



Republic of Serbia
Office of the War Crimes Prosecutor

DISTRICT COURT IN BELGRADE

War Crimes Chamber

12 August 2005

Pursuant to Article 46 Paragraph 2 Item 3, Article 265 Paragraph 1 and Article 266 of the Criminal Procedure Act, I herein raise the

INDICTMENT

Against:

1. Branko GRUJIĆ
2. Branko POPOVIĆ,
3. Duško VUČKOVIĆ,
4. Dragan SLAVKOVIĆ,
5. Ivan KORAC,
6. Siniša FILIPOVIĆ,
7. Dragutin DRAGIĆEVIĆ,

BECAUSE THEY COMMITTED THE FOLLOWING:

From early May to mid July 1992, in the course of the civil war in the then Republic of Bosnia and Herzegovina, among the population of Serbian, Muslim and Croatian nationality inhabiting Zvornik Municipality, the aforementioned accused individuals broke the rules of international law, namely the Geneva Convention of 12 August 1949, on protection of civilians in war conditions (IV Geneva Convention and Annexed Protocol to the Geneva Convention of 12 August 1949, on protection of victims in non-international armed conflicts) (Protocol II), and thereby they did the following:

I

Forceful evacuation of civilians from the villages of Kozluk and Skočić

The accused:

1. Branko GRUJIĆ and

2. Branko POPOVIĆ aka »Marko PAVLOVIĆ«

The accused, Branko GRUJIĆ, throughout the aforementioned period holding the presidential offices in the Crisis Staff, Municipality, Provisional Government and War Staff in Zvornik, and Branko POPOVIĆ in the capacities of Commander of the Territorial Defence Staff and member of the War Staff in Zvornik, appointed to these offices subject to the Ruling Ref. No. 01-023-44/92, rendered at a Zvornik Provisional Government's session on 28 April 1992, together with Zvornik Crisis Staff member Jovo MIJATOVIĆ (against whom proceedings are being conducted within a separate case), following the previous agreement and in contravention of the Rules further to Article 17 Paragraphs 1 and 2 of the Annexed Protocol II, gave oral orders and forcibly conducted the mass evacuation of 1822 civilians of the then Muslim nationality, from the territories of villages Kozluk (1644 persons) and Skočić (173 persons) - in Zvornik Municipality, to the Republic of Hungary; namely, in the early morning hours of 26 June 1992, the aforementioned accused individuals aided by the Zvornik Territorial Defence units took military hold of the centre of village Kozluk including the majority of residence buildings, thereafter ordering members of the local police to summon President of Kozluk Local Community Fadil BANJANOVIĆ (the herein injured party) to the police station in Kozluk, where, in the presence of acc. POPOVIĆ and Jovo MIJATOVIĆ, acc. GRUJIĆ gave him oral orders to urge all villagers of Muslim nationality to prepare themselves for evacuation via Serbia to the Republic of Hungary, allowing them 60 minutes for the preparations; thereafter, Jovo MIJATOVIĆ informed BANJANOVIĆ that they were rounded up by the Serbian forces and that therefore they were obliged to leave or otherwise they would all be killed; in conclusion, GRUJIĆ added that buses and trucks for their transport were ready and awaiting in the village centre; following the thus created pressure, BANJANOVIĆ left the police station and called the villagers to prepare themselves for evacuation, whereas a certain number of them were already forced by the Territorial Defence members towards the buses and trucks; while doing so, the Territorial Defence members were randomly shooting from their weapons, thereby wounding in the leg Galib HADŽIĆ from Kozluk and contributing to the overall atmosphere of fear and pressure. After being assembled, all civilian residents of the aforementioned two villages were listed and made to sign the statement alleging that they were being evacuated subject to their free will (the lists and statement forms previously being prepared and verified by the Territorial Defence Staff); thereupon, escorted by the Territorial Defence members, they were transported to a bordering point with the Republic of Serbia, which was in the vicinity of Loznica, where through the Red Cross Office in Loznica they submitted a request to the Refugees Committee of the Republic of Serbia in Belgrade that all persons from the villages of Kozluk and Skočić be granted permission to pass through to the Republic of Hungary, the request stating that their evacuation was on a voluntary basis; upon being issued the permit for their passage via the territory of the Republic of Serbia, officially registered on the date of 26 June 1992, all of them were transported by train to Palić, the place in the vicinity of a border pass between the Federal Republic of Yugoslavia and the Republic of Hungary, where they remained for several days, confined inside a premise which they were not allowed to leave; upon receiving the travelling documents for all household members, all of them were transferred to the Republic of Hungary, while, subject to the herein accused individuals' approval, their abandoned Kozluk homes were inhabited by the civilian refugees of Serbian nationality expelled from other parts of Bosnia and Herzegovina;

