence Zdravko Tolimir is charged with the crimes in Srebrenica and Zepa in the summer of 1995.

The prosecutor referred to the entry for 14 July 1995, from a meeting attended by Slobodan Milosevic, Ratko Mladic and others in Belgrade. The words of a person

identified as M. P. are recorded in the entry. The prosecutor claimed this was Momcilo Perisic, former chief of the VJ General Staff. Perisic said, '[Carl] Bildt is coming, it has just been authorized, [Yasushi] Akashi and [Thorwald] Stoltenberg, the chief'. The entry goes on, 'Blue knows what they did to the Turks'. The prosecutor claims that Blue is Momcilo Perisic's code name.

Pecanac also handed over other documents in Cyrillic about the events between 14 and 16 July 1995. The documents were drafted by Tolimir's subordinate, Petar Salapura, chief of the Intelligence Directorate of the VRS Main Staff.

Arguing in favour of the postponement, the prosecutor noted that Pecanac 'came unwillingly' to The Hague and clearly said that 'at this trial and at the contempt of court trial, he testifies in the defense of General Tolimir and other VRS officers convicted of the same crimes'.

The accused objected, saying that the preparations for his case had already been interrupted several times and that in his view Pecanac could complete his evidence today. The judges disagreed.

The judge stressed that 'in order to ensure an expeditious trial' it would be good if Pecanac could complete his testimony by 23 January 2012, when Zdravko Tolimir is due to open his case.

## 2012-01-16

THE HAGUE

### PROSECUTION PROBES PECANAC'S WHEREABOUTS AND DOINGS IN SREBRENICA

The examination-in chief of Dragomir Pecanac continued with the prosecutor trying to establish where Pecanac was and what he saw on 11, 12 and 13 July 1995 in Srebrenica. Judging from the few answers that he gave in open session, Pecanac saw little. His only concern at the time was 'General Mladic's security'.



#### ◀ Dragomir Pecanac in the courtroom

Continuing the examination-in chief of Dragomir Pecanac, the prosecutor showed the former intelligence officer in the VRS Main Staff the cover and the first page of the notebook that Pecanac had used in July 1995. This is one of the two notebooks Pecanac handed over last week to the Tribunal's Registry together with some other documents at the beginning of his evidence at the trial of his former superior Zdravko Tolimir. Tolimir was Mladic's assistant for intelligence and security. The prosecutor stated that Pecanac's documents were 'very important' for Tolimir's case and other cases before the Tribunal.

Pecanac confirmed that no entries were made in the notebook from 8 to 14 July 1995 and from 16 July to 15

August 1995. The contents of the notebook were not discussed in detail, at least not in parts of the hearing open to the public.

As he continued his examination, the prosecutor grilled the witness about some documents seized in his apartment in 2009. Among them was a document dated 12 July 1995, which speaks about the effort to separate the men of military age, aged 17 to 60, from the rest of the population in Potocari. Pecanac contends there is something 'strange' about the document. The document was decrypted on 12 July but was not received by 'the Directorate' until a month later, on 13 August 1995. Pecanac claimed that at the time the document was received, generals Ratko Mladic and Zdravko Tolimir and himself were in Bosnian Krajina. Pecanac was convinced that none of them ever 'read' the document, then or at any other point in time.

Answering the prosecutor's questions, Pecanac said that he wasn't 'authorized or interested' in the 10<sup>th</sup> Commando Detachment that was under the jurisdiction of Colonel Petar Salapura, chief of the Intelligence Directorate in the VRS Main Staff. The prosecutor put it to the witness that some other witnesses had claimed that Pecanac was 'in the field' with the soldiers from that detachment. Pecanac then recalled that General Milovanovic had ordered him in August 1995 to lead the soldiers from that unit on a mission to destroy an enemy artillery group near Drvar. Pecanac also confirmed that he was at the Detachment base after a soldier was killed.

Pecanac said his only concern was General Mladic's security; this is why his 'rifle was always with the safety off, a chambered round, ready for action'. On 12 July 1995, Pecanac travelled down the Bratunac-Konjevic Polje road in a car with General Mladic. He claimed he never saw 'any prisoners' en route. Pecanac also said that he didn't remember Mladic being in Nova Kasaba, Konjevic Polje and addressing the prisoners in the field in Sandici on 13 July 1995. The 'insider' Momir Nikolic and several survivors from the Srebrenica execution sites testified about those events in their evidence.

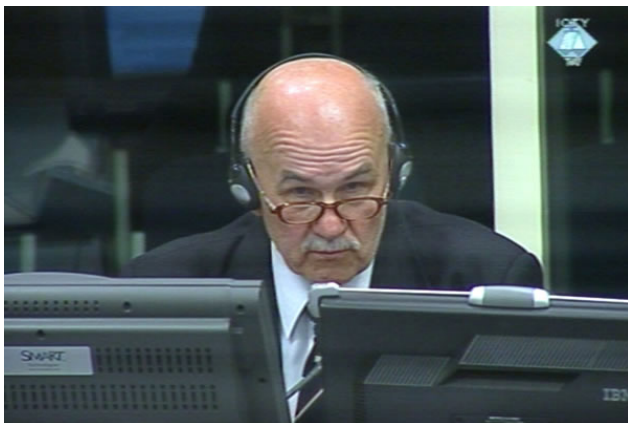
Pecanac said that he saw accused general Tolimir two or three days before the Serb forces entered Srebrenica, and then again in Zepa on 17, 18 or 20 August 1995. Pecanac concluded that further questions might incriminate him and asked the judges to continue his evidence in private session. Dragomir Pecanac will continue his evidence tomorrow.

## 2012-01-23

THE HAGUE

### TOLIMIR CALLS HIS FIRST DEFENSE WITNESS

In the year and a half of its case, the prosecution called 126 witnesses. The accused Zdravko Tolimir will respond to the prosecution evidence by calling only four witnesses. The examination-in chief of Tolimir's witnesses will take 36 hours, or 9 court days. As his first witness, Tolimir called a former officer who served in the Department for Civil Affairs and Cooperation with International Organizations in the VRS Main Staff, in a bid to prove 'that UNPROFOR was biased and spied for the Muslim and Croatian forces'.



◀ Slavko Kralj, defence witness of Tolimir

Zdravko Tolimir, Mladic's former assistant for security and intelligence in the VRS Main Staff, today called his first defense witness. As indicated, Tolimir's case will be completed in just one month. Tolimir is on trial for genocide and other crimes in Srebrenica and Zepa in 1995.

Slavko Kralj, former staff officer in the VRS Main Staff, is the first of Tolimir's four defense witnesses. In November 1994, Kralj was appointed to the Department for Civil Affairs and Cooperation with International Organizations, and was in charge of maintaining correspondence with the representatives of the international organizations, and served as an interpreter at various meetings in that

period.

The defense asked to be given 12 hours for the examination-in chief of Colonel Kralj, who confirmed that he had been there when Tolimir negotiated with UNPROFOR and other international organizations. Negotiations primarily dealt with the freedom of movement of UN staff and the passage of convoys bringing relief supplies for the inhabitants of the protected zones of Srebrenica, Zepa and Gorazde.

Tolimir, who represents himself, showed the witness several reports from the meetings of the Central Joint Commission; the Commission comprised representatives of the Serb and 'Muslim-Croatian forces' and was chaired by UNPROFOR. Colonel Kralj, who had been a military observer in the UN mission in Iran in 1989 and 1990, confirmed Tolimir's claims about UNPROFOR's bias towards the 'enemy side'. As Kralj recounted, the UN personnel in BH, compared to the mission in Iran, had almost unlimited freedom of movement which they often abused.

Instead of reporting the real situation in the field, UNPROFOR was involved in 'either providing supplies or feeding information to the Muslim-Croatian side about the VRS positions and other intelligence', the witness claimed. UNHCR humanitarian aid convoys were often used for 'espionage and smuggling'. Because they were engaged in 'reconnaissance and intelligence-gathering activities', the convoys were prohibited from passing through the VRS territory, the witness agreed with Tolimir when he put this claim to him.

