

## **Statement of Facts as set out by Dragan Obrenovic**

*(Tab A to "Annex A" to the "Joint Motion for Consideration of Plea Agreement Between Dragan Obrenovic and the Office of the Prosecutor")*

I first became aware of the Muslim prisoners coming up to the Zvornik area in the evening of the 13<sup>th</sup> July 1995. I cannot recall the exact time but it was at about 19:00 hrs. that evening, when I received a telephone call from Lieutenant Drago Nikolic. He called me from the Brigade's Forward Command Post and told me that he had just been telephoned by Lieutenant-Colonel Popovic. Drago Nikolic relayed to me that Popovic told him that a huge number of Muslim prisoners were to arrive in Zvornik from Bratunac and that Drago Nikolic should make preparations for their arrival. I understood "huge number of Muslim prisoners" to mean thousands of Muslim prisoners as I had already known from intelligence and other information received earlier in the day that thousands had been captured down in the Konjevic Polje area.

Drago Nikolic said that he had to be relieved from the Forward Command Post to carry out this task. He also told me that Popovic was going to send someone to brief him in person and give him additional information.

I asked why the prisoners were not being transported further north to the prisoner of war camp at Batkovici. Drago Nikolic told me that they were not going to send the prisoners to Batkovici because the Red Cross knew about Batkovici. He said that the orders were that these prisoners were to be brought to Zvornik to be shot.

I said to Drago Nikolic that we could not accept the responsibility of the task he had just informed me about without informing our Command. Drago Nikolic told me that the Command already knew, and that this order came from Mladic and that everyone, including Pandurevic, was aware of this order. For this reason I never took steps to inform my Commander, Pandurevic, of this development, as I trusted Drago Nikolic's word that Pandurevic already knew.

I acknowledge that I was in Command of the Zvornik Brigade during the absence of my Commander, Vinko Pandurevic, until his return at about midday on 15th July. On hearing of this plan to kill the prisoners I, as acting Commander, took responsibility for the plan and supported the implementation of this plan.

Drago Nikolic also asked me to release the Military Police Company from the line to assist him. I said that I had no other units available for the line. I then decided to send the Commander of the Military Police Company, Lieutenant Miomir Jasikovac, and five military policemen to assist him.

About an hour later, at about 20:00 hrs., I ordered Lieutenant Jasikovac back to the Brigade and he arrived about forty minutes later. I telephoned General Zivanovic at about 20:30 hrs. and informed him of the situation regarding the Muslim column. I did not say anything to him about the plan to execute the prisoners. At the time I thought General Zivanovic was still the Drina Corps Commander.

I ordered Jasikovac to remain with five to six men. The remainder of his men were to report to a Military Police Platoon Commander, Tanasko Mekic. I then briefed Jasikovac about the prisoners coming from Bratunac and that Drago Nikolic would call him and tell him what to do regarding these prisoners.

Jasikovac remained at the Zvornik Brigade Headquarters with five Military Policemen and I went with Mekic to Snagovo. I arrived at Snagovo as it was getting dark, and met up with Captain Milan Maric and the Commander of the Engineering Company, Dragan Jevtic.

During the course of the day on the 14 July 1995, we engaged the 28 Division in three battles. At about 14:00 hrs. Major Zoran Jovanovic arrived at the Snagovo area with reinforcements from Zvornik. He told me that Beara had brought a large number of prisoners in buses, to the Zvornik area.

At about 14:00 hrs., just after the reinforcements arrived, my signalman told me of a radio report from the Zvornik Brigade via the communication centre, with a message to release two machine operators. I was at an intersection at Snagovo at the time. The message was actually for Milan Maric, but my signalman received the transmission and informed me. The report was specific and referred to the machine operators by name, and said their duties were to build a road. I knew the road building story was not plausible. I suspected that they were either going to be used to bury prisoners or were being pulled off the line as a personal favour to the machine operators so I queried the message. Five minutes later I received a message from the radio centre that the request was related to the work of Popovic and Drago Nikolic. I knew then that the task for which the machine operators were requested was the burial of prisoners as part of the plan told to me by Drago Nikolic the night before.

