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1 Thursday, 17 May 2012

2 [Prosecution Opening Statement]

3 [Open session]

4 [The accused entered court]

5 --- Upon commencing at 9.02 a.m.

6 JUDGE ORIE: Good morning to everyone in and around this
7 courtroom.

8 Madam Registrar, would you please call the case.

9 THE REGISTRAR: Good morning, Your Honours. This is case number
10 IT-09-92-T, the Prosecutor versus Ratko Mladic.

11 JUDGE ORIE: Thank you, Madam Registrar.

12 Since the composition of the teams is not exactly the same as
13 yesterday, Mr. McCloskey, could you introduce -- could you give us the
14 appearances for the Prosecution.

15 MR. McCLOSKEY: Yes. Good morning, Mr. President. Good morning,
16 Your Honours, everyone. Today with me is Dermot Groome,
17 Kweku Vanderpuye, Camille Bibles, and Janet Stewart.

18 JUDGE ORIE: Thank you.

19 Mr. Lukic, appearances for the Defence, the same as yesterday?

20 MR. LUKIC: Good morning, Your Honours. Good morning, everybody.

21 Branko Lukic for the Defence, joined by Mr. Miodrag Stojanovic,
22 Milos Saljic, and Mr. Radovan Djurdjevic.

23 JUDGE ORIE: Thank you.

24 And Mr. Mladic is present as well.

25 Mr. McCloskey, you are the one who will continue the opening

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1 statement. If you're ready, you may proceed.

2 MR. McCLOSKEY: Thank you.

3 The expulsion and murder of the non-Serb population of Bosnia,
4 described to you yesterday by Mr. Groome, did not stop in 1993 or 1994.
5 In a period of only five days, from the 12th through the
6 16th of July, 1995, the armed forces of Radovan Karadzic and Ratko Mladic
7 expelled the civilian population of Srebrenica and murdered over 7.000
8 Srebrenica men and boys.

9 The murders continued well beyond 16 July. From 17 July through
10 the autumn of 1995, the VRS continued to capture and kill Srebrenica
11 Muslim men, as the victims tried in vain to find their way through the
12 woods of Eastern Bosnia.

13 By November 1st, the VRS had eliminated the Muslim population of
14 Srebrenica from Eastern Bosnia with the women, children, elderly men

15 barely existing in refugee camps, left crippled almost beyond hope
16 without their fathers, brothers, husbands, sons, and grandfathers.

17 This was and will remain genocide.

18 As you absorb the evidence of this crime, I have no doubt you
19 will reach the same conclusion. Today, May 17th, 2012, after some
20 17 years of investigation, the evidence of this crime is overwhelming is
21 unassailable.

22 In brief, of the over 7.000 men and boys murdered, 5.977 have
23 been exhumed from Srebrenica-related mass graves. Most of those victims
24 have been identified by DNA.

25 We have 11 amazing men who somehow were able to survive mass

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1 executions and crawl out from the carnage and find their way to safety.
2 With their help and the benefit of aerial imagery, we have found the vast
3 majority of Srebrenica mass graves and have exhumed them.

4 We have searched the VRS commands and found vehicle logs,
5 excavation records, showing the date, place, vehicle, and operator
6 working at many of those mass graves. We have operators of those
7 machines who dug the mass graves and buried the victims.

8 We have some of the soldiers who actually executed the victims
9 along with officers supervising those executions, as well as documents

10 and records accounting for the Muslim prisoners and their fate. We have
11 radio intercepts of VRS soldiers and officers discussing murders. We
12 have video of two of the actual executions themselves.

13 So let me be perfectly clear. The crime will not be the main
14 focus of this Prosecution. This case will be primarily about one issue:
15 The individual criminal responsibility of Ratko Mladic.

16 But of course Mladic did not commit these crimes alone.

17 In July 1995, Mladic relied on a few key Main Staff officers to
18 provide him with the advice, expertise, and leadership needed to design
19 and implement the Srebrenica expulsion and genocide.

20 To get the job done, Mladic relied upon Generals Tolimir, Gvero,
21 and Miletic. There were other generals in his Main Staff, but these
22 three were present, involved, and close confidants of Mladic. They all
23 knew the horrors of forcing a people to leave and murder, yet they all
24 did their part to this end.

25 In 1995 General Mladic and his Main Staff looked to

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1 Generals Zivanovic and Krstic, commander and deputy commander of the
2 Drina Corps, to expel and murder Srebrenica Muslims.

3 In turn, the Main Staff and General Krstic relied upon
4 Drina Corps brigade commanders, Colonel Pandurevic, Major Obrenovic, of

5 the Zvornik Brigade; Colonel Blagojevic of the Bratunac Brigade; and
6 special police deputy commander Borovcanin and other commanders to defeat
7 the Muslim forces, remove the Muslim population, and murder the
8 able-bodied men of Srebrenica.

9 Major Obrenovic has pled guilty in this court. The 10th Sabotage
10 Detachment of the Main Staff executed over a thousand victims. 10th
11 Sabotage soldier Drazen Erdemovic has pled guilty to his involvement in
12 these crimes and will testify here.

13 The majority of the work in supervising, organising, and
14 implementing the actual removal of the Muslim population from Srebrenica
15 and the murder of the able-bodied men fell to the security officers.
16 Leading and supervising the VRS security organs in this process was
17 General Zdravko Tolimir and his direct subordinates Colonel Ljubo Beara
18 and Lieutenant-Colonel Radislav Jankovic.

19 For the command of the Drina Corps, it was
20 Lieutenant-Colonel Vujadin Popovic. For the command of the
21 Bratunac Brigade, Captain Momir Nikolic. For the command of the
22 Zvornik Brigade, Lieutenant Drago Nikolic and Captain Milorad Trbic.

23 Momir Nikolic has pled guilty to these crimes and will soon
24 testify in this case.

25 These were the men and forces who committed these crimes. In

1 1995 there were no paramilitaries, there were no civilian bands or
2 outside forces involved, only VRS and one unit of mixed
3 Ministry of Interior police forces known as MUP forces, and one MUP unit
4 from Serbia working together with the VRS.

5 These crimes are etched into the terrible history of the Bosnian
6 war. The crimes have never been in serious dispute. We will therefore
7 focus this case on the evidence linking General Mladic and his men to
8 these crimes.

9 Mladic was on the ground in command in Potocari, Bratunac,
10 Sandici, and other places where these crimes were committed from 11 July
11 through the afternoon of 14 July.

12 Mladic was on duty, in command and control of the VRS, while
13 conducting state business during his time in Belgrade, from the evening
14 of 14 July through the evening of 16 July, when he returned to Bosnia.

15 This was not an army out of control or controlled by someone
16 else. Only an army strictly controlled at the top could have managed to
17 murder over 7.000 people in four days.

18 The VRS was a professional army with a dynamic and disciplined
19 chain of command. The VRS carried out their murderous orders with
20 incredible discipline, organisation, and military efficiency. Capturing,
21 detaining, transporting, murdering, and burying over 7.000 men and boys,

22 at first in total secrecy from the outside world, was a truly amazing
23 feat of utter brutality.

24 Importantly, the survivors of the Srebrenica mass executions
25 provide some of the most valuable evidence of the organisation and

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1 efficiency of the murder operation, as we call it. Most of the survivors
2 experienced the same thing: They were captured or surrendered in large
3 numbers, they were relieved of their property, they were stored indoors
4 or in vehicles, they were transported in huge convoys to some school or
5 municipal building in and around Bratunac or Zvornik, they were
6 transported in vehicles to nearby, mostly isolated, execution sites and
7 summarily executed by firing squad and buried by heavy engineering
8 equipment the day of their death or a day or two after.

9 So in listening to the evidence of survivors, it's important to
10 appreciate what happened to the victims of course, but also we need to
11 look beyond the horror and focus on the underlying system of military
12 efficiency evident from their testimony.

13 The evidence proving Mladic was in command of the troops who
14 committed these crimes is only part of the evidence proving Mladic's
15 guilt. We will also prove that during the commission of some of these
16 crimes Mladic himself was on the ground and personally involved.

17 The crucial linkage evidence will come largely from three
18 sources:

19 Documents. Most criminal orders in this war were given orally
20 and many of the important relevant documents have been destroyed or
21 hidden. However, there are some crucial VRS and MUP documents that
22 survived and will help expose the crime and General Mladic's role in it.

23 Intercepts. You will also see the text of radio intercepts taken
24 down by the BH army, known as the Muslim army, as they eavesdropped on
25 VRS conversation. We are confident that you will find this evidence

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1 reliable and credible.

2 And of course testimony. Many VRS witnesses involved in these
3 crimes or very close to them will testify in this trial and provide
4 important evidence implicating General Mladic. A word of caution here:
5 Many of these VRS witnesses will not be telling you the complete truth
6 and may at times be less than truthful, in most cases to avoid
7 incriminating themselves or others. So with these witnesses we will be
8 requesting that they be provided a formal caution explaining their rights
9 under ICTY law.

