

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

"SREBRENICA" (IT-05-88/2)

ZDRAVKO TOLIMIR



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Indicted for genocide, conspiracy to commit genocide, extermination, murder, persecutions, forcible transfer, deportation



Assistant Commander for Intelligence and Security of the Bosnian Serb Army (VRS) Main Staff; reported directly to the Commander of the Main Staff, General Ratko Mladić

Crimes indicted for (examples):

All crimes charged in this case were committed in the time period from July to November 1995.

Genocide

- With intent to destroy a part of the Bosnian Muslim people as a national, ethnical, or religious group, Zdravko Tolimir killed members of the group by planned and opportunistic summary executions.
- With the same intent, he caused serious bodily or mental harm to both female and male members of the Bosnian Muslim populations of Srebrenica and Žepa, including but not limited to the separation of able bodied men from their families and the forced movement of the population from their homes to areas outside the Republika Srpska.

Conspiracy to commit genocide

- Zdravko Tolimir entered an agreement with several others, including General Ratko Mladić, General Milenko Živanović, General Radislav Krstić, to kill the able-bodied Muslim men from Srebrenica that were captured or surrendered after the fall of Srebrenica on 11 July 1995 and remove the remaining Muslim population of Srebrenica and Žepa from the Republika Srpska with the intent to destroy those Muslims.
- He entered this agreement with the intent to kill the Muslim men of Srebrenica and to cause serious bodily or mental harm to the Muslims of Srebrenica, and in furtherance of the intent to destroy, in part, a national, ethnical, racial, or religious group, as such.

Extermination (crimes against humanity), murder (crimes against humanity, violations of the laws or customs of war)

- Zdravko Tolimir committed the crime of extermination through the large scale systematic murder of Muslim men from Srebrenica including, amongst others, 150 Bosnian Muslim men at Cerska Valley, over 130 Bosnian Muslim men in Nova Kasaba, over 1,000 Bosnian Muslim men at Kravica Warehouse and the Sandići meadow, approximately 500 Bosnian Muslim men held in the school in Ročevići near Zvornik, approximately 1,000 Bosnian Muslim men at Orahovac (near Lažete), a number of Bosnian Muslim males detained at the Petkovci School, approximately 1,000 Bosnian Muslim men at the "Dam" near Petkovci, 1,200 Bosnian Muslim males detained at the Kula School near Pilica, about 500 Bosnian Muslim males near Kozluk, and approximately 500 men inside Pilica Cultural Centre. Many of these bodies were buried in mass graves and later reburied in other locations.

- During and after the campaign of forcible transfer and organised executions, the Bosnian Serb Army and police forces took part in opportunistic killings of captured Bosnian Muslim men from the Srebrenica enclave.
- Zdravko Tolimir committed the crime of murder by his participation in this campaign.

Persecutions on political, racial or religious grounds (crimes against humanity)

- Zdravko Tolimir committed the crime of persecutions by and through the following means: the murder of thousands of Bosnian Muslim civilians, including men, women, children, and elderly persons; the cruel and inhumane treatment of Bosnian Muslim civilians, including murder and severe beatings at Potočari and in detention facilities in Bratunac and Zvornik; the terrorising of Bosnian Muslim civilians in Srebrenica and at Potočari; the destruction of personal property and effects belonging to the Bosnian Muslims; and the forcible transfer of Bosnian Muslims from Srebrenica and Žepa by the forced bussing of the women and children to Bosnian Muslim-controlled territory and the forced bussing of the men, separated at Potočari or captured or having surrendered from the column, up to the Zvornik area, where they were ultimately executed, and the deportation of the Bosnian Muslim men from Žepa who were forced to flee to their homes in Žepa to Serbia.

Forcible transfer (crimes against humanity)

- In order to force the Muslim populations of Srebrenica and Žepa to leave the area, Zdravko Tolimir, carried out several actions, including but not limited to the following: making life unbearable for the inhabitants of the enclave by shelling civilian targets in Srebrenica and Žepa and controlling the movement of people out of the enclaves; by defeating the Muslim forces and disabling the local UN forces militarily; and by preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring.

Deportation (crimes against humanity)

Zdravko Tolimir committed the crime of deportation through the forced movement of Bosnian Muslim men from Žepa, across the Drina river to Serbia, by making life unbearable in the enclave. He did this by restricting aid to the enclave and instilling fear and terror in the population by shelling civilian areas, attacking the enclave and killing the Muslim men.