I have read the tactical intercepts provided by the Prosecution. As to my own conversations reflected in those intercepts, they are a generally accurate reflection of what was said, but the entire conversation is not recorded. As I was using a RUP 12 radio which was not secure, it was common practice for us to talk in code and switch to predetermined channels during the conversation and then proceed with the rest of the message, thus explaining why the intercepts are not complete.

I then walked up to where Dragan Jevtic was. He was already speaking to the machine operators in question and it appeared as though they were arguing. It appeared as though the message had already reached them. Dragan Jevtic did not want to release the men, but I said that they had to go as ordered and approved their removal from the line.

Later that afternoon, I'm not sure of the time but it was before we attacked Liplje, I heard on the radio that there were problems at Orahovac. I found this out when I was on my way to check on my 4<sup>th</sup> and 7<sup>th</sup> Battalions, and came into an area where I could get radio communication with the 4<sup>th</sup> Battalion (whom I previously could not contact by radio).

I contacted Lazar Ristic, the Commander of the 4<sup>th</sup> Battalion, and he informed me on the radio that there were problems with the people who had been brought there. He was speaking in code and referred to the location of the problem as the place where the joint Command of the 2<sup>nd</sup> Battalion and the Brigade had been in 1992, which I knew to be Orahovac. He referred those who had been brought there as having been brought from the place where the "Zoljani People" are, which I understood to be a code reference to mean the prisoners from Srebrenica. Lazar Ristic informed me that he sent reinforcements to Orahovac to sort out the problem.

I remained in the field and continued to request reinforcements to deal with the column, but none were forthcoming.

That same evening (14<sup>th</sup>), between 23:00 hrs. and 00:00 hrs., I wrote a request to the Drina Corps Command for reinforcements on a piece of paper and gave it to my signalman. He in turn sent the message to the radioman, it was transmitted to the communication centre, and then relayed to the Duty Officer, Dragan Jokic. This was after the battles and the capture of police captain Zoran Jankovic.

I did not return to the Zvornik Brigade Headquarters on the 14<sup>th</sup> July.

On the morning of the 15<sup>th</sup> July 1995, I returned to the Zvornik Brigade Headquarters. As I approached the Headquarters at about 11:00 hrs., I noticed some of our army trucks and some troops returning to the Brigade.

As I entered the compound, I saw Colonel Vasic from the MUP arrive. I waited for him and we walked together. Colonel Vasic was concerned about the capture of MUP police captain Zoran Jankovic. Before I reached my office, Dragan Jokic stopped me in the corridor. Vasic continued on toward my office while I spoke to Jokic. Jokic told me that he had a huge problem with the burials of those executed and the guarding of prisoners still to be executed. I asked who he had informed about this problem. He said that Beara, Popovic and Drago Nikolic were taking people wherever they wanted to take them. He said that Popovic had instructed him not to make a record of the activities involving the killing operation or speak on the radio about it. I was aware that the killing operation was occurring.

I went to my office and spoke to Vasic. We spoke about the column and the Muslim prisoners. Vasic suggested that a corridor be opened in the lines to let the column through to avoid casualties and relieve the threat the column posed on the security of Zvornik as well as the rear of our front lines. Special Police Commander Ljubomir Borovcanin and Special Police officer Milos Stupar arrived and joined the meeting. We continued discussions with regard to the column. I felt I needed higher authority to open such a corridor and attempted to reach the Commander of the Drina Corps.

I telephoned the Drina Corps and was put through to the Duty Officer there. I asked for the Commander and was told that Pandurevic had already left for Zvornik. There were no other officers at the Corps who could help me so I ended the call.