10 When evaluating their evidence, it will be important to look to
11 corroborating evidence in critically evaluating their testimony. But in

12 the end, we believe you will find this evidence invaluable, as it gives
13 you a look inside Mladic's very operation, and in most cases you will be
14 able to identify truth from untruth.

15 The charges. This component involves two horrendous crimes: The
16 forced movement of the Muslim population on 12 and 13, the misery and
17 death resulting from that; together with the mass murder of thousands of
18 Bosnian Muslim men and boys, all amounting to the elimination of the
19 Muslim population from Srebrenica and genocide.

20 Forced movement. The forced movement on 12 and 13 July did not
21 happen in a vacuum. It involved much more than providing buses and
22 trucks for the transportation. It included the following: One,
23 strangling the enclaves by limiting crucial supplies; two, terrorising
24 the civilian population by sniping and shelling; three, attacking the
25 civilian population during the assault on the enclaves; and four,

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1 finally, making sure that people were put on buses and forced out.

2 Committing mass murder in this case involved all of the following
3 in equal measure: Capturing thousands of Muslim men who fled Srebrenica
4 when it fell; transporting the victims to detention sites; detaining the
5 victims in pre-execution detention sites; transporting the victims to
6 execution sites; executing the victims; and disposing and burying of the

7 bodies.

8 In order to understand Srebrenica and identify Mladic's role in
9 it, I will provide you with a chronology of the events and discuss
10 briefly some of the most important evidence implicating Mladic himself.

11 It's important to understand some of the specific historical
12 background of the Srebrenica area known by many names, the Drina Valley,
13 the Podrinje, and the Birac region.

14 As outlined to you by Mr. Groome, the war broke out in earnest in
15 Eastern Bosnia, beginning in the north, in Bijeljina, and working its way
16 south to Zvornik and Bratunac, with the terrorising murder/expulsion of
17 the Muslim population.

18 In November of 1992, Karadzic and Mladic set out their criminal
19 plan for Eastern Bosnia in directive 4. Mr. Groome has previously shown
20 that to you.

21 I will not do that again, but I do want you to see and will go
22 over the Drina Corps adaptation of directive 4. It was the duty of the
23 Drina Corps to follow directive 4 - and they did so. On
24 24 November 1992, General Zivanovic sent out to all of his brigades these
25 words upon which to base their combat plans and operations to let go --

1 please, let's go with the document. In pertinent part:

2 "Launch an attack using the main body of troops and major
3 equipment to inflict on the enemy the highest possible losses, exhaust
4 them, break them up or force them to surrender, and force the Muslim
5 local population to abandon the area of Cerska, Zepa, Srebrenica, and
6 Gorazde."

7 An order for ethnic cleansing in Srebrenica in black and white.

8 VRS attacks on the Muslim civilian population in the areas noted
9 in this order were set out in UN reports and actually experienced by many
10 of the Muslim witnesses in this case.

11 In the early spring of 1993, the Muslims fled from this onslaught
12 and crowded into the Srebrenica area, creating a massive humanitarian
13 disaster, some of which was caught on video, where we will see
14 General Morillon stepping up on a vehicle to address the crowd. If we
15 could play that video.

16 [Video-clip played]

17 MR. McCLOSKEY: Shortly thereafter the United Nations
18 Security Council adopted Resolution 819, creating the safe area. In
19 pertinent part let's see the following on slide 3:

20 "Condemns and rejects the deliberate actions of the Bosnian Serb
21 party to force the evacuation of the civilian population from Srebrenica
22 and its surrounding areas ... as part of its overall abhorrent campaign
23 of 'ethnic cleansing' ..."

24 The UN, acting with the best intentions, unfortunately created a

25 ticking time bomb because they sent too few troops to Srebrenica to

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1 protect the Muslim population or disarm the BiH army. With the UN unable
2 to fully protect the Muslim population and with the enclave surrounded by
3 a vastly superior VRS, the BiH army did not disarm.

4 Through the rest of 1993 and 1994, an unstable and eventually
5 untenable situation developed in the Srebrenica enclave, where the VRS
6 sniped and shelled the enclave on the one hand and the BiH forces inside
7 the enclave ran operations outside the enclave, sometimes in search of
8 food but other times as part of an established BiH policy to attack
9 villages and army positions, to force the VRS to keep troops around the
10 enclave to prevent VRS reinforcements from the Sarajevo front.

11 In 1994 the Bosnian Serb leadership's desire to cleanse the
12 enclave of Muslims did not go away, and it was only the meager UN
13 presence that kept the VRS at bay. The first UN troops were Canadian,
14 followed by an army contingent from the Netherlands known as the
15 Dutch Battalion or DutchBat, a force from the Ukraine was stationed in
16 Zepa.

17 You will recall the short video Mr. Groome showed you of
18 General Mladic driving a Canadian supporter, Lesic, around the Zepa area

19 on 15 August 1995. In this video Mladic revealed to Mr. Lesic why the
20 enclaves were still Muslim. I won't show you that again, but I want to
21 quote to you and let you see Mladic's words:

22 "You film this freely, you know. Let our Serbs see what we have
23 done to them, how we took care of the Turks. In Podrinje we thrashed the
24 Turks. If the Americans and English, the Ukrainians and Canadians in
25 Srebrenica, in the meantime it's the Dutch, would not protect them, they

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1 would have disappeared from this area long ago."

2 This was on the 15th of August, 1994. In 1994 the VRS intentions
3 towards Srebrenica and Zepa were clearly set out in an official report to
4 his troops by the commander of the Bratunac Brigade shortly after he was
5 visited by General Mladic. In pertinent part we see:

6 "We must attain our final goal - an entirely Serbian Podrinje ...

7 "We must continue to arm, train, discipline and prepare the
8 RS army for the execution of this crucial task - the expulsion of Muslims
9 from the Srebrenica enclave.

10 "There will be no retreat when it comes to the Srebrenica
11 enclave, we must advance. The enemy's life has to be made unbearable and
12 their temporary stay in the enclave impossible so that they leave the
13 enclave en masse as soon as possible, realising that they cannot survive

14 there."

15 Again, we see the deliberate statement to expel the entire Muslim
16 population from Srebrenica.

17 Words similar to these are repeated by the Main Staff and
18 President Karadzic eight months later in the now-famous directive 7.

19 On the 8th of March, 1995, President Karadzic signed off on
20 directive 7 which had been drafted by the Main Staff and approved by
21 Mladic. Like the other directives, directive 7 provided instructions to
22 each of the VRS corps on the military objectives in the upcoming period,
23 which required each corps to follow such direction.

24 Under the heading of the Drina Corps I want to show you three
25 critical directions. Here is the first:

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1 "By planned and well-thought-out combat operations create an
2 unbearable situation of total insecurity with no hope of further survival
3 or life for the inhabitants of Srebrenica and Zepa."

4 Here we have almost the same words spelled out by the commander
5 of the Bratunac Brigade eight months earlier, the clear focus on making
6 survival or life impossible for the Muslim populations of Srebrenica and
7 Zepa.

8 The directive goes on to identify a tactic to make life

9 unbearable in the enclaves:

10 "... through the planned and unobtrusively restricting issuing of
11 permits, reduce and limit the logistics support of UNPROFOR to the
12 enclaves and the supply of material resources to the Muslim population,
13 making them dependent on our good will while at the same time avoiding
14 condemnation by the international community and international public
15 opinion."

16 This insidious plan is put in place and we actually see the
17 results on the Dutch Battalion and the civilian population. Mladic is in
18 charge of this process, and you will see his initials on original convoy
19 documents denying much of the needed supplies to the enclaves.

20 The third key:

21 "In case the UNPROFOR forces leave Zepa and Srebrenica, the
22 Drina Corps command shall plan an operation named Jadar with the task of
23 breaking up and destroying the Muslim forces in these enclaves and
24 definitively liberating the Drina Valley ..."

25 This shows that while Karadzic and Mladic wanted to create

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1 horrible conditions for the Muslims in the enclave, at the writing of
2 this directive they did not intend to take over the enclaves due to the
3 presence of the UN forces there.

4 As you will see, their objective would soon change.

5 The Drina Corps took this directive at its word, and

6 General Zivanovic on 20 March 1995 passed on to his brigades the exact
7 language set out in directive 7, and he said:

8 "By planned and well-thought-out combat operations, create an
9 unbearable situation of total insecurity with no hope of further survival
10 or life for the inhabitants of Srebrenica and Zepa."

11 And sure enough, soon after directive 7, the Drina Corps began
12 planning a combat operation against the Srebrenica enclave. It was named
13 Krivaja 95 and dated 2 July with a planned start date of 6 July.

14 But just before we get to the attack on Srebrenica, I would like
15 you to see two maps to help you get acquainted with the important towns
16 and features of the area.

17 Here is a map showing the VRS corps zones and you can see where
18 the Drina Corps fits in the Bosnian landscape, with the Drina River in
19 light brown as the border between Bosnia and Serbia.