Born	27 November 1948 in the Glamoč Municipality, Bosnia and Herzegovina
Indictment	Initial: 10 February 2005, consolidated amended: 31 October 2005, second consolidated amended: 14 June 2006; third indictment: 15 August 2006; amended: 3 July 2007
Arrested	Arrested on 31 May 2007, in Bosnia-Herzegovina
Transferred to ICTY	1 June 2007
Initial and further appearances	4 June 2007, did not enter a plea; 3 July 2007, did not enter a plea; a plea of not guilty was entered on his behalf

STATISTICS

PRE- TRIAL	
Trial Chamber II	Judge Carmel Agius (presiding), Judge O-Gon Kwon and Judge Kimberly Prost
Counsel for the Prosecution	Peter McCloskey
Counsel for the Defence	self-representation

RELATED CASES <i>by geographical area</i>
BLAGOJEVIĆ & JOKIĆ (IT-02-60) "SREBRENICA"
ERDEMOVIĆ (IT-96-22) "PILICA FARM"
KARADŽIĆ & MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"
NIKOLIĆ, MOMIR (IT-02-60/1) "SREBRENICA"
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"
ORIĆ (IT-03-68)
PERIŠIĆ (IT-04-81)
POPOVIĆ <i>et al.</i> (IT-05-88) "SREBRENICA"
STANIŠIĆ & SIMATOVIĆ (IT-03-69)
TRBIĆ (IT-05-88/1) "SREBRENICA"

INDICTMENT AND CHARGES

The initial indictment against Zdravko Tolimir, Radivoje Miletić and Milan Gvero was confirmed on 10 February 2005 by Judge Daqun Liu (case number IT-04-80) and made public on 25 February 2005. The accused were charged with five counts of murder, persecutions and inhumane acts (forcible transfer) and deportation. The initial appearance of Radivoje Miletić and Milan Gvero took place on 2 March 2005, when Milan Gvero entered a plea of not guilty to all counts. A further initial appearance was held on 31 March 2005 and an additional initial appearance held on 15 April 2005, when Radivoje Miletić entered a plea of not guilty to all counts. Zdravko Tolimir was arrested on 31 May 2007.

On 10 June 2005, the Prosecution filed a motion seeking to join six cases against the nine accused Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Zdravko Tolimir, Radivoje Miletić, Milan Gvero, Vinko Pandurević and Milorad Trbić into a single case. The motion was granted on 21 September 2005. On 28 June 2005 the Prosecution requested to amend the indictments against the nine accused, proposing one consolidated amended indictment. On 31 October 2005, the Trial Chamber granted the motion to file a consolidated amended indictment, which was filed by the Prosecution on 11 November 2005.

Following a number of motions alleging defects in the form of the consolidated amended indictment, on 31 May 2006, the Trial Chamber ordered the Prosecution to file an amended indictment implementing a number of changes. The second consolidated amended indictment was filed on 14 June 2006.

On 26 June 2006, the case of Milorad Trbić was severed and the Prosecution was ordered to file two new versions of the second consolidated amended indictment, one redacting all charges against the accused Milorad Trbić and the other against Milorad Trbić only (case number IT-05-88/1).

Following an oral order of 13 July 2006 to remove Zdravko Tolimir from the indictment, the Trial Chamber severed Zdravko Tolimir on 15 August from the indictment and ordered a new indictment against him to be filed. The case was assigned a new case number IT-05-88/2 and on 28 August 2006 the Prosecution filed a separate indictment.

On 12 June 2007, the Prosecution filed a proposed amended indictment, seeking leave to amend the indictment in order to correct errors. The amended indictment was orally confirmed as the operative indictment on 3 July 2007.

The operative indictment alleges that, on 8 March 1995 President of Republika Srpska Radovan Karadžić set out in Directive 7 the order to remove the Muslim population from the Srebrenica and Žepa enclaves. This Directive ordered: "complete the physical separation of the Srebrenica and Žepa enclaves as soon as possible, preventing even communication between individuals between the two enclaves. By planned and well-thought-out combat operations, create an unbearable situation of total insecurity, with no hope of further survival or life for the inhabitants of Srebrenica or Žepa."

On 11 and 12 July 1995 the Srebrenica enclave was taken over by the Bosnian Serb Army (VRS) and the Ministry of Interior (MUP) troops and the plan to remove the Muslim population from Srebrenica was implemented, along with the plan to murder all the able bodied men of Srebrenica.