Unable to speak to a Commander at Drina Corps, I then telephoned the Main Staff and spoke to General Miletic. At that stage I thought he was the operations officer, but I now know that he was standing in for the Chief of Staff of the Main Staff. I told Miletic of the column's size and location and suggested that the lines be opened up to let it pass through. Miletic did not approve of this and said that I should use all military hardware possible to stop and destroy the column as I had been ordered to do. General Miletic told me that the column should be destroyed. He further complained to me about using an insecure line and hung up. I therefore did not have an opportunity to discuss the matter properly with him. From my knowledge of the column and the situation on the ground, I knew it was impossible to destroy the column as Miletic had suggested.

Vasic then said jokingly that the army was stupid and that he was going to call the Ministry of Interior. Vasic then placed a telephone call to Pale on the speakerphone. He spoke to an advisor to the Minister of Interior. He explained the situation to this advisor and asked permission to allow the column to pass. The advisor said that he should find the army and alert the airforce and kill them all. We did not have the capability to use air power and it was clear to all of us that our superiors did not comprehend fully what was going on the ground with regard to the column. Thinking aloud, I then asked myself where General Zivanovic could be. Borovcanin responded that Zivanovic was no longer the Corps Commander, and that General Krstic was now the Drina Corps Commander. I then tried to get hold of General Krstic. I was able to get hold of the communications officer Major Milenko Jevdevic, who in turn connected me to General Krstic.

I informed General Krstic of the situation and told him that Zvornik was about to fall and that something had to be done. General Krstic told me not to worry and said that Pandurevic, "Legenda" and his men were on their way to Zvornik. I knew "Legenda" was Captain Jolovic of the Drina Wolves of the Zvornik Brigade.

After I hung up with General Krstic, Vasic talked about the situation in Bratunac with regard to the Muslim prisoners. He said that a dangerous situation had been created in Bratunac because of the large number of prisoners brought there. He said that, because of a lack of space, groups of prisoners could not be housed over night and had spent the night in parked busses. The prisoners had become agitated and had begun to rock the busses. He spoke of the problem in guarding all the prisoners. Borovcanin indicated that he was not happy that civilian police were being used to provide security on the buses and that he did not want the police to provide security for the prisoners when they reached their destination in Zvornik.

Borovcanin further said that they had had battles with the column, and that he had not expected so many to have passed through the lines in the Konjevic Polje area. He also told me that they had captured large numbers of prisoners who were trying to cross the lines on the Konjevic Polje road.

Milos Stupar then told me about an incident at a warehouse in Kravica where a Muslim prisoner had killed one of his officers. He said that a large number of prisoners had been detained at the warehouse and that one of the prisoners disarmed one of his men and shot him. He said that his men had opened fire on the remaining prisoners in the warehouse and that they had killed the prisoners.

Based on our conversation I supposed that everyone present knew of the plan to kill the prisoners who had been brought to Zvornik. I also reasoned that, if I had known of the plan whilst in the hills, these officers who were dealing with the prisoners in Bratunac would have known about the plan.

During this time, I left the room briefly and saw three soldiers from Bratunac. I addressed the Commander and told them that a soldier would take them to Bajlkovica and then they left with their troops. I later saw them in Bajlkovica.

About twenty minutes after I had spoken to General Krstic, I was notified that my Commander, Vinko Pandurevic, had arrived at the Zvornik Brigade. I left my office to meet him and spoke to him in private.

I first briefed Pandurevic about the Muslim prisoners and the murder operation, in which Beara and Popovic were active. I informed Pandurevic of the problems reported to me by Jokic regarding the burial of all the executed prisoners and the guarding of the men who had not yet been executed. Pandurevic asked me why the civilian protection people were not doing the burial as ordered. I just shrugged, as I did not know the civilian protection was supposed to be involved. Based on this comment by Pandurevic and what Drago Nikolic had told me on the 13<sup>th</sup> July, I realised that Pandurevic had knowledge of the murder operation.

We then spoke about the column and I told him where the column was and how large it was. He asked why we had not stopped the column using the military hardware as ordered. When the suggestion that the lines be opened for the column to pass through was discussed, he asked who had the right to trade with Serb land. We spoke for approximately twenty minutes about military activities in the area of responsibility of the Zvornik Brigade.