20 Let's go to the next map.

21 Here is a map of the Drina Corps that shows the borders of the
22 various brigades, as well as the Srebrenica, Zepa, and Gorazde enclaves.
23 You can see Srebrenica and Zepa are close together; this is important.
24 Also note on this map the black line on the upper left part of the map.
25 This is the approximate area of the front line, roughly 50 kilometres as

1 the crow flies from the edge of the Srebrenica enclave. This will be the
2 direction the Muslim army and men go to, as we'll see it later.

3 So, the attack against Srebrenica. One objective of Krivaja 95
4 was to attack the BiH forces and cut them off from the Zepa enclave and
5 separate the two enclaves from supporting each other.

6 Given that the BiH had been running raids against the Serbs
7 outside both the Srebrenica and Zepa enclave, this objective, to stop BiH
8 army activity, was a legitimate military objective.

9 However, Krivaja 95 had another objective that was anything but
10 legitimate; that was to attack Muslim civilians and UN observation posts,
11 or OPs, in order to drive the Muslim population of the enclave into the
12 small urban area of the enclave and create a humanitarian disaster, like
13 that of 1993.

14 The UN OPs were small, elevated huts, fortified by sandbags and
15 manned by a few soldiers. The OPs were situated at the outer ring of the
16 border of the enclave.

17 Now I want to take you to the attack plan itself, to show you how
18 General Zivanovic expressed the objectives I've just mentioned. In
19 pertinent part:

20 "... to split apart the enclaves of Zepa and Srebrenica and to

21 reduce them to their urban areas."

22 "... to create conditions for the elimination of the enclaves."

23 "To split apart the enclaves of Zepa and Srebrenica" was the
24 legitimate military objective I spoke of; to stop the BiH forces in both
25 enclaves from supporting each other and running attacks outside the

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1 enclaves.

2 However, "to reduce them to their urban areas" meant attacking
3 the edges of the enclave and taking ground toward the city centre and
4 pushing the borders to the actual urban area of Srebrenica. This would
5 cause the roughly 40.000 inhabitants of the enclave to be crowded into a
6 small, narrow town of about 1 kilometre by 2 kilometres. This would
7 create a humanitarian disaster, just like that of 1993 that we had a
8 brief glimpse of in the video recently.

9 "Create conditions for the elimination of the enclave," the third
10 objective, this does not mean take the entire enclave. As you will
11 recall, taking the entire enclave was contemplated in directive 7 only if
12 UNPROFOR left.

13 Now I want to go to a map graphic that should help illustrate how
14 the crisis was planned to develop.

15 In this map we can see the border of the enclave in purple and

16 the approximate locations of the OPs around the enclave known by their
17 letter designations in military terms. OP F was known as OP Foxtrot to
18 the DutchBat forces.

19 You can see the yellow box indicating the small urban area of
20 Srebrenica, about 1 kilometre by 2 kilometres, and very narrow in the
21 middle. The area within the purple circle of Srebrenica, roughly
22 25 kilometres across, is where thousands of people lived, well outside
23 the urban area.

24 With the VRS attack and deployment into the enclave, those people
25 would be forced to move into the urban area, where there was a small

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1 DutchBat compound. This is of course exactly what happened.

2 Before I leave this map, note that Srebrenica is about
3 5 kilometres from Potocari on the main road, another 5 from Potocari to
4 Bratunac, and then this important road from Bratunac past Glogova,
5 Kravica, Sandici, Konjevic Polje, Nova Kasaba, and Milici. The red lines
6 from Jaglici to Susnjari is where the Muslim men left from, and we'll get
7 to that a bit later.

8 Before we get there, I want to show you one more map.

9 This is an actual VRS combat map. This was developed with the
10 written attack plan, showing Mladic's personal authorisation of the plan,

11 as we see from his signature on the left-hand corner.

12 You can see on this slide the boundary of the enclave handwritten
13 in blue and red lines. The blue lines represent the BiH army lines and
14 the red are the VRS lines.

15 Not only did Mladic authorise this operation himself, he also
16 noted and signed the completion of the take-over on 12 July by his
17 signature with a rough cross over the enclave. This was Serbian and it's
18 now Serbian. You will recollect Mr. Groome's words on that point.

19 So on to the attack. The attack began on 6 July 1995, and on
20 7 July a UN military observer report noted that the VRS offensive was
21 steadily intensifying, concentrating more on civilian targets in
22 Srebrenica town and Potocari, and noting that there were several civilian
23 casualties. This would continue.

24 From 7 July through 9 July the VRS overtook key DutchBat OPs and
25 held several DutchBat soldiers hostage in Bratunac. The VRS continued to

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1 drive back and defeat the BiH forces, whose leader, Naser Oric, had been
2 transferred out of the enclave weeks earlier with some key commanders.

3 By the evening of 9 July, the VRS was in a position to take the
4 town of Srebrenica itself, as there had been no NATO bombing and the
5 DutchBat were totally outgunned and unable to stop them. So on the

6 evening of 9 July, the plan changed from creating conditions for the
7 elimination of the enclave to actually going into the heart of the
8 enclave and taking it. This is set out in a communication from
9 General Tolimir to General Krstic, who was commanding the attack.

10 In pertinent part:

11 "The President of the Republic is satisfied with the results of
12 the combat operations around Srebrenica and has agreed with the
13 continuation of operations for the take-over of Srebrenica, disarming of
14 Muslim terrorist gangs and complete demilitarisation of the ...
15 enclave."

16 The reference that the president has "agreed with the
17 continuation of operations for the take-over of Srebrenica" means that
18 Mladic has proposed to his supreme commander that the attack continue,
19 and Karadzic has agreed and authorised the proposed action. This is how
20 the chain of command works in the VRS.

21 Mladic was fully aware of the VRS success in Srebrenica, as we
22 can see from the following order he issued on 10 July.

23 Mladic states:

24 "As a result of the newly arisen situation around the Srebrenica
25 enclave and the VRS success in that part of the front, separation of the

1 enclaves and narrowing the area around Srebrenica, and in order to close
2 the Zepa enclave and improve the tactical position of our forces around
3 the enclave ..."

4 "The command of the Drina Corps shall plan and launch an
5 offensive ... around the Zepa enclave ..."

6 So at this time Mladic is fully aware that the objectives of
7 Krivaja 95 have almost been met and he orders plans for attacking Zepa.
8 Now, getting to the fall of the enclave. By the morning of 11 July,
9 DutchBat had fallen back, the ABiH unit had collapsed, and most of the
10 able-bodied men of Srebrenica have moved to the north-west of the enclave
11 to the villages of Jaglici and Susnjari in an attempt to escape the wrath
12 of the VRS.

13 Many of the residents of Srebrenica have vivid memories of what
14 had happened to their families and neighbours in 1992 and 1993 in places
15 like Bratunac, as described to you earlier by Mr. Groome. They were
16 rightfully afraid for their lives.

17 The women, children, and elderly men, along with some able-bodied
18 men, gathered together a few belongings and found some way to get to the
19 UN bases: One in Srebrenica known as Bravo Company, and the main UN base
20 in Potocari. Potocari was 5 kilometres north of Srebrenica.

21 I want you to see a brief video of what it was like in down-town
22 Srebrenica at Bravo Company on 11 July as the VRS approach the town from

23 the south.

24 [Video-clip played]

25 MR. McCLOSKEY: These images are remarkably similar to the video

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1 we saw of Srebrenica in 1993. If you study both these videos, you will
2 see that terror is palpable. The same thing was happening. Very few
3 stayed behind in Srebrenica town. Most people walked the 5 kilometres to
4 the Potocari base where some were able to get on UN vehicles, as you can
5 see from the video.

6 On this day, the 11th of July, NATO planes finally arrived and
7 dropped a few bombs near the advancing VRS troops with little effect. By
8 this time it is too late. The VRS had become so close to the town and
9 the remaining UN troops, that any significant bombing was impossible. In
10 addition, the VRS had taken several DutchBat soldiers hostages and
11 threatened to kill them if NATO conducted any more air-strikes.

12 So by the afternoon of 11 July, Mladic and his forces entered
13 Srebrenica town. They found it almost completely vacant. The women and
14 children and elderly had gone to Potocari, and the army and the
15 able-bodied men left through the woods to the Jaglici area to assemble
16 and begin the long 50-kilometre trek through the woods towards Tuzla.

17 Mladic himself entered the town with General Zivanovic, nicknamed

18 Zile, and General Krstic, nicknamed Krle. And this is caught on film.

19 For the purpose of this opening, I've taken a brief clip from the
20 complete video. You will be shown the complete video at trial.

21 [Video-clip played]

22 MR. McCLOSKEY: Mladic's comment about the rebellion against the
23 Dahis is likely a reference to the 13 July 1804 uprising of Serbs against
24 Turkish mercenaries known as Dahis. Over the next five days after this
25 ominous remark about revenge, Mladic's troops captured and systematically

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1 murdered thousands of Srebrenica men and boys.

2 So by the evening of 11 July, about 15.000 able-bodied men, with
3 some women and children, started off through the woods across the
4 northern enclave boundary, trying to reach Tuzla area, and about 25.000
5 women and children and old men go to Potocari, seeking safety at the UN
6 base there. First I want to speak about the events in Potocari and
7 Bratunac over the next two days.