Crimes perpetrated in the Home of Culture in Čelopek

The accused:

1. Branko GRUJIĆ
2. Branko POPOVIĆ, aka »Marko PAVLOVIĆ«
3. Duško VUČKOVIĆ, aka »Repić« (»Tail«)
4. Dragan SLAVKOVIĆ, aka »Toro«
5. Ivan KORAC, aka »Zoks«
6. Siniša FILIPOVIĆ, aka »Lopov« (»Thief«)
7. Dragutin DRAGIĆEVIĆ, aka »Bosanac«

The accused, Branko GRUJIĆ and Branko POPOVIĆ, in the capacities as specified in Part I of the Enacting Terms of this Indictment, along with the following accused individuals: Duško VUČKOVIĆ, Dragan SLAVKOVIĆ, Ivan KORAC, Siniša FILIPOVIĆ and Dragutin DRAGIĆEVIĆ, aided by a FNU LNU person aka »Pufta«, all in the capacity of members of unit »Igor Marković« i.e. »Žute ose« (»Yellow Wasps«), the unit being part of the Zvornik Territorial Defence, in the period between mid March and late June 1992, issued oral orders that upon the return of a column of civilian refugees - residents of village Divići in Zvornik Municipality to the Zvornik bus station, most probably on 27 May 1992, 174 men aged between 18 and 60 be taken out of the column and imprisoned, initially in the administration building of »Novi Izvor«, the aforementioned orders being conducted by members of the Zvornik Territorial Defence; by acting in this way, the aforementioned accused broke the Rules set forth in Article 3, Paragraph 1, Items (a) and (c) of the Geneva Convention on protection of civilians during the time of war, as well as the Rules set forth in Article 4, Paragraph 2, Items (a) and (e) of the Geneva Convention Annexed Protocol II of 12 March 1949, referring to the protection of victims in noninternational armed conflicts; following their imprisonment, GRUJIĆ addressed the victims saying that they were going to remain detained, and thereafter the events occurred as set forth below:

a) several hours following the victims' imprisonment, two unidentified Territorial Defence members unauthorizedly removed 11 captives from the »Novi Izvor« administration building, i.e. the following detainees: Enver PEZEROVIĆ, Smajil PEZEROVIĆ, Ibrahim KULJANIN, Fikret HADŽIAVDIĆ, Ahmet KURŠUMOVIC, Kemal TUHČIĆ, Alija TUHČIĆ, Hasan TUHČIĆ, Salih OMEROVIĆ and Ibrahim MARHOŠEVIĆ; after being taken away, no one of the aforementioned injured persons had ever been taken back to »Novi Izvor« or seen alive elsewhere,

b) on the second day, probably on 28 May 1992, Zvornik Territorial Defence members removed the remaining 163 civilians from »Novi Izvor« and transferred them on buses to Čelopek, where the victims were held imprisoned in the local Home

of Culture, therein being deprived of basic hygienic conditions, which affected their physical and mental health; although aware of such poor conditions, the accused, GRUJIĆ and POPOVIĆ, failed to do anything in order to improve the situation; likewise, upon being informed of the acts of mistreatment, torture and killing of the civilians imprisoned in the Home of Culture, the accused failed to take any reasonable measures to prevent such acts, thereby approving of them; consequently, a number of unauthorized persons freely entered into the Home of Culture, namely the following accused members of the »Yellow Wasps«: Duško VUČKOVIĆ, Dragan SLAVKOVIĆ, Ivan KORAĆ, Siniša FILIPOVIĆ and Dragutin DRAGIĆEVIĆ, as well as the FNU LNU person aka »Pufta«; on a number of occasions, in the daytime and at night alike, acting all together, within smaller groups or individually, the aforementioned accused persons, usually headed by acc. VUČKOVIĆ, looted money and gold jewels from the captives, tortured them, injured their physical integrity, crippled and killed them, ordered the captives to fight between themselves, forced unnatural sexual intercourses between fathers and sons, as well as between persons who were not in family relations; among other acts, the accused did the following:

- on an unidentified date they took two FNU LNU captives out of the Home of Culture and deprived them of life, thereupon taking a third captive to see the murdered and to inform others thereof,

- in the night between 10 and 11 June 1992, the FNU LNU person aka »Pufta« used a knife to carve a cross in the forehead of each of the following injured persons: Admir EFENDIĆ, Enes DŽIGIĆ, Šaban MUSTAFIĆ and Enes ČIKARIĆ, while he mutilated Nurudin EFENDIĆ by cutting the little finger off his left hand, killed Sulejman KAPIDŽIĆ by a gunshot and killed Sakib KAPIDŽIĆ by cutting his throat with a knife; further brutalizing the captives, the stated accused individual repeatedly mutilated victim by plunging the knifepoint into his thighs, whereas in the end he seized Ejub TUHČIĆ by the head and repeatedly hit it against a wall, which resulted in the latter's death a few days thereafter; concurrently, the other members of the accused group observed and approved of »Pufta«'s acts, or occasionally took part themselves by using various objects to beat and torture other victims,

- on an unidentified date, acc. VUČKOVIĆ ordered all fathers and sons among the captives to step out onto the stage in the Home of Culture, where he ordered the victims to take off their clothes and perform oral and anal sexual acts on each other at times interchanging the roles; forced to act in this way were the following persons: Fikret JAHIJAGIĆ and his son Amir, Hasan HALILOVIĆ and his son Nedim, Fahrudin KURŠUMOVIĆ and his son Ismail, Mehmedalija BIKIĆ and his son Šaban, Šaban MUSTAFIĆ and his son Samir and others, while other captives were made to observe that; then, acc. VUČKOVIĆ placed the point of a small-bore rifle inside the mouth of Damir BIKIĆ and by moving it upwards forced Damir to raise on his tiptoes; in response to his father's claim that Damir was his only son, VUČKOVIĆ said that he no longer had a son, thereupon killing Damir by a shot inside the mouth; thereafter, using the same rifle, he killed the following persons: Salih HADŽIAVDIĆ, Hasan HALILOVIĆ, Fikret JAHIJAGIĆ, Himzo KURŠUMOVIĆ and Alija ATLIĆ, while he killed the previously wounded Šaban BIKIĆ by a knifestab; in the meantime, acc. Ivan KORAĆ, aided and abetted by »Pufta«, severely beat other captives with metal and wooden poles, on which occasion KORAĆ deprived of life the following victims: Salih KAPIDŽIĆ, Zaim PEZEROVIĆ, Hasan ATLIĆ and Sakib KAPIDŽIĆ,

- on an unidentified date accused Siniša FILIPOVIĆ plunged a knife into the flanks of an unknown captive, whom VUČKOVIĆ subsequently killed by a knifestab in the heart; thereafter, FILIPOVIĆ and VUČKOVIĆ ordered the captives to sing a song made up by FILIPOVIĆ and VUČKOVIĆ themselves and going as follows: »Let's see who of the Chetniks is not there, there is no »Tail« and there is no »Thief«, these are two of »Žučo«'s best guys«,

- on 13 June 1992, the person known as »Pufta« mutilated Zukreinein EFENDIĆ and Ismet KURŠUMOVIĆ by cutting off their penises, whereas VUČKOVIĆ mutilated Enes ČIKARIĆ by cutting off one of his ears, whereupon each of the victims was ordered to eat up his cut-off part; in the meantime, in front of the Home of Culture building, Ivan KORAĆ killed Nurija HADŽIAVDIĆ and a FNU LNU captive by rifle shots, while acc. Dragan SLAVKOVIĆ and Dragutin DRAGIĆEVIĆ beat the victims, among whom were Ismail OKANOVIĆ, Mirzet OKANOVIĆ, Ilijaz OKANOVIĆ and Meho HADŽIAVDIĆ,