Tolimir is trying to contest the prosecution case that the VRS restricted the freedom of movement of UNPROFOR and humanitarian convoys heading into the enclaves to hinder the implementation of the UN peace-keeping force's mandate and to make the lives of the Muslims in the protected zones impossible.

2012-01-30

THE HAGUE

**GENERAL WITH NO ONE TO COMMAND**

Through his second witness, Zdravko Tolimir is trying to prove that as assistant commander in the VRS Main Staff he was not authorized to issue orders. Tolimir contends that he cannot be responsible for genocide and other crimes in Srebrenica and Zepa in July 1995, charges he is facing at his trial.



◀ Petar Skrbic, defence witness of Tolimir

Retired general Petar Skrbic, the second defense witness called by Zdravko Tolimir, began his military career in the JNA. In 1993, Skrbic joined the VRS and in early 1997 returned to the Yugoslav Army, as it was restyled, and finally retired. Skrbic served for about two and a half years with the accused general in the VRS Main Staff, from July 1994 to the end of 1996. Both Tolimir and Skrbic were Mladic's assistants, Tolimir for intelligence and security and Skrbic for organization, mobilization and personnel.

Because of his experience as a teacher at the Superior Military school in Belgrade and the post he held in the VRS Main Staff, Skrbic was ideally placed to describe the

structure and the composition of the VRS Main Staff, Tolimir explained. In particular, Skrbic could speak about the relations between various organizational units in the VRS chain of command.

Skrbic confirmed the oft-aided defense argument that Mladic, as the commander of the VRS Main Staff, was the only one authorized to issue orders; his assistants were in charge of 'control', not command. A good part of the hearing today was spent discussing how to translate the terms used by the witness, as they both translate as 'control' in English. According to the witness, the service manual for the assistants commanders, including Tolimir, state that they couldn't issue orders. Assistants could only submit proposals to their commander and issue instructions and guidelines to their subordinates.

As the hearing today drew to a close, Skrbic was asked by the accused to confirm that he had written a telegram on 12 July 1995 to the RS Ministry of Defense asking for 'urgent requisition of 50 buses' for the army. Skrbic was ordered to write a telegram to that effect over the phone but was unable to recall who gave it. When the presiding judge asked the witness if he thought that General Mladic had issued the order, the witness agreed.

The prosecution alleges that the buses were used to deport the women and children from Potocari, an operation that began on 12 July 1995, and to transport the captured men who were later executed. Tolimir will continue the examination-in chief of his second witness tomorrow.

2012-02-06

THE HAGUE

**TOLIMIR'S EXPERT PRESENTS 'IMPLACABLE ARITHMETIC'**

According to Ratko Skrbic's calculations, after the fall of the enclave in July 1995, there was a 'deficit of 368 persons who had gone missing, or had been killed or executed'. This makes the prosecution's allegation about more than 7,000 victims of the Srebrenica genocide untenable, Skrbic contends. Ratko Skrbic has been called to testify as an expert witness by General Zdravko Tolimir. He wrote a book entitled *Srebrenica - Genocide against Truth*.



◀ Ratko Skrbic, defence witness of Tolimir

In July and August 1995, the BH Army 28<sup>th</sup> Division did not lose thousands of soldiers, concluded former VRS colonel Ratko Skrbic in the first of the two expert reports he wrote for Zdravko Tolimir's defense. According to Skrbic, this means that 'the prosecution's allegation about 7,000 Muslims killed there is untenable' and that the genocide charges against Tolimir 'cannot be reliably proved'.

As Skrbic recounted, he started investigating Srebrenica in 2005 when he joined the investigation team working for Radivoj Miletic's defense. Miletic, former operations

officer in the VRS Main Staff, has been sentenced by the Tribunal to 19 years for crimes in Srebrenica. Skrbic's conclusions based on the years he had spent investigating the 'Srebrenica phenomenon' were put into his expert reports, entitled the *Movements of the Population in Srebrenica* and *Srebrenica and Zepa*.

Skrbic explained that he based his first report on the documents from the BH Army, local authorities in Srebrenica, the UN – from UNPROFOR reports to the reports of the UN Secretary General – and various international organizations such as the UNHCR and the ICRC. In his first report, Skrbic concluded there were 'hundreds, rather than thousands of victims in Srebrenica'.

Skrbic compared the population figures for January 1994 from the local authorities in Srebrenica with the data obtained by the municipal Civil Defense committee a year later and finally with the information the Dutch Battalion had about the number of people living in Srebrenica in July 1995 before the fall of the enclave. Skrbic claims he arrived at reliable figures showing that the number of people in the enclave had actually decreased in that period. Skrbic, attributes the fall to the fact that the civilians 'voluntarily left' the enclave and the 28<sup>th</sup> Division soldiers 'deserted the ranks', mostly because they feared the fierce fighting they had no desire to take part in.

Skrbic's starting point is the fact that after Mladic's troops overran the UN- protected enclave, 35,632 refugees from Srebrenica were registered in Tuzla. Skrbic then subtracted from that figure the 25,000 civilians 'evacuated from the enclave' on 12 and 13 July 1995, according to the UN sources. Skrbic thus got the figure of 10,632 men of military age that 'reached Tuzla alive', according to his calculations. To that number, Skrbic added the 1,000 Srebrenica men who fled via Zepa to Serbia and 5,000 soldiers of the 28<sup>th</sup> Division who crossed into the free territory and immediately joined the BH Army 2<sup>nd</sup> Corps to fight the Serb forces, as the BH Army commander Rasim Delic reported. When all this is added up and subtracted from the number of 42,000 persons who were living, according to the UN, in Srebrenica before Mladic's troops arrived, there was 'a deficit of 368 persons who had gone missing somewhere', Skrbic concluded. Tolimir's defense expert repeated today that arithmetic was 'implacable'.

It will be interesting to see how Skrbic will respond in the cross-examination to the prosecution case, presented through the evidence of its demography and military experts, and to the forensic evidence about more than 6,000 victims exhumed and identified since July 1995.

## 2012-02-08

THE HAGUE

### DEFENSE EXPERT: 3,000 BH ARMY SOLDIERS WERE KILLED IN THE ATTEMPT TO BREAK THROUGH TO TUZLA

'It is difficult to determine how many soldiers were killed in combat and how many of them were executed after the fall of Srebrenica', Zdravko Tolimir's expert witness has claimed. According to Tolimir's witness, about 3,000 soldiers of the BH Army 28th Division were killed in combat as they fought their way to Tuzla.



◀ Ratko Skrbic, defence witness of Tolimir

The VRS attacks and ambushes set along the route taken by the BH Army 28<sup>th</sup> Division soldiers heading towards Tuzla through the woods were legitimate, said former VRS officer Ratko Skrbic, expert witness called by Zdravko Tolimir's defense. About 3,000 fighters were killed as they tried to break through the VRS lines, Tolimir's expert contends. In his reports, *Movements of the Population in Srebrenica* and *Srebrenica and Zepa*, Skrbic used only 'non-Serb' sources, as he said.

The expert based his analysis of the events during the 28<sup>th</sup> Division's breakthrough mostly on the stories told by the witnesses, survivors from the column who managed to reach the territory under the BH Army control. Today

Tolimir showed video recordings of some of their statements. Skrbic confirmed that this was how he reached the figure of 'two to three thousand soldiers killed in combat during the breakthrough', and learned of the instances when those in the column killed each other or committed suicide. Although Skrbic final figure was approximately 3,000 men killed in combat, he did note that 'it is very difficult to conclude how many people from the column were killed and how many of them had been executed' because 'there simply are no data about it at all'.