8 So by the evening of 11 July, the women and children and elderly,
9 including, importantly, at least 1.000 able-bodied men, make it to
10 Potocari, seeking safety at the Dutch Battalion base there. That day,
11 the DutchBat forces still controlled the Potocari area and the VRS was
12 waiting until the morning of the 12th before moving in to Potocari.

13 On the evening of the 11th there were two meetings at the

14 Hotel Fontana at Bratunac: The first at 8.00 p.m. between Mladic and
15 Colonel Karremans, the commander of the Dutch forces; the second with
16 Mladic, Karremans, and a Muslim representative brought from the crowd by
17 DutchBat on the direction of General Mladic.

18 Mladic dominated both these meetings in what were truly
19 frightening encounters. There were no negotiations at these meetings, no
20 give-and-take. Mladic was in total control. I want to show you a short
21 segment of the first meeting to give you some of the flavour of Mladic's
22 manner and control. You will see Mladic speaking directly to
23 Colonel Karremans, who is facing the camera.

24 [Video-clip played]

25 MR. McCLOSKEY: After the yelling stopped, Mladic continued to

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1 berate the DutchBat officers --

2 JUDGE ORIE: Mr. Mladic, do I understand that you would like to
3 have a short break? I saw you gesturing. Yes. Then we'll have a short
4 break of five minutes and then continue at 10.00.

5 --- Break taken at 9.55 a.m.

6 --- On resuming at 10.03 a.m.

7 JUDGE ORIE: Mr. McCloskey, you may proceed.

8 MR. McCLOSKEY: Thank you, Mr. President.

9 Now, we left off with General Mladic yelling at

10 Colonel Karremans.

11 After the yelling stopped, Mladic continued to berate the
12 DutchBat officers and intimidate them by making references to life and
13 death and asking Karremans whether he wanted to see his children again.

14 Mladic demanded that Karremans find a Muslim representative and
15 bring him back to the hotel that evening. Karremans was able to find a
16 local school teacher, Nesib Mandzic, willing to fulfil the role of Muslim
17 representative.

18 I won't play you the video of the second meeting now, but I will
19 show you a still of a then-young Nesib Mandzic.

20 During this meeting a pig was slaughtered right outside the
21 window where they were seated, the screams of the animal going on and on,
22 further intimidating the DutchBat officers. At one point in the meeting
23 Mladic focused on Mr. Mandzic and said:

24 "In order to make a decision as a man and a commander, I need to
25 have a clear position of the representatives of your people on whether

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1 you want to survive, stay, or vanish. I am prepared to receive here

2 tomorrow at 10.00 a.m. hours a delegation of officials from the Muslim

3 side with whom I can discuss the salvation of your people from the
4 enclave."

5 Mladic goes on to say:

6 "Nesib, the future of your people is in your hands. Bring the
7 people who can secure the surrender of weapons and save your people from
8 destruction ... everything's in your hands and bring someone prominent --
9 some prominent people from around here ..."

10 Here we can see that Mladic is obsessed with the salvation and
11 destruction of the Muslim people, and this is not idle chatter for the
12 camera, as it was this very evening that Mladic and his officers made
13 their first decisions on the plan to murder the Muslim men and boys.

14 As I mentioned, at least 1.000 able-bodied Muslim men went with
15 their families to Potocari on the 11th. On the early evening of 11 July,
16 the VRS were able to look down from their positions above Potocari and
17 see many hundreds of able-bodied men among the crowd of people in
18 Potocari. Momir Nikolic had this information and reported it up the
19 chain.

20 Generals Mladic and Krstic and other senior officers were
21 together at the Hotel Fontana and decided that when they marched into
22 Potocari and took control of the people the next morning, 12 July, they
23 would separate all the men and boys aged 16 to 60 and hold them in
24 Bratunac to be executed.

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1 10.00 a.m. on the 12th, and his murder plan began to reveal itself at
2 that meeting.

3 I won't show you that video now, but I do want to show you a
4 still photo from the front of the Hotel Fontana right before that
5 meeting.

6 On the far left of our left we see Momir Nikolic, next to him
7 Radislav Jankovic, keep going to the right we see a security guard for
8 Mladic, and on the far left -- excuse me, the far right of our screen is
9 Vujadin Popovic.

10 At the 10.00 a.m. meeting, Mladic told the DutchBat officers and
11 additional Muslim representative roughly the same thing he had said to
12 Mr. Mandzic the night before, stating, and I quote:

13 "As I told the gentleman last night, you can either survive or
14 disappear. For your survival I demand that all your armed men, even
15 those who committed crimes - and many did - against our people surrender
16 their weapons to the VRS."

17 You will actually see him say this on the video during trial.

18 Mladic also - and this is the crucial part - told the group at
19 the third meeting that he would be screening all men between the ages of

20 16 and 60 to determine if they were war criminals. This statement was
21 cut out of the video we have received, but the DutchBat officers clearly
22 remembered it and will testify about Mladic saying it.

23 From this statement it's clear that Mladic and his top officers
24 had considered what to do with the able-bodied men and boys of Srebrenica
25 well prior to the morning meeting, and by the morning of 12 July had

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1 decided to separate them from their families as Mladic stated.

2 But that is not all they decided. After the meeting was over,
3 Lieutenant-Colonel Popovic met briefly with Momir Nikolic outside the
4 hotel and told Nikolic that the able-bodied men in Potocari would be
5 separated from their families and killed. And Popovic asked Nikolic to
6 provide locations in the immediate area that would be well suited for
7 executions. Nikolic will testify to this and tell you that he told
8 Popovic that the old Sase mine would be a good place for the job as well
9 as the local brick factory.

10 By the early afternoon of 12 July, VRS and MUP forces had moved
11 on Potocari and taken over complete control of the area, including the
12 masses of Muslim civilians. Shortly after the take-over of Potocari,
13 buses and trucks arrived from all over Bosnia, and the VRS and MUP began
14 the process of putting the women and children on buses to

15 Muslim-controlled territory and separating and holding the Muslim men and
16 boys for execution.

17 Importantly, there was little or no screening of men and boys.
18 Their IDs and belongings were taken and discarded. There was no listing
19 of names or any significant effort to identify anyone. The men were
20 given no food, no medical care, very little water, and crowded into
21 buildings in the searing 40-degree heat in horrendous conditions, where
22 many were beaten and some were murdered.

23 You will hear from a local official who had to pick up well over
24 50 bodies distributed inside and outside the building in Bratunac where
25 the men were held. With no records made or basic procedures followed

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1 along with the terrible treatment, this could only mean that on 12 July
2 Mladic had no intention to allow these men to survive.

3 Mladic was present in Potocari and Bratunac on 12 and 13 July
4 while the separation, detention, and murder was occurring. His men were
5 in charge of the process, including Colonel Beara and
6 Lieutenant-Colonel Jankovic. Over the 12th and 13th of July the VRS and
7 MUP forces expelled to Muslim-controlled territory, roughly 25,000 women,
8 children, and elderly men and kept over 1,000 Muslim men and boys in
9 Bratunac, including boys 15 years and younger and men over 65 to 70 years

10 of age.

11 I will now show you a very brief look at some of what was
12 happening in Potocari on the 12th and 13th July. You will see terrified
13 people and lines of separated men, many we now know were murdered. And
14 this is only a fraction of what really went on there. We can never truly
15 understand the horror. If we could play that short video.

16 [Video-clip played]

17 MR. McCLOSKEY: On that last clip you finally saw at the end only
18 men who had been separated and sent on that one side of the line of
19 buses. Mladic was in Potocari speaking to the people on camera and
20 arranging transportation. In one Drina Corps order of 12 July,
21 General Zivanovic references an order by Mladic to obtain 50 buses. So
22 Mladic, while acting for the cameras, was also working and commanding his
23 forces in Potocari.

24 On the early afternoon of 12 July, Mladic was intercepted
25 speaking over the radio in a text I would like you to see.

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1 X says:

2 "Go ahead, General.

3 "Mladic: Have these buses and trucks left?

4 "X: They have.

5 "Mladic: When?

6 "X: Ten minutes ago.

7 "Mladic: Good, excellent. Continue to monitor the situation.

8 Don't let small groups of them sneak in. They've all capitulated and
9 surrendered and we'll evacuate them all - those who want to and those who
10 don't want to."

11 The Muslims had no choice whatsoever. They were all being
12 expelled by Mladic.

13 On the evening of 12 July, Mladic held a dinner with the brigade
14 commanders celebrating their Srebrenica success. At that dinner, Mladic
15 issued orders that the brigade commanders prepare their troops to march
16 to Zepa the next day and begin immediate preparations to attack the Zepa
17 enclave.

18 Now let me take you back to the roughly 15.000 Muslim men who
19 left the enclave on the evening of 11 July and tried to make their way
20 across Serb territory to the Muslim-controlled territory near Tuzla. Of
21 this number, probably one-third of the men were armed and they were
22 mostly at the front of the column leading the way. We believe about half
23 those men made it out of the enclave and across the asphalt
24 Bratunac-Konjevic Polje-Milici road on the 12th of July before the Serb
25 forces had a chance to fortify the road with men and armoured vehicles.