- on an unestablished date, Dragutin DRAGIĆEVIĆ mutilated the injured party (protected witness) by carving a cross in his forehead and in his left upper arm, while »Pufta« broke the little finger of his right hand; concurrently, Duško VUČKOVIĆ mutilated Adnan EFENDIĆ and Izet HADŽIĆ by cutting off a little finger of each of the two,

- on a number of occasions, all of the accused ordered the captives to beat each other to death, promising that the winner would be granted life; while watching the fights, the accused were laughing and cheering the fighters, thus acting in an inhumane way and humiliating the captives' dignity,

- on an unestablished date, the herein accused individuals took Salih ZAHIROVIĆ, Sead DŽIHIĆ, Nesim OKANOVIĆ and Husein SALIHOVIĆ out of the Home of Culture and ordered them to load and unload the corpses of the victims previously killed by the accused; the above mentioned four captives had never come back to the detention unit, or emerged alive elsewhere,

Thereby, in the Home of Culture in Čelopek, acting either together or individually, the aforementioned accused deprived of life 19 persons, whereas the remaining 119 captives who managed to survive were transferred to prison facilities in Zvornik on 1 July 1992, and further on to the exchange camp in the village of Batković on 15 July 1992;

III

Crimes perpetrated at the »Ekonomija« farm and at the site called »Ciglan« (»Brickyard«)

The accused:

1. Branko GRUJIĆ
2. Branko POPOVIĆ, aka »Marko PAVLOVIĆ«
3. Duško VUČKOVIĆ, aka »Repić« (»Tail«)

4. Dragan SLAVKOVIĆ, aka »Toro«

5. Ivan KORACĆ, aka »Zoks«

In the capacities as specified in Part I of the Enacting Terms of this Indictment, the accused: Branko GRUJIĆ and Branko POPOVIĆ, having official authority and being obliged, under the Rules stipulated in Articles 31, 32 and 33 of the Geneva Convention on protection of civilians during the time of war, to take measures and actions towards fair treatment of the civilians confined at »Ekonomija« and »Ciglana«; and, in the capacity as specified in Part II of the Enacting Terms of this Indictment, the accused: Duško VUČKOVIĆ, Dragan SLAVKOVIĆ and Ivan KORACĆ, breaking the Rules stipulated in Article 3, Paragraph 1, Items 1(a) and (c) of the Geneva Convention on protection of civilians during the time of war and in Article 4, Paragraph 2, Items (a) and (e) of the Geneva Convention Annexed Protocol II of 12 March 1949 on protection of victims in non-international armed conflicts, in the period between early May and 15 July 1992, committed the following:

a) At the »Ekonomija« farm, on a number of occasions between 7 and 12 May 1992, acting either all together or within smaller groups, the accused: Duško VUČKOVIĆ, Dragan SLAVKOVIĆ and Ivan KORACĆ, aided and abetted by three FNU LNU persons known as »Pufta«, »Savo« and »Saša«, unauthorizedly entered a premise wherein approximately 24 persons were kept detained, the detainees being the following: Muhamed REDŽIĆ, Edib OMEROVIĆ, Admir HADŽIAVDIĆ, Kemo KORKUTOVIĆ, Bego BUKVIĆ, Fadil KOPIĆ, Nesib DAUTOVIĆ, Husein ŠIRAK, Jusuf AVDISPAHIĆ, Meho HUSEINOVIĆ, Abdulah BULJUBAŠIĆ aka »Bubica«, Sefudin DŽIHIĆ, Almir AVDIĆ, Sead AVDIĆ aka »Činda«, and approximately seven more unknown captives, thereupon committing the following:

- on 10 May 1992, accused Dragan SLAVKOVIĆ, aided and abetted by a FNU LNU perpetrator aka »Sava«, beat Abdulah BULJUBAŠIĆ aka »Bubica« all over the body, while »Sava« looted a gold chain from the victim,

