

Prosecutor vs. Dražen Erdemović

Case overview and indictment

[Case background: The conflict in Yugoslavia \(1991-1995\)](#)

The former Socialist Federal Republic of Yugoslavia (1945-1991) was a country in South-Eastern Europe made up of six federal republics: Serbia, Montenegro, Croatia, Slovenia, Bosnia-Herzegovina, and Macedonia. Between 1945 and 1980, Yugoslavia was ruled by a Communist Regime under President Josip Broz Tito, who had also drawn up the constitution for the federation, guaranteeing similar rights and duties for all six republics within the federation.

After Tito's death and with the changing international situation in the 1980s, especially the collapse of most communist regimes and the end of the Cold War, the Yugoslav state came under more and more pressure to reform. Economically, the country was undergoing a crisis, because of debt-repayments to the IMF, and politically, it had lost its once privileged position within the Communist camp due to its reputation of "non-alignment": Yugoslavia had been able to pursue an independent course from the Soviet Union's position and was treated with certain privilege by Western countries.

The recession in Yugoslavia and several other factors contributed to increasing fights between the federal state and regional politicians, especially on how the economic burdens between the republics were to be shared. In 1991, Slovenia and Croatia declared their independence.

For Bosnia and Herzegovina, the decision of whether to secede or to remain part of Yugoslavia was not so easy: The inhabitants of Bosnia-Herzegovina were ethnically not homogeneous and none of the ethnicities constituted a majority. There were Bosnian Serbs (~40%), Bosnian Croats (~ 17%) and Bosniaks (~ 43%) living side-by-side, with no easy way to separate them into 'ethnically clean' geographical units. The tension was enhanced by different religions held by the ethnicities: Serbs are mostly orthodox Christians, Croats are mostly catholic Christians, and Bosniaks are mostly Muslim.

Still, in March 1992, the President of Bosnia-Herzegovina declared the independence of the country after a referendum the Bosnian Serbs had boycotted. Following the politically insecure environment (with three parties quarrelling in the Bosnian parliament over the privileges of their constituencies – Bosnian Serbs, Bosnian Croats and Bosniaks), war began. Each of the groups feared of being attacked, unless they chose to fight. The conflict was very bloody, with many casualties. It also caused a lot of displacement: Many people were driven from their homes, or tried to escape to areas where other people of their ethnicity were staying – a process now known as "ethnic cleansing".

Eventually, the Bosnian territory was divided into a Federation of Bosniaks and Bosnian Croats, and a Bosnian Serb Republic (Republika Srpska), held together by a loose federal union.

[Srebrenica](#)

Srebrenica is a mining town in the East of Bosnia-Herzegovina that was inhabited predominantly by Bosnian Muslims. During the war, the Bosnian Serb Army starting taking over the surrounding areas,

and many Bosnian Muslims took refuge in Srebrenica. The town was declared 'safe area' by the UN Security Council in 1993 (UNSC Resolution 819), with some 600 Dutch Peacekeepers assigned to protect it and to oversee the demilitarization plan.

In July 1995, the Bosnian Serb Army under General Ratko Mladić, with the support of Serb special units attacked Srebrenica. The attackers separated the men and boys (around 12.500) from women and girls and boarded them onto buses. The buses were driven to execution sites, where the prisoners were killed by being shot. Some men resisted and tried to march towards Tuzla, a town held by the Bosnian Muslim government. But on the way, they were ambushed and fired at with heavy artillery.

Dražen Erdemović

Dražen Erdemović, a Bosnian Croat, was 24 at the time. He had served in the Army of Bosnia and Herzegovina, and then in the Bosnian Croat Army (HVO). He deserted from the HVO because he had helped some Serbs escape into the Republika Srpska and refused to kill them. Not wanting to join the war again, he crossed into Serbia and tried to flee to Switzerland, but failed because he did not have a passport and was unable to obtain one: As a Bosnian-Herzegovinian citizen, he would have had to join the army again.

Seeing no other option, he returned to Republika Srpska in Bosnia-Herzegovina and joined the 10th Sabotage Detachment of the Bosnian Serb Army in April 1994 as a Sergeant. He chose to serve in this detachment because it comprised soldiers of all nationalities – some Croats, Slovenians, and Muslims, and because the task of the unit was reconnaissance (intelligence gathering), not front line fighting.

He got along well with the Commander of the 10th Sabotage Department, until another, more nationalist commander was put in charge of his unit. After "failing" to carry out orders to kill civilian Muslims, Erdemović was degraded to the rank of a simple soldier.

On the 11th of July 1995, the 10th Sabotage Detachment was ordered to go to Srebrenica, where his unit walked into an empty town. He wondered where the population had left to, but was not told anything specific about his assignment. On July 16th, he was taken to Branjevo farm near the town of Pilica, where male civilians arrived on buses and lined up in front of firing squads. Erdemović counted approx. 20 buses with 60 men (from teenagers to elderly men). Together with seven other members of his unit, he was ordered to shoot.

After this event, he was ordered to go to Pilica, where another 500 men were held in a school, but he refused to shoot them. He nevertheless heard, from a café nearby, the shootings inside the school.

After this incident, Erdemović went home, started drinking and got shot in a bar in the lungs and in the stomach by a former member of his military detachment. He survived and voluntarily took up contact with the court. His testimony helped to uncover evidence of the Srebrenica massacre – many mass graves might never have been found. His testimony was used in the indictments of Ratko Mladić and Radovan Karadžić.

Indictment

Dražen Erdemović is charged with having committed murder as a crime against humanity, punishable under Art. 7 (1) (a) RS.