At the end of the examination-in chief Tolimir showed his expert a book by Philip Corwin, *Massacre in Srebrenica, Evidence, Context, Politics*, in which the author, former head of the civil affairs in the UNPROFOR headquarters in Sarajevo, argues in favor of 'a more balanced approach to presenting what really happened in Srebrenica and BH as a whole'. Skrbic didn't use the book in his analysis but attended the book launch in Belgrade last year. Skrbic thinks that the author's views corroborate his report and confirm the accuracy of his methodology.

Tolimir revisited the mathematical aspect of the witness's expert report quoting Jonathan Rupert, former BBC reporter, who wrote in an article that the number of 8,000 persons missing persons after the fall of Srebrenica



'was always equated with the number of those who were killed'. As these two figures cannot be the same, the British reporter concludes that 'something obviously is wrong with the maths'. Skrbic believes that Rupert in effect corroborated his calculations and the conclusion that there were hundreds, rather than thousands of victims in Srebrenica.

Finally, based on the correspondence between the BH General Staff, the Presidency and the commander of the 285<sup>th</sup> Brigade, Avdo Palic, the witness claims that the Zepa Brigade was ready to surrender in order to ensure that its soldiers would be exchanged according to the "all-for-all" principle, in line with the agreement of 24 July 1995. However, commander Palic didn't have President Izetbegovic's permission to proceed. The BH president wanted the people to be evacuated from Zepa while the soldiers continued to fight the VRS until the Zepa Brigade could link up with the 2<sup>nd</sup> Corps. The BH military and political leadership organized the exodus from the enclave with the knowledge and support of UNPROFOR.

As the hearing drew to a close, the prosecutor started cross-examining Tolimir's expert witness. Tolimir, Mladic's assistant for security and intelligence, is charged with genocide and other crimes in Srebrenica and Zepa in 1995.

## 2012-02-09

THE HAGUE

### 'CALCULATION' TO CONTEST NUMBER OF SREBRENICA VICTIMS

In the cross-examination, the prosecutor confronted Zdravko Tolimir's defense expert witness, former VRS colonel Ratko Skrbic, with a series of documents and other evidence which corroborated the prosecution's claim that about 7,000 men of military age from the enclave were killed in July 1995 after the fall of Srebrenica.

Tolimir's defense expert contested the prosecution's claim about 7,000 Srebrenica victims. He did confirm he didn't use most of the documents shown to him by the prosecutor as he was writing his expert reports, *Movements of the Population in Srebrenica* and *Srebrenica and Zepa*. In these reports, the witness claims that the number of victims in July 1995 'cannot be expressed in thousands, but in hundreds'. The prosecutor showed the witness some documents from the International Red Cross and other organizations which speak about the number of missing persons after the fall of Srebrenica, the forensic findings from the exhumations of mass graves and the number of victims identified using DNA analysis.

Tolimir's expert says that he didn't use the materials because he, in line with his 'chosen methodology' followed only the 'movements of Muslims before and after Operation Krivaja 95', which was the code name of the VRS operation in Srebrenica. As the witness said, the figures for the missing persons and the exhumed and identified victims were therefore irrelevant for his 'calculation'.

The prosecutor then showed a series of intercepted conversations, VRS documents and witnesses' testimonies which all speak about thousands of Bosniaks captured after the fall of the enclave. The defense expert was unaware of the intercepted conversation in which Ljubisa Beara, security chief in the VRS Main Staff, spoke about 3,500 prisoners, asking the Drina Corps commander to help him 'distribute another 3,500 parcels'. The defense expert was likewise unaware of the testimony of a security officer from the East Bosnia Corps who said in his evidence in The Hague that Tolimir had ordered him to stop the preparations for the arrival of 1,000 to 1,300 prisoners who were supposed to be moved to the Batkovic camp.

Although he knew that the commander of the VRS Zvornik Brigade Vinko Pandurevic set up the corridor 'on his own initiative' to let the 28<sup>th</sup> Division soldiers pass through to the BH Army controlled territory, Skrbic claimed he was unaware of Pandurevic's combat report in which he protested against the fact that 3,000 prisoners had been brought into his zone of responsibility.

As Tolimir's expert witness and an investigator in Radivoj Miletic's defense team Skrbic had access to all those documents, the prosecutor contended, but he never asked for them. Skrbic confirmed that it was true.

The prosecutor asked the witness about his book entitled, *Genocide against Truth*. The book was published last year and its content was almost identical to his expert report. Skrbic said he was motivated to write a book because he had serious doubts that his colleagues and senior officers from the military were capable of 'lining up and killing thousands of men', and by the fact that only 200 of the thousands of bodies moved to Tuzla in 1998 could be linked with Srebrenica using DNA analysis.

The prosecutor asked the witness if in the meantime he had learned that over 6,000 bodies had been exhumed from the mass graves and that 5,777 of the Srebrenica victims had been identified using DNA analysis. Skrbic said he heard some of this information, but didn't use it in his reports. Zdravko Tolimir's expert continues his evidence on Monday.

2012-02-14

THE HAGUE

**PROSECUTOR: DEFENSE EXPERT IS ‘INCOMPETENT AND PARTIAL’**

The prosecution wants the judges to dismiss the expert report written by Ratko Skrbic, Zdravko Tolimir’s defense expert. Prosecutor Vanderpuye described it as ‘worthless, unreliable and an insult to the victims’. The judges will deliver their decision next week.

At the end of the testimony of retired VRS colonel Ratko Skrbic, Zdravko Tolimir’s defense expert, the prosecution objected to the admission into evidence of one of the two reports he wrote. According to the prosecution, the report *Movements of the Population in Srebrenica* was ‘partial, incompetent and an insult to the victims’ of the crimes in Srebrenica in the summer of 1995. Skrbic ‘calculated’ that after the fall of the enclave there was a ‘deficit’ of 368 persons who had ‘gone missing, or had been killed or executed’. According to Skrbic, the figure of more than 7,000 victims in Srebrenica was vastly exaggerated.

The prosecutor contends that the defense expert lacks necessary qualifications that would enable him to produce a relevant demographic analysis of the movements of the population of Srebrenica. Prosecutor Kweku Vanderpuye recalled Skrbic’s words that an analysis of this kind requires ‘no particular knowledge or expertise. It is enough to put in some effort’.

The prosecutor recalled that the expert opted for a methodology that was supposed to merely corroborate a position he had already taken vis-à-vis the topic of his report. The expert witness expressed this opinion in an article he wrote and his book, entitled *Srebrenica – Genocide against the Truth*, the prosecutor argued. Skrbic said in his evidence that he had been driven to write the book because he had doubts about the ability of his fellow officers to take part in the crimes described in the indictment and because he had been fed up with the ‘official version’ of the events in Srebrenica that, in his view, had never been proved. The prosecutor maintains that Skrbic ‘systematically excluded relevant evidence in order to reach the intended conclusions’. Skrbic’s report was ‘worthless, unreliable and an insult to the Srebrenica victims’.

General Tolimir opposed the prosecution’s motion, arguing that his expert was qualified to produce a report of this kind since he dealt with ‘the methodology of establishing casualties’. Skrbic studied ‘the military documents about the movements of the living people’ and ‘did not deny crimes’ as he made his calculations, Tolimir noted. Finally, Skrbic’s motivation, brought up by the prosecution, does not affect the relevance of his expertise, Tolimir claimed: quite the contrary, it is testimony to the long time Skrbic has devoted to the issue.

The Trial Chamber will deliver its ruling on the prosecution’s motion next week, the presiding judge said. The trial continues tomorrow with the evidence of Tolimir’s last defense witness.

2012-02-15

THE HAGUE

**PARTIES REST THEIR CASES AT ZDRAVKO TOLIMIR’S TRIAL**

Zdravko Tolimir, former Mladic’s assistant for security and intelligence in the VRS Main Staff, rested his case after the evidence of his fourth and final witness. Tolimir is charged with genocide and other crimes in Srebrenica and Zepa in 1995. The closing arguments will be delivered in August 2012.