At approximately 13:00 hrs., I left the Zvornik Brigade. In my vehicle with me was my driver, Ljubisa Danojlovic and a signalman. The signalman was equipped with a RUP 12 radio. We travelled on the main road towards Tuzla via Kitovnica and Cer to Bajlkovica. We did not take the route past Orahovac as the road through there had been cut off by the Muslim column.

We went directly to the command of the 4<sup>th</sup> Battalion at Bajlkovica and arrived there at about 14:00 hrs. I saw Ristic and his Command staff at the Forward Command Post, including his Communication staff and Rear Services. I also saw a Praga parked there. I changed the position of a group of about sixty men I had previously sent to the 4<sup>th</sup> Battalion to a position on a hill overlooking the Forward Command Post. I discussed military matters with Ristic and about an hour to an hour and half later, I reminded him of the conversation we had on the 14<sup>th</sup> July about the prisoners from Srebrenica. Earlier, I had requested a platoon from him for re-enforcement of the line and he said he did not have men to spare, yet provided men to Orahovac. Ristic told me that Milorad Trbic had called him from Orahovac school where the prisoners were being kept and asked for help. Ristic then sent about eight men to Orahovac as re-enforcements to assist Trbic in guarding the prisoners. Ristic said he didn't know at that stage about the killing of prisoners at Orahovac, but learnt about it when he visited the site early in the evening of the 14<sup>th</sup> July. He said that he found his men guarding prisoners in the gymnasium of the school at Orahovac and that the execution of prisoners had already commenced in a nearby location. He lined up his men and was about to take them away, when Drago Nikolic stopped him. Drago Nikolic said that if the men stayed, they

would all be issued with new uniforms by Captain Milosevic from rear services. Lazar Ristic spoke of other soldiers there in camouflage uniform from another location and he was not clear where they were from.

I learned later from Ristic that a certain Gojko Simic from the 4<sup>th</sup> Battalion had been on leave at that time, but because he was from Orahovac, he went there voluntarily and joined the guards at the gymnasium before the arrival of the 4<sup>th</sup> Battalion re-enforcements. Ristic said that Drago Nikolic had been asking for volunteers and Gojko had volunteered to take part in the executions of prisoners. I also heard that there was a group at Orahovac from the Drina Corps Military Police. An elderly man attached to the Rear Services of 4<sup>th</sup> Battalion approached me and stated that he had heard that Drago Nikolic had personally taken part in the execution and that he could not believe what had happened.

On the 15<sup>th</sup> July at about 18:00 hrs. that evening, the enemy blocked off our escape route. The RUP 12 radio at the 4<sup>th</sup> Battalion Command Post was also lost, but we still had my radio. The telephone lines to the 4<sup>th</sup> Battalion Command Post, both civilian and military had been cut.

Prior to this happening, I had communicated with the Zvornik Brigade from the 4<sup>th</sup> Battalion Command Post on the civilian line when they reported shelling near Zvornik. I asked for Pandurevic, but the assistant Duty Officer informed me that he was not there.

From the time we were cut off on the 15<sup>th</sup> July until we were pulled out on the 16<sup>th</sup> July, we endured fierce fighting. We eventually withdrew from the area between 13:00 hrs. and 14:00 hrs. on the 16<sup>th</sup> July 1995. During the fighting our Serb forces suffered 30 to 40 dead and many more wounded.

In the afternoon or evening of the 16<sup>th</sup> July I called Pandurevic on the radio, who sent me the 6<sup>th</sup> Battalion Commander, Ostoja Stanisic. I met Stanisic in the field and briefly spoke to him. He told me that his deputy had been wounded and that Beara had brought prisoners to the school nearby. He was angry as the last group of prisoners were not taken to the dam to be executed, but were executed right there at the school and that his men (the 6<sup>th</sup> Battalion Rear Services) had to clean up the mess at the school, including the removal of the bodies to the dam.

