

## Statement of Facts and Acceptance of Responsibility

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

1

As Chief of Intelligence and Security of the Bratunac Brigade, and from my own personal knowledge and involvement, I am aware of the following:

During the attack and takeover of the Srebrenica enclave by VRS forces in July 1995 it was the intention of the VRS forces to cause the forcible removal of the entire Muslim population from Srebrenica to Muslim-held territory.

2

On 11 July 1995, VRS forces captured and occupied the town of Srebrenica causing the Muslim population to move to the Dutch UN base in Potočari. During the day and evening, I received intelligence reports which provided an estimate of 1000 to 2000 able-bodied men within the population of women and children around the Dutch base. I received this information from the intelligence officer of the Bratunac Brigade's 2<sup>nd</sup> Infantry Battalion. I wrote up a report chronicling all the relevant intelligence and security information of the day including the estimate of 1000 to 2000 able-bodied Muslim men in Potočari and forwarded that report to my command and to the intelligence and security officers of the Drina Corps who I knew were present at the Hotel Fontana in Bratunac.

3

Later that evening I attended two meetings at the Hotel Fontana in Bratunac. The first meeting took place at 20:00 hrs. and was attended by General Ratko Mladić, General Milenko Živanović, Colonel Radislav Janković, and three Dutch Battalion officers including the Dutch commander Colonel Karremans. During the first meeting, General Mladić threatened and intimidated the Dutch officers, as can be seen from the video segments of that meeting in the possession of the Prosecutor. The second meeting occurred at 22:00 hrs. at the Hotel Fontana and was attended by General Ratko Mladić, General Radislav Krstić, Colonel Karremans, a Muslim representative named Nesib Mandžić, myself and other military personnel of the VRS. At this meeting General Mladić threatened and intimidated the Dutch officers present and Nesib Mandžić, which can also be seen from the video segments in the possession of the Prosecutor. At one point in the meeting General Mladić told Mr. Mandžić he wanted the Muslim army to turn themselves in and General Mladić stated to Mandžić that the future of his people were in his (Mandžić's) hands, that they could choose to survive or disappear. After this meeting I escorted the Dutch officers and Mr. Mandžić back to Potočari. I did not return to the Hotel that evening, but went back to the Bratunac Brigade command and slept.

4

On the morning of 12 July VRS forces, including elements of the Bratunac Brigade, entered and occupied the town of Potočari and the area around the UN Dutchbat compound. A third meeting was scheduled to occur at the Hotel Fontana at 10:00 hrs. between the same parties.

In the morning of 12 July, prior to the above-mentioned meeting, I met with Lt. Colonel Vujadin Popović, Chief of Security, Drina Corps, and Lt. Colonel Kosorić, Chief of Intelligence, Drina Corps, outside the Hotel Fontana. At that time Lt. Colonel Popović told me that the thousands of Muslim women and children in Potočari would be transported out of Potočari toward Muslim-held territory near Kladanj and that the able-bodied Muslim men within the crowd of Muslim civilians would be separated from the crowd, detained temporarily in Bratunac, and killed shortly thereafter. I was told that it was my responsibility to help coordinate and help organise this operation. Lt. Colonel Kosorić reiterated this information and we discussed the appropriate locations to detain the Muslim men prior to their execution. I identified several specific areas: the Old Elementary School, the Vuk Karadžić School (including its gym), the old building of the Secondary School "Đuro Pucar Stari", and the Hangar (which is 50 meters away from the old Secondary School). Lt. Colonel Popović and Kosorić talked with me about sites of executions of temporarily detained Muslim men in Bratunac and we discussed two locations which were outside Bratunac town. These were: State company "Ciglane" and a mine called "Sase" in Sase.

5

After speaking to Lt. Colonel Popović and Kosorić, I waited around the Hotel Fontana. At the end of the third meeting Colonel Janković came out of the Hotel Fontana and told me to coordinate the transportation of all the women and children and the separation of the able-bodied Muslim men. At that time he did not mention the killing of the Muslim men.