- on 11 May 1992, accused Ivan KORACĆ and the accused perpetrator aka »Pufta« pulled a number of captives from the premise and, aided by acc. VUČKOVIĆ, acc. SLAVKOVIĆ, aka »Pufta« and aka »Saša«, beat them outside the premise, which resulted in the death of Nesib DAUTOVIĆ on the same day,

- in the early morning hours of 12 May 1992, Ivan KORACĆ and aka »Pufta« once again took Abdulah BULJUBAŠIĆ aka »Bubica« out of the premise, and, while observed by the others from their gang, they tortured and beat their victim, ordering him to take off his clothes, get down on his knees and bend forward, thereupon thrusting a pointed stake into his anus, penetrating cca. 40 cm deep inside his body, the inflicted injuries resulting in the victim's death on the following day,

- on an unestablished date, most probably on 12 May 1992, Ivan KORACĆ and aka »Pufta« took the injured party (protected witness) out of the premise, where, observed by all other members of the gang, aka »Pufta« used a cca. 60 cm long metal water pipe to beat his victim over the back and stomach, while Ivan KORACĆ kicked the victim in the groins, whereupon they also tried to thrust a pointed stake through the victim's trousers into his anus,

- on several occasions during the victims' stay at »Ekonomija«, Duško VUČKOVIĆ, Dragan SLAVKOVIĆ, Ivan KORAC, aka »Pufta«, aka »Sava« and aka »Saša« ordered the victims to beat each other until one of them got knocked down on the floor, while they were cheering, mocking and laughing at the victims, thereby humiliating their dignity,

thus depriving of life at least two persons at »Ekonomija«;

b) at the »Ciglana« site, where on 12 May 1992 twenty-two civilian captives were transferred from the »Ekonomija« farm, the transferred captives being: Muhamed REDŽIĆ, Kemo KORKUTOVIĆ, Bego BUKVIĆ, Husein ŠIRAK, Meho HUSEINOVIĆ, Admir HADŽIAVDIĆ, Jusuf AVDISPAHIĆ, Sefudin DŽIHIC, Almir AVDIĆ, Sead AVDIĆ aka »Činda«, Fadil KOPIĆ and seven more unknown victims, the herein accused individuals committed the following:

- in the period between 12 May and 15 July 1992, almost on a daily basis, the accused: Dragan SLAVKOVIĆ and Ivan KORAC, aided and abetted by aka »Pufta«, aka »Sava« and aka »Saša«, took various groups of captives out of the »Ciglana« building, ordering them to plunder the abandoned houses of Muslims and occasionally those of Serbs, which the victims did, thereupon handing the loot to the accused,

- most probably on 26 or 27 June 1992, Dargan SLAVKOVIĆ, aka »Pufta«, aka »Sava« and aka »Saša«, using their hands, legs and various objects, severely beat all of the victims, while aka »Pufta« cut off with a knife a tattooed part of a victim's skin, subsequently mutilating Ismet ŠIRAK by making a deep cut on his throat and finally killing him by a gunshot,

thereby depriving of life at least one person at the »Ciglana« site; meanwhile, the accused: Branko GRUJIĆ and Branko POPOVIĆ, albeit aware of the brutalities committed over the confined civilians, failed to do anything in order to prevent such brutalities, thereby approving of them,

- by acting in this way, each of the accused: Branko GRUJIĆ and Branko POPOVIĆ under Parts I, II and III; Duško VUČKOVIĆ under Parts II and III-a; Dragan SLAVKOVIĆ and Ivan KORAC under Parts II and III; and Siniša FILIPOVIĆ and Dragutin DRAGIĆEVIĆ under Part II of this Indictment, committed a criminal offence of war crime against civilian population, referred to in Article 142, Paragraph 1 of the SFRY Criminal Code.