The indictment alleges that, on 10 and 11 July 1995 thousands of Bosnian Muslims from the enclave, including women, children, and some men, fled to the UN Compound in Potočari, near Srebrenica, where they sought the protection of the UN Dutch Battalion. At the same time, approximately 15,000 Bosnian Muslim men from the enclave, with some women and children, gathered at the villages of Šusnjari and Jaglići and fled on 11 July in a huge column through the woods towards the city of Tuzla. Approximately one third of this group consisted of armed Bosnian Muslim military personnel. The rest were civilians and unarmed military personnel.

The indictment states that, in the evening hours of 11 July and morning of 12 July 1995, the plan to forcibly transport the Muslim population from Potočari was developed. Ratko Mladić, Commander of the Main Staff of the VRS and members of his staff developed a plan to murder the hundreds of able-bodied men identified from the crowd of Muslims in Potočari. Ljubiša Beara, Chief of the Main Staff Security Organ, was in charge of organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims. Ljubiša Beara was supervised in this task by Zdravko Tolimir, Assistant Commander for Security and Intelligence of the Main Staff. Ljubiša Beara was assisted in these

tasks by the respective Corps and Brigade security officers involved in these events namely: Vujadin Popović, Drina Corps, Chief of Security; Momir Nikolić, Bratunac Brigade Chief of Security and Drago Nikolić, Zvornik Brigade Chief of Security. The above-named security officers relied upon commanders Ratko Mladić, Radislav Krstić, Vinko Pandurević, Ljubomir Borovčanin, Vidoje Blagojević and others, for the men, materials, directions and orders, to carry out the murder operation. Radivoje Miletić was standing in for the Chief of Staff of the Main Staff of the VRS and acted as principal adviser to Ratko Mladić the primary facilitator through which his intent, orders and directives were organised and processed for execution by the Staff and subordinate units. Milan Gvero was one of seven Assistant Commanders who reported directly to the Commander of the Main Staff, Ratko Mladić.

In order to force the Muslim populations of Srebrenica and Žepa to leave the area, the Bosnian Serb made life unbearable for the inhabitants of the enclave, militarily defeated the Muslim forces and disabled the local UN forces, prevented and controlled outside international protection of the enclaves, including air strikes and international monitoring; and controlled the movement of people out of the enclaves.

The indictment further alleges that, the plan to murder the able-bodied men of Srebrenica began on the afternoon of 12 July with the forcible separation of the able-bodied men in Potočari from their families. From the afternoon of 12 July through the entire day of 13 July over 1,000 able-bodied Muslim men were separated from their friends and families and transported to Bratunac and held temporarily in buildings and vehicles through 14 and 15 July.

It is alleged that, on the morning of 13 July and continuing all that day, over 6,000 able-bodied Muslim men surrendered to or were captured by Bosnian Serb forces stationed along the road between Bratunac, Konjević Polje and Milići. The majority of those prisoners were transported to Bratunac or Kravica where they were temporarily detained in buildings and vehicles, along with the Muslim men who had been separated in Potočari. The large-scale systematic murder of Muslim men from Srebrenica began on the morning of 13 July at approximately 11 a.m. and continued through July 1995.

The indictment states that by 1 November 1995, the entire Muslim population had been either removed or fled from Srebrenica and Žepa and over 7,000 Muslim men and boys from Srebrenica had been murdered by VRS and MUP forces.

For these crimes, the accused is charged as follows:

Zdravko Tolimir is charged on the basis on his individual criminal responsibility (Article 7(1) of the Statute) with:

- Genocide (Article 4)
- Conspiracy to commit genocide (Article 4)
- Extermination, murder, persecutions, forcible transfer and deportation (crimes against humanity, Article 5)
- Murder (violations of the laws or customs of war, Article 3)

PRE-TRIAL PROCEEDINGS

On 6 June 2007, the Prosecution requested that the cases *Prosecutor v. Zdravko Tolimir* and *Prosecutor v. Popović et al.* be joined. Subsequently, on 20 July 2007, the Trial Chamber denied the request and ordered that Zdravko Tolimir be tried separately.

On 10 August 2007, Zdravko Tolimir filed his submission for leave to defend himself in accordance with Rule 45(F) of the Rules of Procedure and Evidence. On 27 August 2007, the Deputy Registrar acknowledged Zdravko Tolimir's election to conduct his own defence, terminated representation by duty counsel, and ordered his former duty counsel to surrender all papers and case-related material to Zdravko Tolimir.