Shortly thereafter, two Dutch officers arrived outside the Hotel Fontana where I was standing with Lt. Colonel Kosorić and asked us what the plan was for the transportation of the Muslim population. I told the Dutch officers to go back to Potočari because the buses would be arriving there soon to transport the people towards Kladanj.

6

For most of the day of 12 July, I was in Potočari co-ordinating and working with Duško Jević, a commander of the MUP Special Police Force, and the following other military and MUP units: Drina Corps Military Policemen under Major Petrović; Drina Wolves of the Zvornik Brigade; elements of the 10<sup>th</sup> Sabotage Detachment; elements of the 65<sup>th</sup> protection Regiment's Military Police; Bratunac Brigade's 2nd<sup>1</sup> and 3rd Infantry Battalions; Bratunac Brigade Military Police; and civilian police with German Shepherd dogs. Working in conjunction with these units, I coordinated and supervised the transportation of the women and children to Kladanj and the separation and detention of able-bodied Muslim men.

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 [Handwritten signature]

During the day in Potočari, VRS forces and MUP forces intimidated and abused the Muslim population in order to compel them to get on the buses and trucks to Kladanj.

The first convoys to leave Potočari included a few men on the buses as part of a propaganda exercise. This was for the benefit of the Dutch troops and the Serb TV cameras, but these men were later separated at checkpoints before reaching Kladanj.

During 12 July VRS forces abused and assaulted many Muslim men and women who had assembled around the Dutch base in Potočari.

I was personally aware of this conduct and did nothing to stop or prevent the forces under my supervision from carrying out these abuses. I also heard that some Muslim men were taken to isolated areas around Potočari and killed.

That evening between 18:00 and 21:00 hrs. I also reported the abuses verbally to my commander, Colonel Vidoje Blagojević. I discussed the operation to transport the women and children to Kladanj and separate, detain and kill the able bodied Muslim men in Potočari. It was apparent to me that Colonel Blagojević was fully informed of the transportation and killing operation and expected me to continue to carry out the duties related to those operations that I had begun that morning. We were alone in the office at that time. I also spoke to other Bratunac Brigade staff officers such as Trišić, Mičić and Pajić in the Operations Room. We spoke informally about the abuse, separations and evacuations. There was no concern expressed by them. We did not discuss the killing operation at that time.

7

During 11 and 12 July I received intelligence reports that the bulk of the men of military age from Srebrenica had assembled near the village of Jaglići and begun to move in a long column toward Muslim territory, following a known route through the mine fields at the front line towards Konjević Polje.

On 12 July and the early morning hours of 13 July I was made aware through intelligence reports and other information that VRS and MUP forces were capturing Muslim men in the area between Ravni Buljim, Nova Kasaba and Konjević Polje.

8

I was duty officer that same evening (12<sup>th</sup>) and was exhausted, so at about 03:00 hrs. on the 13<sup>th</sup>, I phoned Mirko Janković to relieve me. I went to my apartment in town and slept for a few hours. I returned to duty at the Bratunac Brigade HQ at about 07:00 hrs. on the 13<sup>th</sup> July.

At about 09:30 hrs. that morning, a meeting took place at the Bratunac Brigade HQ. It was attended by General Mladić, Colonel Vasić, Lt. Colonel Popović and General Krstić. I do not know what was discussed at this meeting, as I never participated. About 10 to 15 minutes after the meeting, I spoke to my commander, Colonel Blagojević in his office.

I was tasked by Colonel Blagojević to continue the Potočari operation to transport the Muslim women and children to Kladanj and separate and detain the able-bodied Muslim men.

9

My first task of the day (13<sup>th</sup> July) was to go to Potočari and check on the progress of the transportation and separation of the Muslim men and other tasks. I established that all was going well. I directed the work of the forces present in Potočari.

While I was in Potočari, I met Duško Jević and told him to pass an order to his units which were on the Bratunac-Konjević Polje road that all the captured Muslims on this road be transported to Bratunac. I then left Potočari and went back to the Bratunac Brigade HQ. According to my information which I got from the members of the Bratunac Brigade Military Police, General Mladić, on that day, intended to use the road Bratunac-Konjević Polje and my task was to check security and accessibility of that road. I drove along the Bratunac-Konjević Polje road in a Volkswagen Golf motor vehicle with a Military Policeman.