1 That was the road I briefly mentioned to you earlier on the map graphic.

2 Those roughly 7.000 men eventually made it to the area of Nezuk
3 where after many areas of intense fighting with forces of the
4 Zvornik Brigade a corridor was opened and passage was allowed for many
5 thousands of Srebrenica Muslims. This happened on 16 July after the
6 Serbs suffered at least 40 dead.

7 I would like to show you now a map graphic of the route of the
8 column.

9 If we could start with the cursor at Jaglici and show you the
10 path of the column up towards Nova Kasaba and Konjevic Polje and Cerska,
11 across the Drinjaca River and on towards Hadzici and the town of Nezuk,
12 which was in Muslim-controlled territory. The purple line between Nezuk
13 and Hadzici represented the confrontation line and is the place where
14 fierce fighting broke out on the 15th and the 16th of July between the
15 Muslim column and the VRS forces as well as the Muslim 2nd Corps from the
16 direction of Tuzla.

17 Now, getting back to the 12th of July and to the Muslims that did
18 not make it over the asphalt road. These people became trapped behind
19 the wall of the Serb forces lined up along the road between Kravica,
20 Konjevic Polje, and Nova Kasaba. Like the men and boys in Potocari, they
21 were marked for death and would soon all be summarily executed.

22 By the late afternoon of 12 July, the RS special police, acting
23 under Mladic's orders, had manned this road and trapped up to 6.000
24 people from the column who had not made it across the road.

25 On the morning of 13 July, many of the trapped men were captured

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1 along the road or turned themselves in. The organised mass executions
2 started on the morning of 13 July, when 15 Muslim prisoners were taken by
3 bus from a few kilometres from where they were captured along the road
4 and summarily executed by a firing squad along the banks of the
5 Jadar River. One man survived and you will have his testimony.

6 During the day of the 13th, roughly 5- to 6.000 Muslim men were
7 captured and held in large groups in three open fields near the villages
8 of Sandici, Konjevic Polje, and Nova Kasaba.

9 I will now show you a short video-clip of some of the Muslim men
10 captured in the area of Sandici, a short distance from a large warehouse
11 near the village of Kravica.

12 [Video-clip played]

13 MR. McCLOSKEY: You just saw Ramo Osmanovic calling for his son
14 Nermin to come out of the woods, being forced to do so by the MUP
15 soldier. Ramo and his son Nermin were both murdered by Mladic's forces
16 and were buried in mass graves. Their remains have been recovered and

17 identified.

18 The organised executions continued in the late afternoon of the
19 13th with the murder of about 1.000 Muslims held at a warehouse next to
20 the village of Kravica.

21 The same person who filmed Ramo filmed part of the executions at
22 the Kravica warehouse. I will now show you that film with a slow-motion
23 segment added by us for clarity. The cameraman is in a car driving past
24 the Kravica warehouse. You will be seeing bodies piled up in front of
25 the warehouse and witnesses will confirm that. You will also hear

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1 gun-fire.

2 [Video-clip played]

3 MR. McCLOSKEY: By the early evening of 13 July, with well over a
4 thousand Muslims held in Bratunac town itself and as many as 5.000 held
5 along the asphalt road, the plan changed and it was decided by Mladic and
6 Karadzic to move the remaining prisoners to the Zvornik area to be
7 murdered, outside of UNPROFOR and all the NGOs stationed in and around
8 Potocari and Bratunac.

9 You will see an intercept from the evening of 13 July between
10 Karadzic and his Bratunac party chief Miroslav Deronjic discussing the
11 movement of prisoners to warehouses, away from Bratunac, and

12 Momir Nikolic will provide you the details of the plan.

13 On the late afternoon of 13 July, Mladic finally began making his
14 way from Bratunac back to his command post at Crna Rijeka. He travelled
15 along the road past Kravica, Sandici, Konjevic Polje, and Nova Kasaba,
16 where the Muslim men were still held in large clustered groups along the
17 road. Mladic stopped and spoke to these groups, promising them they
18 would be exchanged. Shortly after speaking to the Muslims on the Sandici
19 meadow, some of whom you saw from that footage, several hundred prisoners
20 were taken to the nearby Kravica warehouse and murdered. While Mladic
21 was with a crowd of prisoners in Nova Kasaba, a Muslim man in the crowd
22 was shot and killed in Mladic's presence. The military police at
23 Nova Kasaba were actually making lists of Muslim prisoners that day;
24 however, when Mladic arrived to speak to that group, he ordered the MPs
25 to stop making lists, an obvious indication that there would be no

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1 exchange. Like the others along the road, all the men at Nova Kasaba
2 were soon transported to Bratunac, spent the night, and then on to
3 Zvornik on the 14th, where they were all murdered.

4 JUDGE ORIE: Mr. McCloskey, could you find a suitable moment
5 within the next two or three minutes so that we can have a break.

6 MR. McCLOSKEY: This is a good time, Mr. President.

7 JUDGE ORIE: Yes. Then we take a break and we'll resume at

8 11.00.

9 --- Recess taken at 10.27 a.m.

10 --- On resuming at 11.03 a.m.

11 JUDGE ORIE: Mr. McCloskey, you may proceed.

12 MR. McCLOSKEY: Thank you.

13 On the evening of 13 July, Mladic drove away from the Srebrenica
14 area and stopped by the Drina Corps command in Vlasenica, where he held a
15 small ceremony, announcing the promotion of General Krstic as commander
16 of the Drina Corps and the retirement of General Zivanovic.

17 Mladic then drove on to his HQ at Crna Rijeka near Han Pijesak.
18 Mladic and Tolimir left Main Staff chief of security, Colonel Beara, in
19 Bratunac the evening of the 13th. Beara spent much of the evening
20 organising the burial of the 1.000 men who were killed at the Kravica
21 warehouse that day.

22 Beara also oversaw the first movements of prisoners from Bratunac
23 to schools in the Zvornik area that night, the evening of the 13th. The
24 first group of prisoners arrived at the Orahovac school late on the 13th;
25 however, the vast majority of the men held around Bratunac were held

1 overnight in Bratunac to be transported on the 14th.

2 Now on the 14th. Mladic spent the night of the 13th at his

3 command post and remained at the HQ on the 14th for a good part of the
4 day working before travelling to Belgrade.

5 On the morning of the 14th, thousands of Muslims held in
6 buildings and vehicles in Bratunac were transported in a huge convoy to
7 the Zvornik area where they were put in schools and public buildings,
8 including Orahovac, Petkovci, Rocevic, and Pilica.

9 Here is a map graphic to show you the areas I'm talking about.

10 This map graphic will help you understand where these towns are located
11 in relation to one another and the front line which is depicted again in
12 a purple thick line there. You will also see the red arrows at the
13 bottom of the page which indicate the route of the Muslim column.

14 The VRS began the organised and systematic executions in a field
15 near the Orahovac school on the afternoon of 14 July. At the time the
16 murders were going on, Mladic was travelling by car from Crna Rijeka to
17 Belgrade, where he passed through Zvornik, on the road you can see along
18 the Drina River, within 10 kilometres of the Orahovac execution site,
19 driving right by the Zvornik Brigade headquarters. Then he turned off
20 the main road to the right, crossing a bridge over the Drina River
21 towards Belgrade.

22 The execution of up to 1.000 people at Orahovac finished late in
23 the evening on the 14th. Executions started at about midnight at the

24 Petkovci school just north of Orahovac where up to another 1.000 people
25 were murdered by firing squad. This continued all through the night.

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1 During the day, on the 15th, executions continued for hundreds of
2 Muslims being held at the Rocevic school. They were transported to the
3 banks of the nearby Drina River and executed near the town of Kozluk.
4 One of the executioners will testify in this case.

5 On the morning of the 15th, Beara had run out of men to carry out
6 executions, and he called Generals Zivanovic and Krstic requesting a
7 squad from the Visegrad Brigade that had been ordered by, in his words,
8 "the commander," meaning Mladic. You will see an intercept of this, a
9 direct reference to Mladic ordering a squad of soldiers for Beara on the
10 12th and 13th.

11 One reason Beara did not have troops in the Zvornik area, because
12 they were being used to defend against the Muslim column from Srebrenica
13 approaching them from the rear, and many of the Zvornik Brigade resources
14 were already being used in the murder operation, as we can see from the
15 interim combat report of Vinko Pandurevic.

16 Pandurevic starts this report out by talking about the military
17 situation with the Muslim column approaching from the rear and the
18 2nd Corps hitting him from the front. And then he goes on to say this in

19 pertinent part:

20 "An additional burden for us is the large number of prisoners
21 distributed throughout schools in the brigade area, as well as
22 obligations of security and restoration of the terrain."

23 We know about the prisoners. When he says "obligations of
24 security," he means the obligation to guard those prisoners. The term
25 "security" in Serbian as regards the security branch is a different word.

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1 As it's used by Pandurevic, this means security, as in guarding. When he
2 says the "restoration of the terrain," the term in Serbian is
3 "asanacija," and you will see that this is a JNA military term for
4 cleaning up the dead and debris after a battle.