◀ Slavko Culic, defence witness of Zdravko Tolimir

The final witness of Zdravko Tolimir’s defense, retired VRS officer Slavko Culic, was the last witness called at the trial of the former Mladic’s assistant for security and intelligence. Zdravko Tolimir is on trial for genocide and other crimes in Srebrenica and Zepa in 1995. The trial began in February 2010. The court heard 130 witnesses: 126 were called by the prosecution. Only four witnesses testified in the defense of the accused general.

The last of Tolimir’s four witnesses, Slavko Culic, confirmed today that from late July to mid-October 1995 he met with General Tolimir ‘10 to 15 times’ on the Western front in Krajina. Culic commanded one of the brigades of the VRS 1<sup>st</sup> Corps. The Main Staff had set up

its Forward Command Post in his barracks. Culic said that the Main Staff moved to the Forward Command Post in late July 1995, when the Croatian Army and the BH Army launched their joint offensive on the VRS positions.

Apparently, Tolimir called Culic in a bid to secure an alibi for the period from 1 August to 1 November 1995. The indictment alleges that at that time the Republika Srpska army and police dug up primary mass graves in the areas

of responsibility of the Zvornik and Bratunac Brigades and transferred the bodies to other locations to cover up the executions of Bosniaks captured after the fall of Srebrenica.

In the cross-examination, the prosecutor showed the witness some documents which state that Tolimir attended the session of the RS Assembly in Pale on 6 August 1995 and that he was present at the peace talks in Geneva on 26 and 27 August 1995 as a member of the RS delegation. The witness didn't contest the accuracy of those facts, but he explained that he didn't know that Tolimir took part in the RS Assembly session. As for Tolimir's presence at the peace talks, he learned about it from the media. Culic also told the prosecutor that there was no special reason why he would have to know Tolimir's whereabouts from late July to mid-October 1995, except for the 10 to 15 encounters he described in his testimony.

The remaining housekeeping matters at the trial of Zdravko Tolimir will be discussed at a hearing scheduled for next Tuesday. Yesterday, the Trial Chamber indicated that the parties will deliver their closing arguments on 21 and 22 August 2012.

## 2012-03-23

THE HAGUE

### TOLIMIR'S DEFENSE EXPERT REPORT REJECTED

Defense expert Ratko Skrbic and his report on movement of the Srebrenica population lack 'professional foundations', the Trial Chamber decided at the trial of Mladic's former assistant in the VRS Main Staff Zdravko Tolimir, charged with genocide and other crimes in Srebrenica and Zepa. The decision was taken by a majority vote.

The expert report of VRS colonel Ratko Skrbic entitled *Movements of the Population in Srebrenica* will not be admitted into evidence at the trial of Zdravko Tolimir, Mladic's former assistant for intelligence and security in the VRS Main Staff. The Trial Chamber with the German judge Fluegge presiding reached the decision with a majority of votes. Judge Nyambe, of Zambia, presented her dissenting opinion and Congolese judge Mindua appended his separate opinion.

According to Ratko Skrbic's calculations, after the fall of Srebrenica there was a 'deficit' of 368 persons who went 'missing, or were killed or executed'. Skrbic contended that this refutes the prosecution's allegation about more than 7,000 victims. The prosecutor described Skrbic's report as 'partial, incompetent and an insult to the Srebrenica victims' and asked the judges to reject it. Tolimir on the other hand argued that Skrbic did have the requisite qualifications and that he managed to 'make his calculations without denying the crimes'.

In their decision to reject Skrbic's report, the judges remind the prosecution of its duty to prove the responsibility of the accused beyond reasonable doubt by calling evidence based on 'the professional analyses of qualified experts'. To contest such evidence and cast doubt on the allegations against the accused, the defense case must have the same sound professional basis, the judges noted. In this case, both the author and his report lack the professional foundations, the judges concluded with the majority of votes. 'Scarce sources of information' and the 'obviously partiality' in their selection indicate that 'a lay person could draft such a report using the data already in evidence'.

Numerous methodological deficiencies and the witness's lack of qualifications, combined with his obvious personal concern, have led the majority to conclude that his report, *Movements of the Population in Srebrenica*, lacked reliability and evidentiary value and could not be admitted into evidence.

Judge Nyambe, of Zambia, presented a dissenting opinion. In Judge Nyambe's opinion, Skrbic's report was relevant and should be admitted into evidence. The defense expert has the requisite expertise to produce a report on the movement of the population because he was a high-ranking officer in the Yugoslav and Bosnian Serb army, where he gained the necessary 'knowledge, skills, experience and qualifications in the domain of the movements of the population during the war', Judge Nyambe noted.

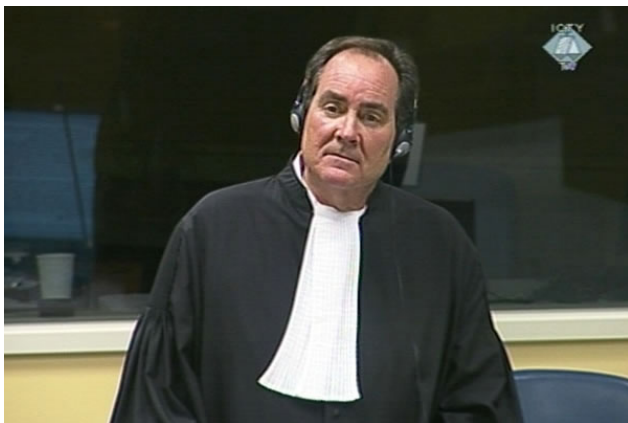
## 2012-08-21

THE HAGUE

### PROSECUTION SEEKS LIFE IMPRISONMENT FOR ZDRAVKO TOLIMIR

Tolimir embraced the goals of the VRS and decided to pledge his alliance to Mladic instead of his God and the law, one of the prosecutors said in the closing argument at the trial of the former assistant commander for intelligence and security in the VRS Main Staff. Tolimir is on trial for genocide and other crimes in 1995 in Srebrenica and Zepa.

When he decided to side with Mladic, Tolimir lost his humanity and became the epitome of the expulsion of the people and the destruction in Srebrenica, prosecutor Peter McCloskey said at the end of the closing argument today. The prosecution sought life sentence for Mladic's former close associate in the VRS Main Staff.



◀ Peter McCloskey, prosecutor at the Zdravko Tolimir trial

Tolimir's responsibility for the murder of Muslim captives after the fall of Srebrenica in July 1995 is unquestionable and has been proven beyond reasonable doubt. In just four days, from 13 to 16 July 1995, the Bosnian Serb army and police executed over 7,000 men and youths captured after the fall of the enclave, the prosecution claimed. It is the prosecution case that the operation could not have been carried out without a military organization, discipline and chain of command. Ratko Mladic and Radovan Karadzic ordered the crime and the VRS Main Staff, the Drina Corps command and several of the Corps brigades implemented it, the prosecution contends.

As the prosecution claimed, the operation whose objective was to kill the captured Bosniaks was organized, implemented and overseen by the intelligence and security department of the VRS Main Staff, headed by Zdravko Tolimir. 'Experience, effectiveness and ruthlessness' of the security officers in the Main Staff, the Drina Corps and the Zvornik and Bratunac brigades were of key importance for the implementation of the execution. 'Tolimir must be held responsible' because he was headed that group, the prosecution argued.

By virtue of his post, Tolimir has a duty to find out about the crimes and prevent them, to report the perpetrators and to investigate the crimes, prosecutor Kweku Vanderpuye insisted. And yet the accused deliberately decided not to do anything because he personally was a member of the joint criminal enterprise aimed at the permanent elimination of Muslims from the Srebrenica and Zepa enclaves. According to the prosecution, Tolimir contributed significantly to the expulsion of tens of thousands of women and children; the goal was the same. The defense's argument that the people left the enclaves voluntarily does not hold up, because there is ample evidence of a deliberate and planned campaign to create unbearable living conditions for the people in the enclaves that would force them to flee. Tolimir participated actively in that campaign.