On the way I saw MUP forces along the road. I saw MUP at Sandići with heavy weapons. There were approximately 80 to 100 prisoners at Sandići meadow at this time. I arrived in Konjević Polje at about 12:30 hrs. that day. There was a civilian police checkpoint at the intersection. I sat in a burnt out house and waited for General Mladić to pass. Together with me in this house were five to six Muslim prisoners.

While I was in Konjevic Polje I saw approximately ten prisoners in a building used by the 5<sup>th</sup> Engineering Battalion of the Drina Corps at Konjević Polje. I also saw police from Bratunac at the checkpoint and soldiers who I did not recognise. I also saw Nenad Deronjić and Mirko Perić there. When I arrived at Konjević Polje I contacted the MUP commanders and directed them that the Muslim prisoners should be detained and would be moved to Bratunac later that day.

I was at Konjević Polje for approximately 45 minutes before General Mladić arrived. His car arrived from the direction of Bratunac and stopped at the intersection at Konjević Polje. He got out of his vehicle and we met in the middle of the road. I reported to him that there were no problems. He looked around and saw the prisoners. Some of the prisoners asked him what would happen, to which he responded that they would all be transported away and they should not worry.

After General Mladić left, I took a prisoner, Rešid Sinanović, in my car back to Bratunac. Sinanović was an important prisoner as he was on a war criminal list and he was also the former police chief in Bratunac. On the way back to Bratunac, I saw large columns of captured men, numbering about 500 being marched towards Konjević Polje. Further along the road I saw another column of prisoners being taken towards Sandići. As I passed on the road near the Kravica Warehouse I noticed a few soldiers but nothing else. I handed Sinanović over to the Military Police at the Bratunac Brigade HQ, specifically to a legal officer, Zlatan Čelanović.

I then went to the building of the Military Police of the Bratunac Brigade and met with Mirko Janković, the commander of the Bratunac Military Police Platoon, and Mile Petrović, a MP member. Janković knew how to drive one of the captured Dutch APCs and he, Petrović and I drove along the Bratunac-Konjević Polje road. Mile Petrović sat on top of the APC with a megaphone calling for the Muslims to surrender. It was clear that some were already surrendering at that stage. Just after we had passed Sandići, we stopped the APC when about six Muslim men surrendered to us. We took them in the APC to Konjević Polje. When we arrived there I told Mile and Mirko to take the prisoners and leave them with the rest of the approximate 250 prisoners already held there. I went to the house where I had sat before. There were about 30 Muslims being held in this house. I then heard two bursts of gunfire close by. About ten minutes later, Mile Petrović came to me and said: "Boss, I just took revenge for my brother...I've killed them." He was referring to the six prisoners who had surrendered to us a short time before. He said he had executed them down a riverbank behind a yellow building. There is a gas station built on this site now.

Mirko had driven off in the APC, in the direction of Zvornik. We stayed in Konjević Polje for about twenty minutes and when Janković returned with the APC we left for Bratunac.

I saw that Janković had Deutsche Marks with him and I asked him where he got the money. He said that he had received it from some Special Police members along the road.

On the way back to Bratunac, I saw many prisoners being marched in both directions. I also saw dead bodies lying on the side of the road near Pervani and Lolići. I saw groups of three or so bodies at a time. At Sandići, I saw about 10 to 15 corpses and a large mass of prisoners in a meadow.

On the way back to Bratunac, we drove past the Kravica warehouse and I saw some soldiers there but did not notice any Muslim prisoners. The next day I heard that an incident had occurred where a member of the MUP had been killed by a prisoner there. I looked into the incident and determined that after the killing of a MUP individual, the MUP forces became very angry resulting in the military and MUP forces present executing the prisoners held there.