5 So what Pandurevic is saying here is that he has this incredible
6 burden to guard and bury the Muslims distributed in the schools.

7 By the time he writes this on the 15th of July, all the Muslims
8 at Orahovac are dead, all the Muslims at Petkovci are dead. The Muslims
9 being killed at Kozluk are probably in the process at this point. That
10 leaves about 1500 Muslim men being guarded by Pandurevic's troops in the
11 area of Pilica.

12 He goes on to say:

13 "This command cannot take care of these problems any longer, as

14 it has neither the material nor other resources. If no one takes on this
15 responsibility I will be forced to let them go."

16 Now, I'm sure his comment about letting go of the prisoners from
17 Pilica was not serious, but I'm sure it got the attention of his
18 superiors; because, on the 16th of July, Beara had obtained a unit from
19 the Main Staff, the 10th Sabotage Detachment, who, along with others
20 murdered, about 1500 Muslims that day at the Branjevo Farm near Pilica
21 and the Pilica cultural centre.

22 By nightfall on the 16th, over 7.000 Muslim men and boys had been
23 murdered by the VRS and MUP forces.

24 As I had mentioned, General Mladic travelled to Belgrade on the
25 14th. He travelled to Belgrade often on army business; this was not

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1 unusual.

2 From the evening of the 14th of July through the evening of the
3 16th of July, Mladic carried on VRS state business in several meetings
4 with UNPROFOR officers and international representatives and foreign
5 supporters. These meetings are outlined in his own notebooks or captured
6 on video.

7 On the 16th of July, Mladic spent some time at a wedding with his
8 wife.

9 However, that afternoon, Mladic conducted state business with
10 visiting Canadian supporters at the veterans' hospital in Belgrade, known
11 as the VMA. Video of this meeting captures General Mladic in uniform, on
12 the telephone, conducting army business and receiving reports on the
13 action in Zepa area and in the Zvornik Brigade.

14 In this first video still we'll see General Mladic and his wife
15 at the VMA in Belgrade.

16 In this next still we'll see Mladic has stood up and moved to the
17 telephone at the VMA.

18 At trial you'll see this video and hear General Mladic as he
19 discusses the situation in Zepa, mentioning Vinko, who is the
20 Vinko Pandurevic of whose report we just saw, and the situation going on
21 in his brigade.

22 On the evening of 16 July, Mladic returned to the Main Staff
23 command at Crna Rijeka, where he met with Generals Miletic and Tolimir.
24 That evening, General Mladic gave oral orders to Main Staff security
25 officer Colonel Keserovic to go to Bratunac area on the 17th of July and

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1 command the units searching for Muslim stragglers from Srebrenica.
2 Keserovic will testify here. Keserovic proceeded to the Bratunac area
3 that next day. By the end of the day on the 17th, VRS and MUP forces

4 conducting this search operation had captured 150 Muslim men. Shortly
5 thereafter those men were transported to an isolated spot in the Cerska
6 valley and summarily executed. This could not have happened without
7 Mladic's express order.

8 When you hear the exhumation evidence about the mass graves, you
9 may consider whether the victims in the mass graves were battle
10 casualties and not murder victims. This idea is absolutely absurd for
11 several reasons.

12 First, you will recall the many survivors of the large mass
13 executions who lived to tell of the many hundreds of fallen men and boys
14 they left behind at the killing field.

15 You can see a slide of the image of Branjevo Farm the day after
16 the murders as they will be described to you by the survivors and
17 Drazen Erdemovic. This image shows a field covered with bodies just like
18 the survivors will tell you and as Erdemovic will tell you. Erdemovic
19 estimated that about 1200 people were murdered at the Branjevo Farm at
20 this very spot where you see the United States has noted "bodies" marked.
21 You can see the excavator noted "excavator digging" and "probable
22 bodies." That's where we found a large mass grave that still had 150
23 bodies in the very bottom of it.

24 Secondly, many of the victims in the large mass graves were found
25 blindfolded or with their hands tied, or both. Let's go to the exhibit

1 of the Kozluk mass grave. This is some amazing archaeology done of the
2 horror that was created by Mladic. They pulled the dirt off the bodies
3 as they lay, and we can see at a distance what was left.

4 Let's go to Exhibit 32 of one of those victims. This is clearly
5 a blindfold. This man did not die in combat.

6 Let's go to the next shot. These are hands from the same grave
7 tied behind the victim's back.

8 Thirdly, the VRS would never have gone in the woods where armed
9 Muslims were and retrieved Muslim dead. These were dense woods, off the
10 beaten track, much of the area was heavily mined. There was no reason on
11 earth for the VRS to use valuable men and equipment and search out Muslim
12 remains and bring them back many kilometres and bury them in places like
13 Orahovac, Petkovci, Kozluk, or Branjevo.

14 As I mentioned in the beginning, the murders continued beyond
15 16 July in places like Snagovo on 19 July, Vesna on the 23 July, Trnovo
16 on or about 25 July, and other locations we will never know.

17 In the fall of 1995 Mladic and Karadzic decided to exhume the
18 enormous mass graves near Orahovac, Petkovci, Kozluk, Branjevo, and
19 Kravica and scatter the human remains into well over 30 smaller graves
20 hidden in isolated areas where they hoped they could not be found by NATO

21 or the ICTY. General Mladic himself approved the enormous amounts of
22 fuel necessary for this task.

23 In a document signed by General Mladic, he stated:

24 "This is to approve 5 tonnes of D-2 diesel fuel for carrying out
25 engineering works ... the logistics sector of the Main Staff of the

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1 Army of Republika Srpska shall deliver the fuel to the Standard Barracks
2 in Zvornik, to Captain Milorad Trpic."

3 This is Captain Milorad Trbic. This is a typo by the VRS. You
4 may recall I said earlier Captain Trbic was a security officer with the
5 Zvornik Brigade and he was in charge of overseeing this, as you will see
6 in the trial.

7 With the help of witnesses and aerial imagery, most of the
8 secondary graves - as we call them - have been found and exhumed. The
9 original or primary graves have been connected to the secondary graves by
10 DNA analysis, where parts of the same person has been identified in both
11 graves. In addition, they have been connected by bullet cartridge
12 casings where casings fired from the same gun were found in a primary
13 grave and a secondary grave.

14 I will conclude now, but before I do, I want to show you one last
15 short video segment. We have to prove criminal intent. This video helps

16 you to look into the mind of General Mladic.

17 After the fall of Srebrenica, many Srebrenica Muslims made their
18 way to Zepa, including a victim of the Kravica warehouse execution,
19 Witness RM274. On 25 and 26 July, the VRS took the Zepa town and shipped
20 out the Muslim population of Zepa, including Witness 274 who was wounded.

21 Mladic himself, along with Generals Gvero, Krstic, and
22 Colonel Pandurevic, supervised the departure of these Muslims. I want to
23 show you what Mladic said to the departing Muslims of Zepa, especially
24 those identified as able-bodied men. These words should help you.

25 [Video-clip played]

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1 MR. McCLOSKEY: These words "I am giving you your life as a
2 gift," you can see from this video that Mladic had contemplated the fate
3 of the few men on these buses and considered their lives were his for the
4 taking or for the giving. But by 25 July, accounts of atrocities in
5 Srebrenica were being reported in the press and Mladic could not afford
6 to be so cavalier about murder. He had the Srebrenica secret to hide and
7 could no longer murder young men with impunity. The world was now
8 watching very closely and he knew it.

9 In conclusion, I want to take you briefly back to the victims to
10 remind us of why we are all here in the first place. To do this I want

11 to share with you the words of one woman from Srebrenica,

12 Mirsada Malagic, who testified at a prior trial.

13 Near the end of her testimony she came back from the weekend and
14 said this to the Trial Chamber:

15 "Yesterday afternoon, when I returned from here, I went out to
16 walk around your city. That is what I wanted to tell you. I couldn't
17 really see much, but what I really liked, what caught my eye, was a
18 monument that we visited and that monument was to women, that is, women
19 awaiting sailors who never came back, and the monument to those wives
20 touched me profoundly. I should like to find this statue and take it to
21 Bosnia with me. Perhaps it could be likened to mothers and wives of
22 Srebrenica who have been waiting and hoping for all those years, except
23 that we followed different roads. We could turn to our empty forests.
24 We saw our sons and our husbands off to those woods and never found out
25 anything about them again, whether they were alive or dead or where their

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1 bones were lying. Many mothers have died hoping against hope, and it is
2 quite possible that all the mothers would end up like that because their
3 numbers are dwindling every day."

4 Mirsada will testify here. Mirsada lost her husband, Salko; her
5 two sons, Elvir and Admir, Admir was only 16; her father-in-law, Omer;

6 both Salko's brothers, Osman and Dzafer; her nephew, Samir. And this was
7 not unusual. Many suffered greater losses. Today, there are still 1500
8 men and boys from Srebrenica who have not come home and may never be
9 found. The loss of these victims and the crippling of those left behind
10 can be simply put: It is a Bosnian genocide that we must never forget.

