

United Nations
Nations UniesInternational Criminal Tribunal
for the former YugoslaviaTribunal Pénal International
pour l'ex-Yugoslavie

“SREBRENICA” (IT-05-88/1)

MIHORAD TRBIĆ



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



Holding the official rank of Captain, Trbić was assistant to and directly reported to Drago Nikolić, the Chief of Security of the Drina Corps' Zvornik Brigade, Army of Republika Srpska (VRS), operating in eastern Bosnia and Herzegovina

- Transferred to the State Court of Bosnia and Herzegovina on 11 June 2007
- Sentenced by the BiH Court to 30 years' imprisonment

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, Trbić along with others killed members of the group by summary execution.
- With the same intent, they 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

- Trbić entered an agreement with several others, including General Ratko Mladić, General Milenko Živanović, General Radislav Krstić, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, and Ljubomir Borovčanin to kill the able-bodied Muslim men from Srebrenica who were captured or surrendered after the fall of Srebrenica on 11 July 1995, and to remove the remaining Muslim population of Srebrenica and Žepa from the Republika Srpska with the intent to destroy those Muslims.
- Trbić 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)

- Trbić committed the crimes of extermination and murder through the large scale systematic murder of Muslim men from Srebrenica which began at approximately 11 a.m. on the morning of 13 July and continued throughout July 1995 and included the summary executions of six Bosnian Muslim men at the Bratunac Brigade HQ, 15 Bosnian Muslim men at Jadar river, 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, 15 Bosnian Muslim men in Luke School near Tišća, 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 (executed at the school and at the Branjevo Military Farm), about 500 Bosnian Muslim males near Kozluk, approximately 500 men inside Pilica Cultural Centre, approximately 10 Bosnian Muslim males near the town of Nezuk, four Branjevo Farm massacre survivors, 11 injured Muslim prisoners from the Milići Hospital, approximately six Bosnian Muslim men near Snagovo, and six Bosnian Muslim men and boys near the town of Trnovo. 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 opportunistic killings of captured Bosnian Muslim men from the Srebrenica enclave by VRS and Ministry of Interior (MUP) personnel continued through July and August in Potočari, Bratunac, Kravica, and the school in Petkovci.

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

- Trbić 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, captured, or having surrendered, up to the Zvornik area, where they were ultimately executed.

Forcible transfer (crimes against humanity)

- In order to force the Muslim population out of the Srebrenica enclave, Trbić and others carried out several actions, including but not limited to: 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; defeating the Muslim forces and disabling the local UN forces militarily; preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring.

Born	22 February 1958 in Ponijevo, Zenica municipality, Bosnia and Herzegovina
Indictment	Initial: 24 March 2005; consolidated amended: 11 November 2005; second consolidated amended: 26 June 2006
Surrendered	7 April 2005
Transferred to ICTY	7 April 2005
Initial appearances	13 April 2005: did not enter a plea; 11 May 2005: pleaded not guilty to all charges
Transferred to BiH	11 June 2007

REFERRAL PROCEEDINGS FOR MILORAD TRBIĆ	
Motion by the Prosecutor	4 May 2006
Decision by the Referral Bench	27 April 2007
Referral Bench	Judges Alphons Orie (presiding), Kevin Parker, O-Gon Kwon
Counsel for the Prosecution	Peter McCloskey
Counsel for the Defence	Stéphane Piletta-Zanin

RELATED CASES <i>by geographical area</i>
BLAGOJEVIĆ & JOKIĆ (IT-02-60) "SREBRENICA"
ERDEMOVIĆ (IT-96-22) "PILICA FARM"
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA AND BOSNIA"
MLADIĆ (IT-09-92) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
NIKOLIĆ DRAGO (IT-02-63) "SREBRENICA"

NIKOLIĆ MOMIR (IT-02-60/1) "SREBRENICA"
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"
ORIĆ (IT-03-68)
PERIŠIĆ (IT-04-81)
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"
POPOVIĆ <i>et al.</i> (IT-05-88) "SREBRENICA"
STANIŠIĆ & SIMATOVIĆ (IT-03-69)
TOLIMIR <i>et al.</i> (IT-04-80)

INDICTMENT AND CHARGES

On 10 February 2005, the Prosecutor filed a motion to amend the indictment of Vinko Pandurević to include Trbić. The motion was confirmed on 24 March 2005 (case number IT-05-86). Trbić was charged with one count of murder as a crime against humanity and his initial appearance took place on 13 April 2005. A further initial appearance was held on 11 May 2005, when he entered a plea of not guilty.