With regard to the execution of prisoners at the Petkovci Dam, I found out later that men from the 10<sup>th</sup> Sabotage unit from Vlasenica took part in the execution. I also know that the Zvornik Brigade's 6<sup>th</sup> Battalion trucks and personnel were utilised to transport the corpses from the school of Petkovci, which were buried in a mass grave at the dam.

With regard to the execution of prisoners at the Branjevo Military Farm, I found out later that members of the 10<sup>th</sup> Sabotage Detachment Platoon from Bijeljina took part in the execution, together with selected soldiers from Bratunac.

I spent the evening of the 16<sup>th</sup> July at the Brigade's Forward Command Post. On the morning of the 17<sup>th</sup> July 1995, I was travelling in a jeep with my Commander, Vinko Pandurevic. Together with us in the vehicle was the driver and two escorts. We drove through Kitovnica to Orahovac. Next to a water point in a meadow we saw the corpses of about twenty men, lying next to the road. I told Pandurevic that I had information that Drago Nikolic personally took part in the executions at that place. Pandurevic never said anything, but one of the escorts said that this sight of the corpses was nothing compared to the scene on the Konjevic Polje road and further on. One of the men in the car also said that he had been in a vehicle on the same road that we were on at that stage in Orahovac when a man jumped in front of the car and they collided with him, killing him.

On the 17 I was the senior officer at the Forward Command Post. Our troops were conducting sweeping operations in an attempt to push the stragglers of the column towards the corridor which had been opened on the 16<sup>th</sup>, at around 14:00 hrs., to allow the Muslim column to pass into Muslim territory. The corridor was then closed between 17:00 hrs. and 18:00 hrs. that same day.

On the morning of the 18<sup>th</sup> July 1995, I went to the area of the 4<sup>th</sup> Battalion and spent most of the day thereto moving the Battalion Command to a new location and reorganising it. By the 18<sup>th</sup>, news of the execution of the prisoners was widespread and everyone was talking about it. I spoke to the Drina Corps that day, but not about the killing operation. I spoke to them about the sweeping operation.

At about noon on the 18<sup>th</sup> July, Vinko Pandurevic called me on the radio and asked me to brief three senior officers from main staff on the opening of the corridor for the column. I met these officers on a road overlooking a valley where the fiercest fighting took place and where we lost 38 or 39 men. Present were Colonel Sladojevic; Colonel Trkulja, who was in charge of the armoured units at Main Staff; Colonel Stankovic, who had something to do with security or police.

I gained the impression that the Commander of the Brigade had come under scrutiny for opening up the corridor to allow the column through, by the group's questions. They asked me if we could have held the line if 2<sup>nd</sup> Corps attacked and if the Muslims were shelling us at the time. I gained the impression that they thought we never put up resistance to the 28<sup>th</sup> Division and just let them through. They were surprised to hear of our losses but never drew any conclusions while I was there. I had arrived after their meeting had begun and left before it ended.

Vinko Pandurevic issued an order on 18<sup>th</sup> July. This order followed the death of one of our soldiers. On the 18<sup>th</sup> of July one of our soldiers was killed while he was taking some prisoners into custody during sweep operations. My Commander, Pandurevic, then gave an order that persons should be shot and not to take risks capturing them. Some Brigade units did not take prisoners after this order.

Pandurevic changed this order a few days later, around the 21<sup>st</sup> July. The order was over the radio and it stated that all prisoners should be brought down and processed according to normal procedures. From around that date, we began to take prisoners again.

I went back to the Zvornik Brigade Command in the evening of the 18<sup>th</sup> July.

Sometime after the 20<sup>th</sup> July 1995, I received an order from my Commander, Vinko Pandurevic. He ordered me to visit the clinic at "Standard" and the prisoners being treated there. I was aware that we had prisoners there who had arrived under written instructions from a colonel in the Medical Corps. My instructions were to brief the clinic staff and ensure there are no problems related to the prisoners. There was a fear that there would be problems because our wounded were being kept in the next room. I briefed the nurses and doctor present not to allow anyone in the room. I told them that as the prisoners recover individually, they would be transported to Bijeljina. I looked around and then left.