11 Thank you.

12 JUDGE ORIE: Thank you, Mr. McCloskey.

13 Mr. Groome, do you think you would conclude in approximately
14 45 minutes? Is that --

15 MR. GROOME: Yes, Your Honour.

16 JUDGE ORIE: Yes, then we might not need another break. We may
17 conclude at 12.15.

18 You may proceed.

19 MR. GROOME: Your Honours, Mr. Mladic does not come before you
20 today accused of being a poor soldier, a poor commander. In fact, many
21 considered him to be a proficient, effective leader of the VRS, a
22 formidable adversary on the battle-field. He is here today because he
23 applied his experience and skill as a soldier, his authority as a leader
24 to the commission of crimes. The crimes enumerated in the indictment
25 perpetrated against the non-Serb peoples of Bosnia were all related to a

1 common criminal purpose. Although a criminal trial requires some
2 dissection of the crimes, they were experienced as a single trauma by the
3 people of Bosnia. It is important that the crimes are understood in
4 relationship to each other.

5 This is why the Prosecution will begin the first segment of its
6 case presentation with an overview of the crimes, a presentation that
7 will demonstrate the relationship between the crimes and Mr. Mladic's
8 role in the commission of them.

9 Subsequent segments of the case will focus on the individual
10 components of the case. The indictment sets out four joint criminal
11 enterprises that cover these crimes.

12 Here on slide 1 of part 3 of the opening is a summary of these
13 four joint criminal enterprises.

14 The first is a campaign to forcibly remove Bosnian Muslims and
15 Croats from large areas of Bosnia and Herzegovina, areas intended for a
16 Bosnian Serb state, a campaign that included the crime of genocide in
17 certain municipalities. This overarching common criminal purpose was the
18 root from which the other constituent joint criminal enterprises sprung.
19 This overarching common criminal purpose is reflected in the territorial
20 and demographic ambitions of the Bosnian Serb leadership. The other
21 three criminal enterprises are, in their essence, derivative.

22 The second joint criminal enterprise was the persistent criminal

23 shelling and sniping of the civilians of Sarajevo, to induce and maintain
24 terror in them.

25 The third joint criminal enterprise was the taking of UN

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1 peacekeepers and observers as hostages and using them as human shields.

2 And lastly, the elimination of the Muslims in Srebrenica, the
3 genocide of Srebrenica Muslims by organising the mass executions of the
4 older boys and men and by expelling women and children from the enclave.

5 At all relevant times the core members of these joint criminal
6 enterprises shared the intent to commit these crimes. The glue that
7 bound them together that harmonised their individual contributions that
8 ensured that they worked in unison toward the common goal was a shared
9 criminal purpose.

10 In addition to Mr. Mladic's participation in these several joint
11 criminal enterprises, the Prosecution asserts that he also planned,
12 instigated, and ordered the crimes in the indictment. The indictment and
13 the Prosecution pre-trial brief both set out these modes of criminal
14 responsibility in greater detail.

15 There are two primary pillars to the Prosecution's case, two
16 aspects which permeate the entirety of the case and establish each of the
17 modes of criminal responsibility described in the indictment.

18 The first is Mr. Mladic's authority and ability as a commander.

19 He was in full command of the many people who directly perpetrated crimes
20 in the indictment. His only superior was Radovan Karadzic.

21 Ratko Mladic's command authority gave him the means and the ability to
22 commit such widespread and grievous crimes. He exercised his authority
23 to plan and order the crimes in the indictment.

24 The second pillar is his knowledge that the crimes he planned and
25 ordered were, in fact, being carried out as intended by him. The VRS

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1 inherited a fully functioning command structure and communications system
2 from the JNA. From the first hours of its existence, from his first day
3 as commander, channels of communication to the Main Staff and lines of
4 authority from the Main Staff to individual soldiers in the field
5 operated effectively.

6 To understand Mladic's state of mind, how he would have perceived
7 his own authority, I will ask you to consider two passages from JNA
8 manuals. These passages reflect what he would have been taught about the
9 concepts of command and control while he was in the JNA. The passage now
10 on slide 2 is from the JNA textbook on command and control. It states:

11 "At this point it is necessary to establish a distinction between
12 control and command. These two notions are often used concurrently.

13 However, control and command are not synonyms. There are differences in
14 the work they do. Command is a form (function of control) that exists
15 only in a military organisation. Command implements control. It
16 comprises the right to make decisions and assign tasks. It is
17 implemented by means of various instruments of command: Orders
18 'naredjenja, naredbe,' commands directives and instructions. They can be
19 issued only by superior officers and not by commands, staffs,
20 administrations, or other group structures."

21 This passage made clear to young officers that the command
22 structure should not be confused with who has control. A subordinate
23 officer could only get his instructions from a superior officer.

24 The former commander of British forces,
25 General Sir Richard Dannatt discusses this concept or model of command in

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1 his expert report. It is based on the Soviet model and is favoured by
2 armies that rely on conscripts. As he says in paragraph 28 of his
3 report:

4 "It is a system particularly well understood by those brought up
5 in a communist or state-controlled society. The flexibility it gives to
6 subordinate commanders, especially at the lower levels of command, is
7 limited."

8 Slide 3 depicts the same principle from the perspective of the

9 commander:

10 "The commander shall command and control subordinate units and
11 institutions within the scope of the responsibility received."

12 All authority was derivative. In the context of the VRS, as
13 General Dannatt will describe when he gives evidence, in the context of
14 the VRS this principle required senior commanders of the army to set out
15 with precision the tasks to be taken by the troops under their authority.

16 Pictured on slide 4 is an excerpt from General Dannatt's report.
17 In it he draws conclusions as a result of his experience, his expertise,
18 and his review of the relevant documentation:

19 "General Mladic was the commander of the Main Staff of the
20 Bosnian Serb Army (VRS), the top level of command responsible for the
21 actual planning and conduct of the conflict at the military strategic
22 level."

23 He continues, and I point out that this is from a military
24 perspective. His -- the reference here is to military responsibility and
25 not to criminal responsibility. General Dannatt states:

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1 "The fundamental point ... is that while tasks can be delegated,
2 overall responsibility can never be delegated."

3 The fact that Mladic's asserted effective -- the fact that Mladic
4 asserted effective command over his troops will be borne-out in the
5 evidence in this case.

6 Slide 5 that is now before you contains the evidence of
7 Piers Tucker, military assistant to commander of UNPROFOR forces. He had
8 regular contact with VRS personnel at all levels, including Mladic. And
9 he has testified:

10 "Lieutenant-General Mladic barely made any effort to conceal the
11 fact that nothing could or would happen in Bosnian Serb held BH without
12 his specific approval. It was very apparent that he made all the
13 practical military decisions that mattered."

14 The Prosecution will also establish this with concrete examples
15 of Mladic giving orders directly to the people who would carry out the
16 criminal acts. Here on slide 6 is an excerpt of an intercept from the
17 28th of May, 1992, in which Mladic is directing the artillery fire of one
18 of his gunners. The conversation goes as follows. Mladic first tells
19 the gunner:

20 "Shoot at Velusici, Velusici."

21 The gunner replies:

22 "Velusici?"

23 Mladic confirms:

24 "Velusici."

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1 "Yes, sir.

2 Mladic continues:

3 "Shoot at Velusici and also at Pofalici. There is not much Serb
4 population there ... shoot there, around Dobrovoljacko up there around
5 Humska."

6 The gunner seems to confirm:

7 "Around Humska?"

8 Mladic says:

9 "At that Djure Djakovic Street up there ... and apply artillery
10 reconnaissance so that they cannot sleep, that we drive them crazy."

11 I would ask Ms. Stewart to play audio of this file and I would
12 ask the booth not to interpreter the voices into English so that we can
13 all hear Mr. Mladic in his own voice.

14 [Intercept Played]

15 JUDGE ORIE: Mr. Groome, this was not translated into French.

16 Now, it's not evidence, therefore it's maybe less important. There are
17 some problems anyhow with your speed of speech when you're reading, so
18 would you please slow down. And unless the Defence would take a
19 different position that this has not been -- it's written down in English

20 on our screens. I take it that your slides will be available to the
21 Defence anyhow.

22 MR. GROOME: Yes, Your Honour.

23 JUDGE ORIE: Yes. Then under those circumstances, not hearing
24 evidence at this moment but an opening statement, I would just proceed
25 and invite you to do so.

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1 MR. GROOME: "Drive them crazy."

2 Mladic's intent to terrorise the people of that Muslim
3 neighbourhood is manifest when we see the words he used when directing
4 artillery fire into it. Mr. McCloskey has already set out the evidence
5 establishing how Mladic exercised his authority to perpetrate the
6 massacres in Srebrenica. The Prosecution will establish with credible
7 and reliable evidence that Mladic exercised his command authority to plan
8 and order and to participate in the crimes set out in the indictment.

9 Turning to the second pillar of the Prosecution case, Mladic's
10 knowledge that his orders were carried out, that the crimes he
11 intended were, in fact, committed.