In view of the foregoing reasons, I

PROPOSE

That a public trial be scheduled and held before the War Crimes Chamber of the District Court in Belgrade, whereto the following parties should be summoned:

1. The War Crimes Prosecutor from Belgrade,

2. The injured parties:
3. The accused:
4. The defence council for the accused,
5. The witnesses:

I further propose that the statements obtained by the Hague Tribunal's investigator be read at the trial, the statements being given by the following persons:

I further propose that criminal files related to the Šabac District Court's case Ref. No. K.41/94 be inspected, wherefrom the following documents should be read as evidence: Records on the Interrogation of Accused Vojin VUČKOVIĆ of 8 November 1993, and Records on the Interrogation of Accused Duško VUČKOVIĆ of 8 November 1993, the interrogations being conducted within the investigatory proceedings Ki-142/93, as well as the written report on the guard relief schedule in the Čelopek Home of Culture for the date of 10 June 1992, which was signed by Miloš JOVANOVIĆ, and the report on the second shift's working schedule for the guards in the Čelopek Home of Culture for the date of 11 November 1992, which was also signed by Miloš JOVANOVIĆ.

I further propose that the following written documents handed by the Hague Tribunal be read as evidence:

- The Announcement issued by the Kozluk Local Community on the date of 5 April 1992, signed and sealed by Local Community President Fadil BANJANOVIĆ;
- The list of Kozluk residents who handed in their weapons and ammunition, constituted in the Kozluk Local Community on 16 April 1992 and signed in the name of the aforementioned persons by;
- The list of persons undergoing organized evacuation from Kozluk, made on 26 June 1992, sealed by the Serbian Municipality Zvornik and officially registered by the Municipality Territorial Defence Staff under Reference No. 1873/92, signed by Fadil BANJANOVIĆ in the capacities of Local Community President and leader of the evacuated group;
- The list of persons undergoing organized evacuation from Skočić, constituted on 26 June 1992, sealed by the Serbian Municipality Zvornik and officially registered by the Municipality Territorial Defence Staff under Reference No. 1873/92, also signed by Fadil BANJANOVIĆ in the capacity of leader of the evacuated group;
- The written document - request to the authorities of the Republic of Serbia that the persons specified on the two aforementioned lists be granted permission to pass through the Republic of Serbia to the Republic of Hungary, the document being sealed by the Municipality Territorial Defence Staff and illegibly signed in the name of Staff Commander Marko PAVLOVIĆ, supplemented with a hand-written text carrying three illegible signatures and indicating the total number of persons being evacuated, as well as the number of vehicles being used for their transport;

- The written permit granted by the Refugees Committee and officially registered on 26 June 1992; the payroll listing the names of the Serbian Municipality Zvornik Territorial Defence members and respective amounts to be paid to them for the month of May;
- The list of the Serbian Municipality Zvornik Territorial Defence Staff members, officially registered on 15 May 1992 under Ref. No. 02-9-1/92;
- The payrolls consisting of four pages and listing, under numbers 1 - 44, the names of reserve soldiers participating in a military exercise and not employed in the army, the payment being approved of and signed by Territorial Defence Staff commander »Marko PAVLOVIĆ«;
- The list consisting of two pages and specifying the names of persons commanded by »Žučo«, carrying the date of 1 May 1992;
- The Resolution 01-023-44/92 of 28 April 1992, on the establishment of the Serbian Municipality Zvornik Territorial Defence command, rendered by the Zvornik Provisional Government and approved of by Branko GRUJIĆ in the capacity of its President;
- The Resolution 01-023-16/92 of 11 November 1992, on the establishment of the Real Estate Exchange Agency, rendered by the Zvornik Provisional Government and signed by Branko GRUJIĆ in the capacity of its President;
- The Resolution 01-023-32/92 of 15 May 1992, on the appointment of members of the Real Estate Exchange Agency, rendered by the Zvornik Provisional Government and signed by Branko GRUJIĆ in the capacity of its President;
- The Order Ref. /92 of 19 May 1992, on the establishment of the Commission for Battlefields Sanitation, rendered by the Provisional Government and signed by the Territorial Defence Staff commander;
- The Resolution 01-1/92 of 10 April 1992, on the establishment of the Provisional Government of the Serbian Municipality Zvornik, its Article 6 stipulating that by the appointment of the Provisional Government all other organs cease to operate, the Resolution being rendered by the Serbian Municipality Zvornik Crisis Staff;
- The Resolution 01-023-71/92 of 13 June 1992, on the establishment of a military war court, rendered by the Provisional Government and signed by Branko GRUJIĆ in the capacity of its President;
- The Resolution 01-023-42/92 of 20 May 1992, on the reorganization and establishment of the bodies constituting the Serbian Municipality Zvornik Provisional Government, i.e. the War Secretariat with Branko GRUJIĆ as one of its members, and the War Staff with Branko GRUJIĆ and Marko PAVLOVIĆ within its ranks, the Resolution being signed by Branko GRUJIĆ in the capacity of President of the Provisional Government;
- The payroll for May 1992, listing the members of district staffs and respective amounts to be paid for their participation in the war operations, sealed by the