I established that among those participating in the execution were: Nikola Popović from Kravica who was attached to the Bratunac Brigade Military Police; Milovan Matić who was attached to the 1<sup>st</sup> Infantry Battalion of the Bratunac Brigade; Ilija Nikolić who was attached to the 1<sup>st</sup> Infantry Battalion of the Bratunac Brigade; Rašo Milanović who was the commander of the Police Unit in Kravica.

I also found out that the director of the warehouse, Jovan Nikolić witnessed the execution. Further, I learned that shortly after the executions on 13 July machines were brought from Zvornik and Bratunac to bury the bodies. I reported about what I have learned to Colonel Vidoje Blagojević about one or two days after the event.

While the Muslim were detained in Potočari and around Bratunac, they were not given any food or medical aid and only given enough water to sustain them until the time they were transported to Zvornik.

10

In the evening of 13<sup>th</sup> July I was having dinner at the Bratunac Brigade HQ when I received a call from the communication room to report directly to Colonel Beara in the centre of Bratunac. I travelled to the centre and met with Colonel Beara at about 20:30 hrs. Colonel Beara ordered me to travel to the Zvornik Brigade and inform Drago Nikolić, the Zvornik Brigade Security Officer, that thousands of Muslim prisoners were being held in Bratunac and would be sent to Zvornik that evening. Colonel Beara also told me that the Muslim prisoners should be detained in the Zvornik area and executed. I drove alone to Zvornik from Bratunac via Konjević Polje and arrived at the Zvornik Brigade Headquarters at around 21:45 hrs. I went to the Duty Officer's desk and requested to see Drago Nikolić. A person whom I believe was from the Brigade Intelligence branch met me in the Duty Officer's room and I explained to him that I needed to see Drago Nikolić. He told me that Drago Nikolić was at the Forward Command Post (FCP) and provided me with a Military Police (MP) escort to go to the FCP. I then left the Zvornik Brigade HQ and travelled with the MP to the FCP. The trip from the Zvornik Brigade HQ to the FCP took almost 45 minutes along a very rough road. I met with Drago Nikolić and explained to him what Colonel Beara had told me. Drago Nikolić told me he would inform his command. I spent around 10 minutes at the FCP and then drove back to the Zvornik Brigade HQ where I dropped the Military Policeman at the gates. I drove back to Bratunac via Konjević Polje. On the way back to Bratunac I passed some of the busses containing prisoners, at Kušlat, who were traveling towards Zvornik. I later established that another convoy had left for Zvornik along the Drina river road to Zvornik.

I returned to Bratunac, around midnight, and reported to Colonel Beara at the Hotel Fontana. I told him that I met with Drago Nikolić and had passed on his (Beara's) orders.

At that time the Bratunac town was overcrowded with Muslim prisoners that had been brought from the area of the Milici-Bratunac road. It was late at night and there was insufficient transportation to move these prisoners to Zvornik. This created an unstable situation around Bratunac town. To deal with this situation, Colonel Beara, M. Deronjić (the civilian commissioner appointed by Karadžić to deal with the Muslim civilians), Dragomir Vasić and myself met in the SDS office in Bratunac. Deronjić was concerned that the prisoners in the town created a security risk and did not want the killing of these prisoners to be carried out in and around Bratunac. The killing operation was openly discussed at the meeting and all participants indicated that they had been reporting to their various chains of command. Logistic, transportation and security support was also discussed. It was decided at the meeting that the Muslim men in and around Bratunac should be continued to be guarded by elements of the Bratunac Brigade Military Police, various civilian MUP forces and armed volunteers from Bratunac town. The meeting ended at 00:30 hrs. on 14 July and I returned to the Bratunac Brigade Headquarters where I informed my commander, Colonel Blagojević, of my trip to Zvornik and the instructions I had received from Colonel Beara and that all the prisoners would be moved

to Zvornik where they would be detained and killed. He accepted what I said and never queried me. I also informed him of the meeting at the SDS office that night.

11

The vast majority of the Muslim men in Bratunac were transported to Zvornik the morning of 14 July in a column of buses and trucks well over 1 ½ kilometers in length led by Mirko Janković in a stolen Dutch APC. Later that day Mirko Janković reported to me that, that day, many Muslim prisoners were detained in schools and gyms in the Zvornik area. I was also aware that a patrol consisting of two Bratunac Military Policemen were also left overnight from 16 to 17 July in Pilica to assist in securing prisoners detained there.