Pandurevic referred repeatedly to these prisoners at briefings and told the Drina Corps that they had to be taken away.

On around the 23<sup>rd</sup> July at about 08:00 hrs., Pandurevic called the Drina Corps to resolve the issue of these prisoners. Later we received word from the Drina Corps that Colonel Popovic would be coming to deal with the prisoners. I knew then that the prisoners would probably not be taken to Bijeljina as previously stated.

Military Policemen took the prisoners away early one morning, but I'm not sure if they were Zvornik

Brigade Military Police or Military Police from the Drina Corps and shot the prisoners dead.

I asked my Commander about these prisoners at the morning briefing the day they disappeared. He told me that Popovic had passed an order from Mladic to Drago Nikolic that these prisoners had to be executed and that Popovic had acted as a courier.

Sometime in August 1995, General Krstic came to Zvornik and requested me to take him to the soldiers in the field who had been involved in the most fierce fighting. I decided to take him to the right flank of the 7<sup>th</sup> battalion where the men were manning the trenches. I stood with General Krstic next to a trench where one of the soldiers was listening to a transistor radio. A survivor from one of the executions was giving an account of what happened to him over the radio broadcast from Tuzla. We stood there for about two minutes listening to the survivor and then General Krstic ordered that the radio be switched off and said we should not listen to enemy radio. He asked me if I had issued orders that enemy radio should not be listened to and I said that I had not.

On the way back I thought about the survivor's story on the radio and this led me to ask General Krstic why the killings took place. I had said that we knew the people killed were all simple people and asked for the reason why they had to be killed. I said that even if they were all chickens that were killed, there still had to be a reason. General Krstic asked me where I had been. I said that I went to the field at Snagovo as ordered. Krstic cut me short and said that we would speak no more about this.

On the 14<sup>th</sup> September 1995, I returned to the Zvornik Brigade from the field. The Duty Officer informed me that the Duty Officer at the Drina Corps had called and said that five tons of fuel was to be given to Trbic for a task. I telephoned the Drina Corps and spoke to the Duty Officer, but he did not know about the fuel. About 5 to 10 minutes later I was telephoned by Popovic who asked me how I knew about the fuel. I told him from the Duty Officer. Popovic told me that the Duty Officers were incompetent and had made a mistake. Pandurevic arrived the next day on the 15<sup>th</sup> September and I told him about the fuel story. He was going to the Drina Corps and said he would look into it. When he returned from the Drina Corps, Pandurevic told me that Popovic and his men would be in charge of the re-burying of the Muslim prisoners buried after the initial execution.

On the 26<sup>th</sup> September 1995, I was about to leave the Brigade to perform duties in Krajina. At about 09:00 hrs. that morning, I saw Popovic at the entrance of the Zvornik Brigade Command building. He had a map rolled up under his arm. He went upstairs.

Later, when I returned from Krajina on the 20<sup>th</sup> October, I heard that several members of the Brigade's Engineering unit, some Military Police and Drago Nikolic participated in the re-burial of those prisoners executed in July 1995. The remainder of those who participated were brought in by Popovic, including some Drina Corps Military Police, who secured the area and traffic where the re-burials were taking place. I heard that Popovic wore civilian clothes for this operation. I heard that some of the Zvornik Brigade earth moving equipment and personnel were used in the initial burial phase and exhumation but have no information if they were used to construct the secondary grave. I also heard that Popovic and Drago Nikolic changed truck drivers at regular intervals, and that some Zvornik Brigade engineers were involved in the loading of bodies from the primary graves. I also heard that both Popovic and Beara visited the work during the re-burial operation, but were wearing civilian clothes.

Sometime during 1998, I had a conversation with Drago Nikolic when he told me about the locations of two secondary mass graves where the remains of those executed in July 1995 had been moved.

I am aware of meetings, which took place in Zvornik after people were issued with summonses to attend ICTY interviews about Srebrenica and the events, which followed. I did not attend these meetings as I was attending a class in Belgrade. I was upset at not being able to attend.

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Date

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Dragan Obrenovic