12 Slide 7 is another entry from his notebook made less than two
13 weeks after he ordered the mass execution of men in Srebrenica. Here in
14 his own hand he records a meeting with Slobodan Milosevic and

15 General Momcilo Perisic, chief of the General Staff of the Yugoslav Army.
16 He records Milosevic as telling him, "Srebrenica and Zepa have damaged us
17 greatly"; a clear reference to the growing international outrage at the
18 information coming out of the take-over of two safe areas and the mass
19 executions that took place in the aftermath.

20 This next slide contains another example of Mladic recording in
21 his notebook information about crimes. The entry now on the screen is
22 from the 14th of October. Here he records Momcilo Krajisnik telling him:

23 "Vogosca - the Intervention Platoon demolished the hotel - they
24 are raping everyone indiscriminately.

25 "Commander Miladin - they plundered everything in Vogosca."

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1 The Prosecution will produce ample evidence that Mladic was well
2 aware of the crimes his troops were committing and that he intended them
3 to commit such crimes.

4 Again turning to the Dannatt report here on slide 19, he
5 addresses this issue:

6 "Senior commanders, like Mladic and Krstic, whose careers I have
7 studied, were professional officers with formal military command and
8 staff training. In short, the VRS was an organised, coherent, and
9 disciplined war fighting body.

10 "Reports flowed properly upward and downwards within the army,
11 enabling commanders to make well-informed decisions."

12 On slide 10 before you now is another report from the
13 1st Krajina Corps. Here the author states:

14 "One thing is certain: We are already starting to feel the cost
15 of the needless spilling of Muslim blood."

16 A candid assessment that not only are Muslims being killed
17 needlessly, but that such needless killing was against Serb interest.

18 Your Honours, the crimes described in the indictment happened not
19 only because Mladic planned and ordered these crimes, but because his
20 subordinates were willing participants. Over the course of the war they
21 perpetrated similar crimes against many non-Serbs, sometimes using the
22 same modus operandi. VRS soldiers knew how Mladic waged war and they
23 knew they were expected to employ his methods. His use of his position
24 of leadership to commit crimes and allow the commission of crimes by
25 soldiers who looked up to him was not only an inexcusable moral failure

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1 and a failure of leadership, but it constituted encouragement for the
2 commission of crimes.

3 With respect to Srebrenica, Mladic has offered the Defence of
4 alibi. On the 23rd of January this year Mr. Mladic filed alibi notice.

5 In paragraph 6 of that filing, the Defence asserts that Mr. Mladic was
6 not in a position to commit or aid and abet in the commission of any
7 crimes between 14 and 17 July 1995. He asserts that he left for Belgrade
8 on the afternoon of the 14th, attended meetings with international
9 negotiators on the 15th, and then attended a wedding celebration on the
10 16th. He asserts that because he was not in the Srebrenica area during
11 some of the mass executions he was "not in a position to commit or aid
12 and abet in the commission of the alleged crimes charged in the
13 indictment for 14 through 17 July 1995."

14 The Prosecution accepts as true that he was in Belgrade, that he
15 left Srebrenica on the 14th of July, attended several meetings on the
16 15th, meetings with the Serb leadership and with international
17 negotiator. The Prosecution accepts as true that he attended a wedding
18 and that he visited the military hospital.

19 The Prosecution does not accept that he was unaware of what was
20 taking place. The Prosecution does not accept that he was "not in a
21 position to commit the alleged crime."

22 Prior to leaving Srebrenica, Mladic put into motion, under the
23 control of subordinate officers, the large-scale, well-organised
24 operation that would murder over 7.000 men and boys within a few days and
25 forcibly remove over 30.000 women, children, and elderly men from the

1 territory.

2 On the 15th of July, 1995, the killing operation in Srebrenica
3 was moving forward at full throttle. On that day Mladic met with a
4 number of international representatives. In between two of his meetings,
5 General Rupert Smith and General de Lapresle had a separate discussion
6 with Mladic. Mladic wrote down what General Smith said to him during
7 that discussion. What he records as point 4 of what Smith told him
8 relates to what was happening in Srebrenica.

9 It is shown on slide 11:

10 "Treatment of the population in Srebrenica and Zepa - there are
11 rumours about atrocities, massacres, and rape."

12 Mladic in his own hand recorded that General Rupert Smith
13 informed him of rumours about atrocities, massacres, and rape being
14 committed in Srebrenica. What did Mladic do? He went to a wedding the
15 next morning. We have pictures of him at the ceremony and the party
16 afterwards. The fact that Mladic was in Belgrade when these men were
17 murdered does not mean he did not intend the men to be murdered, it does
18 not mean that he did not initiate the killing operation, it does not
19 excuse him of his criminal responsibility for ordering and setting in
20 motion this massive killing operation. On the very day that Mladic
21 attended the wedding, at the very time that this picture was taken, on

22 that day alone over 1500 men and boys were being murdered at Branjevo
23 Farm.

24 The other picture on the screen now is from the exhumation of
25 that site. While Mladic is seen here smiling, celebrating a wedding, all

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1 the time knowing that innocent men were being murdered as he did.

2 During this trial you will also hear of General Wesley Clark's
3 conversation with Slobodan Milosevic a few weeks after Srebrenica. When
4 Clark questioned Milosevic regarding whether he had as much influence
5 over the Bosnian Serb army as he said, Clark posed the following question
6 to Milosevic. He said:

7 "Mr. President, you say you have so much influence over the
8 Bosnian Serbs, but how is it then if you have such influence that you
9 allowed General Mladic to kill all those people in Srebrenica?"

10 General Clark recounts what Milosevic told him:

11 "Well, General Clark, I warned Mladic not to do this but he
12 didn't listen to me."

13 Milosevic acknowledged to General Clark that he had spoken to
14 Mladic, either before or during the massacres, that he warned Mladic not
15 to do this, but that Mladic didn't listen.

16 The fact that Mladic went to meetings and a wedding during the

17 time the crime he ordered was taking place does not absolve him of
18 responsibility for it. As General Dannatt points out in his report:

19 "Command and responsibility cannot be separated."

20 Today Mr. Mladic is protected by the presumption of innocence, a
21 protection that remains with him over the course of the entire case and
22 throughout the Chamber's deliberations. Today I give the commitment of
23 the Prosecution, to the Trial Chamber, and to Mr. Mladic that the
24 Prosecution will prosecute its case against Mr. Mladic in a fair and
25 balanced way.

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1 The next time I address you about the evidence in this case will
2 be at the end of the trial. During that time the Chamber will have heard
3 the evidence presented by the Prosecution and any evidence Mr. Mladic
4 wishes the Chamber to consider. At that time, when I come before you
5 again, I will ask that you give the people of Bosnia what they have
6 waited so long for, to give all people of Bosnia - be they Bosniak,
7 Croat, Serb, or just Bosnian - to give them the truth about what
8 Ratko Mladic did to that beautiful and complex land, to give them the
9 truth about what Ratko Mladic did to Bosnia's people.

10 Your Honours, the Prosecution will be ready to call its first
11 witness when the Chamber so directs. Thank you.

12 JUDGE ORIE: Thank you, Mr. Groome.

13 [Trial Chamber confers]

14 JUDGE ORIE: This hearing was scheduled to hear the opening
15 statement. Nevertheless, if there's any urgent matter one of the parties
16 would like to raise, they have an opportunity to do so, although it was
17 not scheduled but ...

18 Mr. Groome.

19 MR. GROOME: Not from the Prosecution, Your Honour.

20 JUDGE ORIE: Mr. Lukic.

21 MR. LUKIC: I'm a bit caught by surprise, Your Honour, but I
22 think urgent matters we should discuss in the afternoon during the 65 ter
23 meeting.

24 JUDGE ORIE: Yes, yes, but I didn't know whether any other
25 thing --

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1 MR. LUKIC: No, not --

2 JUDGE ORIE: -- had come up. Of course it's clear that that
3 matter is still pending.

4 Now, before we adjourn, I would like to address a few matters.
5 This will not take very long. First, on the 10th of May of this year,
6 the Defence informally requested the Chamber's permission to allow a

7 qualified legal assistant to conduct the cross-examination of witnesses.

8 On the next day, the 11th of May, the Chamber granted the Defence
9 request. The Defence request and the Chamber's decision are hereby put
10 on the record.

11 I'll now deliver a statement on the start of the presentation of
12 the Prosecution's evidence, which was originally scheduled for the -- to
13 begin on the 29th of May, 2012.

14 In light of the Prosecution's significant disclosure errors,
15 which the Chamber has addressed briefly yesterday, the Chamber hereby
16 informs the parties that it has decided to suspend the start of the
17 presentation of evidence. The Chamber is still in the process of
18 gathering information as to the scope and the full impact of this error.
19 The Chamber aims to announce the start date for the presentation of the
20 Prosecution's evidence as soon as possible.

21 This concludes the Chamber's statement on the matter. In view of
22 this statement, we will adjourn, but sine die. The parties will be
23 informed about when we will proceed. We stand adjourned.

24 --- Whereupon the hearing adjourned

25 at 11.58 a.m., sine die