Rupert Elderkin, one of the prosecutors in this case, talked about Tolimir's responsibility for the opportunistic killings of small groups of Muslims captured in the Srebrenica and Zepa area. Prosecutor Abeer Hasan spoke about the permanent consequences of the execution of more than 7,000 men – fathers, husbands and sons – in the Muslim community in Eastern Bosnia.

The accused Zdravko Tolimir will present his closing argument tomorrow. The parties will then be given some time to present their arguments in rebuttal on Thursday.

## 2012-08-22

THE HAGUE

### TOLIMIR DENIES RESPONSIBILITY FOR CRIMES IN SREBRENICA AND ZEPA

Mladic's former assistant for intelligence and security in the VRS Main Staff denies in his closing argument any responsibility for crimes that were committed, as alleged in the indictment, in the two enclaves in Eastern Bosnia in July 1995. The enclaves were under the nominal protection of the UN.



◀ Zdravko Tolimir in the courtroom

'The prosecution's argument is pure speculation' and the accusations are 'baseless and have no foundation in law', Zdravko Tolimir said today in his response to the prosecution's closing argument. Yesterday, the prosecution urged the judges to find Mladic's former assistant guilty of genocide in Srebrenica and crimes against humanity in Zepa. The prosecution asked the Trial Chamber to render 'the only possible' sentence – life imprisonment.

In his closing argument, Tolimir denied he was responsible for the crimes committed in Srebrenica and Zepa in July 1995, as alleged in the indictment. Tolimir denied he had anything to do with Karadzic's Directive 7 issued in March 1995. The directive ordered the Drina Corps to 'create an unbearable situation [for] further survival or life for the inhabitants of Srebrenica or Zepa'. As the accused insisted, Mladic's Directive 7/1 that the VRS obeyed 'makes no mention of this'. The VRS didn't block convoys bringing in humanitarian aid and supplies for the UN troops in the eastern enclaves, the accused said. Tolimir claimed that the convoys were used to smuggle arms and that humanitarian aid was used as a cover for bringing in supplies for the BH Army.

The UN Dutch Battalion in Srebrenica didn't perform its basic task, which was to demilitarize the enclave, Tolimir said. The Dutch Battalion refused to heed the constant warnings of the VRS and allowed the enclave to serve as the BH Army's military stronghold.

As Tolimir argued, Operation Krivaja 95 as the VRS attack on the enclave was codenamed, wasn't directed against the UN or civilians. The operation's goal was to separate Srebrenica from Zepa in order to hinder the BH Army's attacks from the protected zones. General Janvier's decision to deny close air support to the Dutch forces in the enclave showed that neither the UN nor civilians were targeted by the VRS, Tolimir argued. After this decision, the Dutch Battalion soldiers issued the so-called 'green order' and established 'blockade positions' in order to 'provoke' the Bosnian Serb troops into firing on the UN which would trigger air strikes against the VRS positions.

The civilians from Srebrenica and Zepa weren't deported or forcibly transferred from the protected zones. The decision to 'evacuate' them was made at the 'UN level' at the request of UNPROFOR and the civilian population in the enclave, with the consent of the leadership in Sarajevo. The Sarajevo leadership 'kept it secret' in order to blame it on the Bosnian Serbs.

As the hearing drew to a close, Tolimir addressed the issue of the 'murder operation' in which more than 7,000 men captured after the fall of Srebrenica were killed in just four days, as the prosecution alleges. During his defense case, Tolimir tried in vain to have Ratko Skrbic's expert report admitted into evidence: Skrbic analyzed 'the movements of the population' and estimated that only 368 persons were 'missing, killed or executed' in Srebrenica. Yet today, Tolimir didn't want to talk about figures. He explicitly denied he had anything to do with those murders, insisting that he hadn't been at the execution sites. Tolimir also denied he knew anything about 'any purported plan to kill prisoners of war'. According to Tolimir, he did not have the power to exercise command over the intelligence and security bodies and officers such as Ljubisa Beara, Vujadin Popovic, Drago Nikolic, Milorad Trbic or Momir Nikolic. All of them were tried and convicted for their part in the effort to organize the executions, either in The Hague or in Sarajevo. Nikolic pleaded guilty of the crimes before the Tribunal.

Tomorrow Tolimir will have about 15 minutes to complete his closing argument. After that the parties will be able to present their arguments in rebuttal.

## 2012-08-23

THE HAGUE

### TOLIMIR ASKS FOR AQUITTAL

The trial of Zdravko Tolimir, Mladic's former assistant for security in the VRS Main Staff, ended today with the closing arguments by the parties. The judgment on the indictment charging Tolimir with genocide and other crimes in Srebrenica and Zepa may be expected by the end of the year.



◀ Zdravko Tolimir in the courtroom

At the end of his closing argument, Zdravko Tolimir asked the judges to acquit him, since the prosecution, as he said, had failed to prove any of the charges of genocide and other crimes in Srebrenica and Zepa in 1995 against him.

'The prosecution has based its case on presumptions', Tolimir said, and these presumptions are in turn based on the fact that when the crimes were committed, he, Tolimir, held a high-ranking post in the VRS as Mladic's assistant for security and intelligence, and on the erroneous claim 'which cannot be proven' that in the summer of 1995, Mladic and Karadzic ordered him to kill all men of military age captured after the fall of Srebrenica.

Again, Tolimir said there was no evidence that Mladic and Karadzic had ever issued such an order to him, stressing that 'what did not happen cannot be proven, either on Earth or in Heaven, before earthly or heavenly courts'.

In a brief rebuttal of the arguments put forward by the accused, the prosecutor challenged Tolimir's claims that he had not been able to exercise control over his subordinate officers in the security and intelligence department, from the VRS Main Staff level down to the brigades, because he did not have the power to issue orders to them. As an expert officer Tolimir was obliged to supervise the compliance of his subordinates with the orders, regardless of who issued them, the prosecutor argued, quoting from the VRS service manual.

In rebuttal, Tolimir again maintained he was not under any obligation to monitor the doings of his subordinate officers, many of whom have been convicted of the Srebrenica crimes either in The Hague or in Sarajevo. He claims he was unable to do it because he was in Zepa at the relevant times, at a forward command post, and could not get in touch with the Main Staff and his subordinate officers.

At the end, Tolimir yet again took his leave of the parties by wishing 'God's blessing' upon them and expressing his hope that the trial would be concluded 'in line with God's will and providence'.

As he brought the hearing to a close, German judge Christoph Flügge, who is the presiding judge in the Chamber that includes judges Prisca Nyambe, of Zambia, and Antoine Mindua, of Congo, indicated that the judgment in the Tolimir case might be delivered by the end of this year.

## 2012-11-15

THE HAGUE

### JUDGMENT FOR ZDRAVKO TOLIMIR ON 12 DECEMBER 2012

Less than three months after the completion of the trial, the Trial Chamber has scheduled the judgment for former Mladic's assistant in the VRS Main Staff who is charged with genocide and other crimes in Srebrenica and Zepa in 1995.



#### ◀ Zdravko Tolimir in the courtroom

The judgment in the case against Zdravko Tolimir has been scheduled for 12 December 2012. The Trial Chamber consists of the presiding judge Christoph Fluegge from Germany, Prisca Nyamba from Zambia and Antoine Mindua from Kongo. Zdravko Tolimir is charged with genocide and other crimes committed in Srebrenica and Zepa in 1995.

The trial of Mladic's former assistant for security and intelligence in the VRS Main Staff ended less than three months ago. In the closing arguments delivered in late August 2012, the prosecution called for the maximum sentence - life - for the accused. Tolimir, who represented himself with the help of a legal advisor, asked for his acquittal.