On 10 June 2005, the Prosecution filed a motion seeking to join six cases against 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 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. The consolidated amended indictment charged Trbić, Tolimir, Pandurević, Beara, Popović, Nikolić and Borovčanin with genocide, conspiracy to commit genocide, crimes against humanity and violations of the laws or customs of war; and Miletić and Gvero with crimes against humanity and violations of the laws or customs of war.

On 31 May 2006, following a number of motions alleging defects in the form of the consolidated amended indictment, 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 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 Trbić (and therefore charging Popović, Beara, Nikolić, Borovčanin Tolimir, Miletić, Gvero, Miletić, and Pandurević, see Popović *et al.* case, IT-05-88) and the other against Milorad Trbić only (case number IT-05-88/1), which was filed on 18 August 2006.

On 15 August 2006, the Trial Chamber ordered that the accused Tolimir be severed from the Popović *et al.* case. He was assigned the new case number IT-05-88/2.

The indictment against Trbić alleged that, on 8 March 1995, President of Republika Srpska Radovan Karadžić issued Operational Directive 7 from the Supreme Command of the VRS. The Directive ordered the complete "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 VRS and 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 alleged 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 stated 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. Beara was supervised in this task by Zdravko Tolimir, Assistant Commander for Security and Intelligence of the Main Staff. 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; Drago Nikolić, Zvornik Brigade Chief of Security; and Trbić, security officer of the Zvornik Brigade. These security officers relied upon commanders Mladić, Krstić, Pandurević, Borovčanin, 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 Mladić, and was 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 Mladić.

In order to force the Muslim populations of Srebrenica and Žepa to leave the area, the VRS made life unbearable for the inhabitants of the enclave, militarily defeated the Muslim forces, 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 alleged 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 was 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 from the crowds 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 throughout July 1995.

The indictment stated 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.

From about 1 August 1995 until about 1 November 1995, VRS and MUP personnel including Trbić participated in an organised and comprehensive effort to conceal the killings and executions by reburying in secondary graves bodies exhumed from initial mass graves.

Trbić was charged on the basis of his individual criminal responsibility (Article 7(1) of the Statute) with:

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

PRE-TRIAL

On 16 June 2006, the Prosecution filed a motion seeking to sever the case of Trbić from that of the other accused. The Trial Chamber granted the motion on 26 June 2006 and assigned case number IT-05-88/1 to the case *Prosecutor v. Milorad Trbić*.

REFERRAL IN ACCORDANCE WITH RULE 11*bis*

For a case to be referred pursuant to Rule 11*bis* of the Tribunal's Rules of Procedure and Evidence, the Referral Bench, comprised of three judges, has to order a referral of its own accord or following a request from the Prosecutor. A decision to refer a case is rendered only if the Bench is fully satisfied that the accused would be tried in accordance with international standards and that neither the level of responsibility of the accused nor the gravity of the crimes alleged in the indictment are factors that would make a referral to the national authorities inappropriate.

On 4 May 2006, the Prosecution filed a motion for referral of the case against Trbić to the authorities of Bosnia and Herzegovina. A referral hearing was held on Monday 15 January 2007.

On 27 April 2007, the Referral Bench ordered that the case be referred to the authorities of Bosnia and Herzegovina.

Trbić was transferred to Bosnia and Herzegovina on 11 June 2007.

On 16 October 2009, the Court of Bosnia and Herzegovina sentenced Trbić to 30 years' imprisonment.

On 17 January 2011, the Appellate Panel of the Court of BiH upheld the sentence of 30 years'.