

Dragan Obrenovic (IT-02-60/2)

Author: IWPR

Current Status: Serving Sentence

The Accused Dragan Obrenovic was born on April 12, 1963 in Matino-Brdo, Rogatica, Bosnia and Hercegovina. He was Executive Officer, Chief of Staff, and sometimes Acting Commander of the Zvornik Brigade, Drina Corps, Bosnian Serb Army, VRS, during the period when that unit was involved in combat and illegal operations in the Srebrenica and Zvornik municipalities. He was arrested by SFOR on April 15, 2001 and transferred to tribunal custody on the same day.

The Indictment The amended indictment charged Obrenovic with Complicity in Genocide (under Articles 4(3)(e), 7(1), and 7(3) of the Statute of the Tribunal); Murder (Articles 5(a), 7(1), and 7(3)), Persecutions (Articles 5(h), 7(1), and 7(3)), Extermination (Articles 5(b), 7(1), and 7(3)), Crimes Against Humanity; and Murder (Articles 3, 7(1), and 7(3)) as a Violation of the Laws or Customs of War.

Proceedings At his initial appearance on April 18, 2001, Obrenovic pleaded “not guilty” to all charges. A plea agreement was then struck and he pleaded guilty to one count of Persecutions on May 21, 2003. Judgement was passed on December 10, 2003, and he was sentenced to 17 years imprisonment.

Factual Allegations In the indictment, the prosecution alleges that due to Obrenovic’s senior position as the Chief of Staff, and as acting CO of the Zvornik Brigade, he is responsible, both personally and because of his superior position, for the many crimes committed by the units under his control. It is also alleged that he was part of a Joint Criminal Enterprise to remove the Muslim population from the Srebrenica enclave.

Relevant Issues Remorse: As in many plea agreement cases, there was much discussion of various mitigating factors, especially cooperation with the prosecution and the issue of remorse shown by the defendant. The Obrenovic case stands out because of the great volume of genuine remorse shown by the defendant, which is specially noted in the judgement’s observation: “the Trial Chamber finds that Dragan Obrenovic is genuinely remorseful for his role in the crimes for which he has been convicted, and seeks to atone for his criminal conduct”. The defence went even further, comparing Obrenovic to Lady Macbeth, being similarly moved to continual hand-washing in an effort to remove the stain of guilt. The issue of remorse, along with the other mitigating factors, apparently had some effect on Obrenovic’s final sentence of 17 years, ten years shorter than that of Momir Nikolic, a lower ranking officer who also made a plea agreement.

Highlights: Obrenovic’s Statement of Facts: The sole highlight of Obrenovic’s brief trial is the statement of facts that accompanied the plea agreement. This document serves to outline his knowledge, involvement, and the knowledge and involvement he observed in others throughout the Srebrenica campaign and its aftermath. In the statement, Obrenovic implicates a great number of fellow officers, many of who are now or were previously in tribunal custody. Among them are Vinko Pandurevic, the CO of the Zvornik Brigade; Vujadin Popovic, a Drina Corps Security officer; Drago Nikolic, the security officer of the Zvornik Brigade; Radislav Krstic, the Chief of Staff and latterly CO of the Drina Corps, and Ratko Mladic, the head of the VRS Main Staff, now the tribunal’s most-wanted fugitive indictee. The statement includes various types of information, from the inexplicably mundane to the brilliantly revealing. A link to the document is included below.

Court Composition Trial Chamber I Judge Liu Daqun, Presiding Judge Volodymyr Vassilenko Judge Carmen Maria Argibay

Office of the Prosecutor Peter McCloskey Stefan Waespi Antoinette Issa Anne Davis

Defence Counsel David Wilson Dusan Slijepcevic

Court Documents:

Indictment

Plea Agreement

Statement of Facts

Judgement

Location: Bosnia and
Herzegovina

Topic: Srebrenica Case Files

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