The prosecution took almost two years, and called 126 witnesses, to prove the allegation that Tolimir participated in a joint criminal enterprise whose goal was to achieve permanent elimination of Muslims from Srebrenica and Zepa. The enterprise resulted in the murder of over 7,000 men and forcible transfer of more than 25,000 women and children from the enclaves in eastern Bosnia. Tolimir on the other hand called only four witnesses in his defense and rested his case after just a month.

The indictment against Zdravko Tolimir was confirmed and published in February 2005. Two years later, Tolimir was arrested and transferred to the Tribunal's detention unit. Tolimir has spent five years and nine months in detention.

## 2012-12-12

THE HAGUE

### LIFE IN PRISON FOR ZDRAVKO TOLIMIR

Zdravko Tolimir, Mladic's former assistant for security and intelligence in the VRS Main Staff, was found guilty of genocide and other crimes in Srebrenica and Zepa in 1995 and was sentenced to life. This is the Tribunal's fourth sentence for genocide in Srebrenica and the first sentence for the same crime in Zepa.



#### ◀ Zdravko Tolimir after the sentencing

The Trial Chamber, with Judge Christoph Fluegge from Germany presiding and judges Prisca Nyambe of Zambia, and Antoine Mindua, of Congo found with a majority of votes that Zdravko Tolimir was guilty of genocide, conspiracy to commit genocide, extermination, murder, persecution and forcible transfer of the population of Srebrenica and Zepa in July 1995. The Trial Chamber sentenced Tolimir to life imprisonment. In her dissenting opinion, Judge Nyambe said that the responsibility of the accused was not established beyond reasonable doubt.

The majority ruled that Mladic's former assistant for security and intelligence in the VRS Main Staff participated in two joint criminal enterprises and was responsible for crimes committed to implement them –

killing thousands of able-bodied Muslim men after the fall of Srebrenica and Zepa and forcible transfer of the Muslim population from the eastern enclaves.

In the view of the majority, the abuse of the detained men inflicted terrible bodily and mental suffering on the prisoners and constituted an act of genocide. Also, it was established that removing the Muslim civilian population from Zepa, demolishing their homes and mosques as well as killing three of the most distinguished persons in the enclave – Avdo Palic, Mehmed Hajric and Amir Imamovic – were carried out to make sure the Muslim community in the enclave would not reconstitute; this amounted to the crime of genocide. This is the Tribunal's first judgment for crimes committed in July 1995 in the Zepa enclave.

By applying the conservative method to calculate the minimum number of victims, the judges, Judge Nyambe dissenting, concluded that at least 4,970 Muslim men were killed in Srebrenica in the summer of 1995. Realistically, the majority concluded, the minimum number of killed men was closer to 6,000.

Crimes committed within the two joint criminal enterprises were 'massive in scale, severe in their intensity and devastating in their effect'. In deliberating on the judgment in this case, the Trial Chamber took into consideration the 'extreme suffering of the approximately 35,000 women and children forcibly removed from the eastern enclaves and their inability to live a normal and constructive life to this day'.

In determining the sentence, the majority primarily considered the gravity of crimes and contribution of the accused to the execution of thousands of men and boys as part of an organized operation aimed at annihilating the Muslim population from that part of BH. With respect to aggravating circumstances, the judgment stated the accused's high rank and central position within the VRS Main Staff, his duty and failure to ensure the safety of thousands of prisoners, his deliberate and active involvement in two joint criminal enterprises and abuse of his position in an attempt to cover up the crimes by transferring the bodies. The only factor in mitigation was Tolimir's 'good behavior' during the trial but it was given little weight in determining the sentence, the majority of the Trial Chamber concluded.

About a dozen women from the Mothers of Srebrenica association followed the reading of Tolimir's judgment from the public gallery. When the accused was found guilty of the crime of genocide, they breathed audible sighs of relief and applauded when the life sentence was imposed.

## 2014-02-25

THE HAGUE

### **TOLIMIR ORDERED TO PREPARE PUBLIC VERSION OF HIS 'CONFIDENTIAL APPEAL'**

Judge Theodor Meron stressed the importance of public proceedings before the International Criminal Tribunal for the former Yugoslavia, ordering Zdravko Tolimir to disclose a public version of his confidential appellate brief. Judge Meron also ordered the prosecution to make public its response.

Zdravko Tolimir u sudnici Tribunala

At a regular status conference in the appellate proceedings against Zdravko Tolimir, Mladic's former assistant for security and intelligence in the VRS Main Staff, pre-trial judge Theodor Meron ordered the defense and the prosecution to prepare and submit the redacted 'public versions' of their appellate briefs by 27 March 2014.

The Trial Chamber found Tolimir guilty and sentenced him to life for the genocide in Srebrenica. Tolimir submitted his appellate brief as a confidential document. As a result, the prosecution's response was also filed as a confidential document. The prosecution didn't appeal against the trial judgment. Highlighting the 'general importance of transparent proceedings' before an international court, Judge Meron recalled that the Tribunal's Statute guaranteed a 'public trial'. According to the Rules of Procedure and Evidence, all cases should be heard by the Appeals Chamber in open court, Judge Meron recalled, except when there were extraordinary reasons for the hearings to be held behind closed doors. All confidential information must be redacted from the public versions of the briefs, the judge ordered.

Since the prosecution's brief was just a response to Tolimir's appellate brief, the prosecution sought permission to file the public version some days after the defense has filed its brief. The prosecution would thus have the opportunity to see what Tolimir and his team want to keep confidential and unavailable to the public. Judge Meron instructed the prosecution to submit a written request. The Appeals Chamber will render its decision later.

Zdravko Tolimir didn't have any complaints about the conditions in the Detention Unit or any other objections regarding his health. At the beginning of the status conference, Tolimir wished everyone a 'day pleasing to God', as has been his custom. He also expressed his desire that the 'status conference ends in line with God's will and providence – as it is most agreeable to God and most useful for our souls'.

In line with the Tribunal's rules, the next status conference should be scheduled not later than 120 days from today.

2014-10-22

THE HAGUE

**TOLIMIR'S APPELLATE HEARING SLATED FOR 12 NOVEMBER 2014**

At the regular status conference in the appellate proceedings Tolimir had no complaints about his health or the conditions in the detention unit. The appellate hearing has been slated for 12 November 2014.



◀ Zdravko Tolimir in the courtroom

It took only six minutes to conclude the regular status conference in the appellate proceedings against Zdravko Tolimir, Mladic's assistant for security and intelligence. Replying to the usual question about health and conditions in the detention unit, Tolimir briefly reported that his 'health status is unchanged'. Tolimir had no complaints or questions.

Presiding judge Theodor Meron then announced that the appellate hearing in the case would take place on 12 November 2014. Only Tolimir appealed against the trial judgment, handed down in December 2012. The Trial Chamber found Tolimir guilty of genocide in Srebrenica in July 1995 and sentenced him to life in prison.

Tolimir has listed 25 grounds of appeal contesting the factual and legal findings in the trial judgment. In Tolimir's view, the sentence is 'obviously too harsh'. According to the prosecution, the Trial Chamber has adequately assessed the evidence and has imposed an adequate sentence.

At the appellate hearing scheduled to begin at 9:50am, Tolimir will be the first to address the judges and will have two hours to present his arguments. The prosecution will have the same amount of time to respond to Tolimir's appeal. Tolimir will then have an hour and half to reply, and will be given an opportunity to address the Appeals Chamber at the end of the hearing for ten minutes.

Tolimir's legal advisor Aleksandar Gajic will also present oral arguments at the appellate hearing. The appellate judgment in the case against Zdravko Tolimir is expected in the spring of 2015.

2014-11-12

THE HAGUE

**TOLIMIR DENIES RESPONSIBILITY FOR GENOCIDE IN SREBRENICA AND ZEPA**

The appellate hearing in the case against Mladic's former assistant for security and intelligence in the VRS Main Staff mostly focused on the issue of whether the VRS operations in Zepa could be qualified as acts of genocide if considered separately from Srebrenica, and whether the Trial Chamber erred when it concluded that the three leading public figures in Zepa were killed with the specific intent to destroy a part of the Muslim community.