It was reported to me that approximately 80 to 100 Muslims were murdered in the hangar near the Vuk Karadžić school in Bratunac on the evening of the 13 July. Their bodies were deposited over a hillside and covered with dirt.

12

From 14 July through October 1995, Bratunac Brigade forces, working with the MUP and other VRS forces continued to capture and execute Muslim prisoners attempting to escape from the Srebrenica and Žepa areas.

13

From September through October 1995 the Bratunac Brigade, working with the civilian authorities, exhumed the mass grave at Glogova and other mass graves of Muslim victims of the murder operation, and reburied them in individual mass graves throughout the greater Srebrenica area. In September 1995 I was contacted by Lt. Colonel Popović, the Drina Corps Chief of Security, and told to conduct a reburial of the Muslim bodies at Glogova. I coordinated the effort to exhume and re-bury Muslim bodies from mid-September to October 1995. This was done in coordination with the Bratunac Brigade Military Police, civilian police, and elements of the 5<sup>th</sup> Engineering Battalion of the Drina Corps. I reported on a Bratunac Brigade Command meeting in October 1995 to the assembled Command including Colonel Blagojević that we were tasked with conducting the reburial operation of the Muslim bodies for the VRS Main staff.

14

In May 1996 when I was already demobilised from the VRS and worked in the Ministry of Refugees and Exiled Persons in Bratunac, the safe (containing intelligence and security documents, including decisions and orders, and valuables such as money) which was the property of the Security and Intelligence Organ of the Bratunac Brigade was handed over from me to my successor Captain Lazar Ostojić. In the presence of a commission comprised of the Chief of Security of the Drina Corps, Rade Pajić, two more officers from the Drina Corps whose names I don't recall, and Lazar Ostojić the documents which could have compromised myself and the Bratunac Brigade were destroyed. These documents related to the events in Srebrenica in 1995. I have not informed Colonel

Blagojević nor anybody else about this and I don't know whether Captain Ostojić has informed Colonel Blagojević.

15

I was summonsed to an interview by the ICTY in December 1999. Just prior to attending this interview, I was called to a meeting at the Zvornik Brigade Headquarters. I met General Andrić, Dragan Jokić, Lazar Ostojić, Dragan Jevtić and General Miletić there. There were also some civilian lawyers from Belgrade present.

The lawyers instructed us on our legal rights, General Miletić appealed to our patriotism and asked us not to divulge information which would damage the state and General Andrić said we should say as little as possible. After my meeting with the ICTY, I met again with General Andrić. The topic of the conversation was the same and he wanted to know if I had spoken about the killings to the ICTY. I was also visited by State Security just prior to my meeting with the ICTY, and was threatened that I should not speak of their involvement.

Several months after the first meeting I attended again a similar meeting that was held again in the Zvornik Brigade headquarters, with the same individuals including, I think, Dragan Obrenović who had been recently summonsed by the ICTY. General Miletić and Andrić again told us not to provide any information related to the Srebrenica events to the ICTY.

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In relation to the Amended Joinder Indictment of 27 May 2003 (Prosecutor v. Blagojević *et al.*) and in addition to the issues dealt with in paragraph 5 of the "Annex A to the Joint Motion for Consideration of Plea Agreement made between Momir Nikolić and the Office of the Prosecutor", dated 6 May 2003, I would like to make the following corrections:

Paragraph 10:           Heading: delete "Superior Authority /"  
 Paragraphs 9 and 10: instead of "Captain First Class" -- "Captain"  
 Paragraph 11 and 45: instead of "Bratunac Brigade Military Police Company" --  
                                   "Bratunac Brigade Military Police Platoon"  
 Paragraph 46.6:       instead of "Military Police Company of the Bratunac Brigade" --  
                                   "Military Police Platoon of the Bratunac Brigade"

6.05.2003/  
 Date

Momir Nikolić