In December 2012, the Trial Chamber found Zdravko Tolimir, Ratko Mladic's assistant for security and intelligence in the VRS Main Staff, guilty of genocide, complicity in genocide, extermination, murder, persecution and forcible transfer of the population of Srebrenica and Zepa in July 1995. Tolimir was sentenced to life in prison. An oral hearing was held today at the Tribunal on Tolimir's appeal against the trial judgment.

In his submission, Tolimir stated 25 grounds of appeal contesting the factual and legal findings of the Trial Chamber. During the appellate hearing Tolimir's legal advisor Aleksandar Gajic mostly replied to the Appeals Chamber's questions. The appellate judges asked if the VRS operations in Zepa could be qualified as genocidal, if they were considered separately from Srebrenica. Also, the judges asked if the Trial Chamber erred when it concluded that the Muslim community leaders in Zepa – Mehmed Hajric, Amir Imamovic and Avdo Palic – were killed with a specific intent to destroy a part of the Muslim population in Zepa.

In the defense's view, there was no evidence in the case that the VRS had a genocidal intent in respect of the Zepa population and that genocide was committed. In Zepa there were no prisoners of war and civilians were not killed. The murder of three Muslim leaders – regardless of their positions as members of the wartime presidency – couldn't be interpreted as an act of genocide, Tolimir's defense claimed. According to the defense, 'genocide is not a crime against an individual but against a nation, religious or ethnic group'. All three leaders were killed after the population had left Zepa, the defense stressed. At that time, 'their importance for the survival of the community was not the same as it was before'.



The judges in the Appeals Chamber were also keen to learn if the parties believed the Trial Chamber erred when it concluded that Tolimir ‘knew’ that his subordinates played part in the joint criminal enterprise and if he ‘intended to take part in it’. Tolimir was the chief of security and intelligence in the Main Staff at the time. In the judgment, the Trial Chamber ruled that it was ‘unimaginable’ that Tolimir – given his position – had no knowledge of his subordinated officers killing Muslim prisoners.

According to the defense, Tolimir didn’t know about any murders because no one had informed him about them. One of the crucial documents is Tolimir’s instruction to organize accommodation for detained Muslims in ‘enclosed locations’ so that they couldn’t be photographed from the ground or air. According to the defense, the document was a forgery. The defense insisted that the document wasn’t part of an attempt to hide the prisoners who were to be executed. On the contrary, the document spoke about finding ‘adequate accommodation’ for the prisoners. The intercepts were ‘misinterpreted’, and the documents were ‘not translated correctly’, the defense argued. In brief, there is no evidence that Tolimir knew about the killings and that he participated in them. Consequently, Tolimir should be acquitted on all counts in the indictment.

The prosecution’s view on the issues is the exact opposite. Prosecutor Peter Kremers holds that the Zepa issue was inseparable from the Serb military operation in Srebrenica. Also, in the prosecutor’s opinion, the Trial Chamber was correct in its assessment of Tolimir’s role in the operations in Srebrenica and Zepa. The accused was one of the ‘key players in the operation to kill the prisoners’, and later in the efforts to cover up the crimes, the prosecutor stressed.

At the end of the hearing, Tolimir took the opportunity to address the Appeals Chamber. Tolimir said that he found it ‘strange’ that he and other VRS officers were indicted because they had defended Republika Srpska. The constitution dictated it, Tolimir noted. After that Tolimir spoke in detail about NATO’s ‘aggression’ against Republika Srpska and the Federal Republic of Yugoslavia. That, in Tolimir’s words, showed that the international community was ‘biased’ and favored some of the parties in the conflict.

The presiding judge Theodor Meron concluded the appellate hearing after Tolimir’s address, indicating that the appeals judgment would be rendered in due time.

## 2015-02-11

THE HAGUE

### AWAITING ZDRAVKO TOLIMIR’S FINAL JUDGMENT

The date of the final judgment in the case against the former chief of the VRS security and intelligence was not set at the regular status conference in Zdravko Tolimir’s appellate proceedings. The Trial Chamber found Zdravko Tolimir guilty of genocide and other crimes in Srebrenica and Zepa in July 1995 and sentenced him to life in prison.



◀ Zdravko Tolimir in the courtroom

Zdravko Tolimir, Ratko Mladic’s former assistant for security and intelligence in the Republika Srpska Army Main Staff, appeared at the status conference in his appellate proceedings, probably for the last time before the appellate judgment is rendered. The plan is for the judgment to be handed down in March 2015.

In December 2012, the Trial Chamber found Tolimir guilty of genocide, complicity to commit genocide, killing, persecution and forcible removal of the population of Srebrenica and Zepa in July 1995. In his appeal against the trial judgment the former chief of security and intelligence in the VRS Main Staff contested the findings in 25 grounds of appeal. The prosecution has not appealed against the Trial Chamber’s judgment.

At a brief status conference, Judge Theodor Meron recalled that the appellate hearing in the Tolimir case was held in November 2014. The five judges in his panel are working on the final judgment, the presiding judge said, but did not specify the date on which the judgment would be handed down.

Asked about his health and the conditions in the detention unit, Tolimir replied that he had some health problems: ‘four stents have been inserted’ into his blood vessels, Tolimir explained. The accused requested that the medical records of the procedure be disclosed to him and to the Appeals Chamber.

2015-03-24

THE HAGUE

**FINAL JUDGMENT FOR ZDRAVKO TOLIMIR ON 8 APRIL 2015**

Judge Theodor Meron's Appeals Chamber will hand down the final judgment in the case against Mladic's former assistant for security and intelligence in the VRS Main Staff, Tolimir on Wednesday, 8 April 2015. Tolimir was sentenced by the Trial Chamber to life in prison for genocide and other crimes in Srebrenica and Zepa in 1995.

The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia will hand down the final judgment in the case against Zdravko Tolimir, former Mladic's assistant for security and intelligence in the VRS Main Staff, on Wednesday, 8 April 2015. In December 2012, the Trial Chamber found Tolimir guilty of genocide, complicity to commit genocide, extermination, murder, persecution and forcible evacuation of the population of Srebrenica and Zepa in July 1995. Tolimir was sentenced to life.

At the appellate hearing in November 2014, the judges heard arguments concerning Tolimir's appeal. The discussion focused on two issues: first, whether the VRS operation in Zepa could be qualified as genocidal if it were considered separately from the crimes in Srebrenica, and secondly, whether the Trial Chamber erred when it concluded that, given his position, Tolimir had known that his subordinates were part of a joint criminal enterprise which comprised the killings, and whether Tolimir 'intended to participate in the joint criminal enterprise'.

The defense argued that there was no evidence of the VRS's genocidal intent against the people of Zepa or that genocide had been committed. The prosecution's evidence on Tolimir's involvement in the crimes was 'falsified', the defense claimed. Also, according to the defense, intercepted conversations were 'misinterpreted' and the documents were 'mistranslated'. Consequently, the defense called for Tolimir's acquittal on all counts in the indictment. The position of the prosecution on all those issues was diametrically opposed. According to the prosecution, Tolimir was 'one of the key players in the operation to kill the prisoners', and the subsequent efforts to cover up the crimes.

The indictment against Zdravko Tolimir was confirmed and made public in February 2005. In late May 2007, Tolimir was arrested at the border between Serbia and BH. Soon afterwards, Tolimir was transferred to the Tribunal's Detention Unit. His trial began in February 2010 and was completed in August 2012.

2015-04-08

THE HAGUE

**GENOCIDE CONVICTION AND LIFE IN PRISON CONFIRMED FOR TOLIMIR**

The Appeals Chamber has confirmed the genocide conviction and life imprisonment for Zdravko Tolimir, Mladic's former assistant for security and intelligence in the VRS Main Staff. Although some grounds of appeal put forth by the accused have been granted and some convictions have been quashed, this has not merited any reduction in the sentence, the judges decide.



◀ Zdravko Tolimir in the courtroom

The Appeals Chamber unanimously confirmed the life sentence for Zdravko Tolimir. With a majority of votes, the five-member panel has rejected most of the 25 grounds of appeal put forth by the former chief of security and intelligence in the VRS Main Staff in a bid to have the Trial Chamber's findings reversed.

In December 2012, the Trial Chamber found Tolimir guilty of genocide, complicity to commit genocide, extermination, murder, persecution and forcible transfer of the population of Srebrenica and Zepa in July 1995.

The Trial Chamber concluded in its judgment that Tolimir had 'actively participated and significantly contributed' to the implementation of two joint criminal enterprises.

The Appeals Chamber has accepted the conclusion. The two enterprises involve the killing of the men of military age from Srebrenica and the expulsion of the Muslim civilians from Srebrenica and Zepa. The result was a 'mass execution of thousands of Bosnian Muslims from Srebrenica and the forcible transfer of thousands of civilians from the both enclaves'.

The Appeals Chamber has in part or in whole granted nine of the 25 grounds of appeal put forth by Tolimir, noting that the Trial Chamber 'erred in law' in some parts of the judgment, and that some of the Trial Chamber's findings were 'insufficiently explained'. The genocide conviction has been modified, but only insofar as it pertains to Tolimir's responsibility for the 'killing of three Muslim leaders in Zepa after the forcible transfer of the population of the enclave'. The appellate judges stress that the 'Bosnian Muslims of Zepa were, along with the Muslims of Srebrenica

and Eastern BiH, the victims of genocide'. The murder of three Zepa leaders – Avdo Palic, Mehmed Hajric and Amir Imamovic – was a war crime and a crime against humanity, the Appeals Chamber noted in its judgment.

The appellate judgment acquits Tolimir of the crime committed by the Scorpions unit: the killing of six prisoners from Srebrenica in late July 1995 near the village of Trnovo. According to the Appeals Chamber, the link between the direct perpetrators, who were all members of the special police unit nicknamed the Scorpions, and the participants in the joint criminal enterprise hasn't been established sufficiently.

The acceptance of some of Tolimir's grounds of appeal and the partial reversal of some convictions from the trial judgment has not affected the length of the sentence. Zdravko Tolimir is the fourth accused to receive the harshest sentence at the Tribunal's disposal: life imprisonment. Stanislav Galic was sentenced to life for the artillery and sniper terror campaign in Sarajevo, and Vujadin Popovic and Ljubisa Beara were sentenced to life for the Srebrenica genocide.

## 2016-02-09

THE HAGUE

### ZDRAVKO TOLIMIR PASSES AWAY

Zdravko Tolimir, Mladic's former assistant for security and intelligence in the VRS Main Staff, has passed away in the UN Detention Unit in Scheveningen. Tolimir was awaiting transfer to a country where he would serve his sentence. Tolimir's life sentence for his involvement in genocide and other crimes in Srebrenica and Zepa in 1995 was confirmed ten months ago.

Zdravko Tolimir, who was the assistant for security and intelligence to the VRS Main Staff commander during the war in BH, passed away in the UN Detention Unit in Scheveningen in the night of 8 February 2016, the Mechanism for International Criminal Tribunals has announced. According to the Dutch law and standard procedure, the Dutch authorities have opened an inquest into Tolimir's death. Judge Theodor Meron, the President of the Mechanism, has also ordered an enquiry and has put Judge Vagn Joensen in charge.

Tolimir was in the Tribunal's Detention Unit awaiting transfer to a country where he would serve his life sentence. In December 2012 the Trial Chamber found Tolimir guilty of genocide, complicity to commit genocide, extermination, murder, persecution and forcible transfer of Srebrenica and Zepa population in July 1995.

In April 2015, the Appeals Chamber confirmed the judgment accepting the Trial Chamber's findings that Tolimir had 'actively participated and significantly contributed' to the implementation of two joint criminal enterprises – the killing of able-bodied men from Srebrenica and the expulsion of the Muslim population from Srebrenica and Zepa. As a result, 'thousands of Bosnian Muslims from Srebrenica were executed and thousands of civilians from the two enclaves were forcibly removed'.

Tolimir was transferred to the Tribunal's Detention Unit in June 2007. At the beginning, Tolimir complained of ill health as he survived a few strokes. As time went by, Tolimir recovered thanks to 'prayers and herbal infusions', as he explained. The last time Tolimir addressed the issue of his health was in February 2015, when he told the pre-appeal judge about his heart surgery. The surgeons put four stents in his blood vessels.

## 2016-02-12

THE HAGUE

### AUTOPSY CONFIRMS TOLIMIR DIED OF NATURAL CAUSES

An enquiry by the Dutch authorities has shown that Zdravko Tolimir, former VRS general, died of natural causes three days ago in the UN Detention Unit. Tolimir was sentenced to life in prison for his involvement in genocide and other crimes in Srebrenica and Zepa in 1995.

The Dutch authorities have informed the Mechanism for the International Criminal Tribunals that according to the autopsy results, Zdravko Tolimir died of natural causes. The autopsy has been carried out as part of the standard procedure mandated under the Dutch law. Tolimir passed away on 9 February 2016 in the UN Detention Unit in Scheveningen.

In its announcement the Mechanism didn't specify the cause of death of the former assistant to the commander of the VRS Main Staff for security and intelligence. Tolimir was sentenced to life in prison for his involvement in genocide and other crimes in Srebrenica and Zepa in 1995. The last time Tolimir spoke about his health was in February 2015: he told Judge Meron that he had had three stents implanted in his heart.

2016-09-08

THE HAGUE

## RESULTS OF INTERNAL ENQUIRY INTO ZDRAVKO TOLIMIR'S DEATH PUBLISHED

Former deputy commander of the VRS Main Staff in charge of intelligence and security died of a heart attack, in spite of a 'prompt, efficient and coordinated' intervention of the personnel in the UN Detention Unit. The health care standard enjoyed by the Tribunal's detainees is equal to that of Dutch citizens.



◀ Judge Vagn Joensen

On 8 February 2016, Zdravko Tolimir died in the UN Detention Unit. He was awaiting transfer to a prison where he was to serve his life sentence. He was convicted by the Tribunal for the Srebrenica genocide. The Tribunal launched an internal enquiry to determine the circumstances and cause of Tolimir's death. The enquiry was led by Danish judge Vagn Joensen. It took seven months, mostly because the Dutch Forensic Institute did not submit a detailed report on Tolimir's autopsy to the Mechanism for International Criminal Tribunals until 15 August. The report confirmed the preliminary findings

of the initial post mortem and the enquiry conducted by the Dutch public prosecutor's office: Tolimir's death was natural, caused by a heart attack.

Joensen's report describes in detail the state of Tolimir's health in 2007, when he arrived in the UN Detention Unit. At his initial appearance before a Tribunal's judge, Tolimir said he had had a series of strokes while he had been at large. On his arrival in The Hague, Tolimir was diagnosed with some cardiac anomalies, but he refused to undergo further exams and treatment, according to Joensen's report.

Despite his refusal to take any medication, Tolimir's health improved significantly in detention. In 2015, he started having heart problems. In January 2015, he was fitted with an implantable heart defibrillator. In 2015, he suffered a series of heart attacks. The guards and the medical personnel in the UN Detention Unit were able to revive him every time, until the fatal heart attack that occurred on 8 February 2016.

Although all efforts to resuscitate him were in vain, Judge Joensen's report describes the intervention of the Detention Unit personnel as 'prompt, efficient and coordinated' and states that the health care standard enjoyed by the Tribunal's detainees is equal to that of Dutch citizens in the Netherlands.