Territorial Defence Staff and signed by its commander, Major Marko PAVLOVIĆ;

- The receipt of 13 May 1992, specifying the amount to be paid to 81 soldiers and signed by Marko PAVLOVIĆ;

- The payroll for April 1992, listing the total of 26 members of the Serbian Municipality Zvornik Territorial Defence, the name of GOGIĆ Milorad starting the list;

- The list of members of the Territorial Defence Unit from Loznica, written document Ref. 1558/92 of 9 May 1992, sealed by the Serbian Municipality Zvornik;

- The receipt of 10 June 1992, confirming that a person named Stojan PIVARSKI received the money intended for funding of a special operations unit;

- The officially verified list Ref. 1880/92 of 28 June 1992, signed by Major Marko PAVLOVIĆ in the capacity of commander of the Military Territorial Command; the payment order Ref. 248/92 of 7 May 1992, containing the typed name of commander »Marko PAVLOVIĆ« and seal of the Serbian Municipality Zvornik;

- The list of volunteers numbered 1 - 18, specifying the dates of their arrival in the unit, signed and sealed by Marko PAVLOVIĆ; receipt No. 1684 of 10 June 1992, signed and sealed by commander Marko PAVLOVIĆ;

- The payrolls listing the members of the Serbian Municipality Zvornik Territorial Defence, along with the list entitled »Group: Special Platoon« (starting with the name of PIVARSKI), also signed by Marko PAVLOVIĆ

- The payroll for April 1992, listing the members of Stojan PIVARSKI's Special Unit, sealed and signed by Territorial Defence Staff Commander Major Marko PAVLOVIĆ, containing a hand-written note in the left lower corner saying: »no money available«;

- The payroll for May 1992, listing, under numbers 1 - 32, members of the Territorial Defence unit called »Beli orlovi« (»The White Eagles«), signed by Marko PAVLOVIĆ;

- The payroll for an unestablished month, containing numbers 1 - 44, verified and signed by Territorial Defence Staff Commander Marko PAVLOVIĆ;

- The payroll for April, listing, under numbers 1 - 77, the names of the Second Tank Company members, approved of and signed by M. PAVLOVIĆ;

- The list of persons engaged in the Territorial Defence during the month of May, with details relating to Dragan OBRENOVIĆ (engaged in the period between 7 and 13 May 1992), the document being registered under Ref. No. 1809/92 on 19 June 1992, sealed and signed by the »Commander of the Military Territorial Command Marko PAVLOVIĆ«;

I further propose that, subsequent to the trial, the accused: Branko GRUJIĆ, Branko POPOVIĆ, Duško VUČKOVIĆ, Dragan SLAVKOVIĆ, Ivan KORAĆ, Siniša FILIPOVIĆ and Dragutin DRAGIĆEVIĆ be pronounced guilty as charged, sentenced pursuant to the law and obliged to cover the expenses of the criminal proceedings.

I further propose that, in accordance with the provisions of Article 269 and pursuant to Art. 142, Para. 2, Item 5 of the Criminal Procedure Act, all of the accused be retained in EXTENDED DETENTION, considering the fact that the committed offence referred to in Art. 142, Para. 1 of the SFRY Criminal Code is punishable by imprisonment for a term longer than 10 years; in addition, the extended detention for the accused is justifiable considering the manner in which the criminal offence was committed, and the gravity of the numerous consequences arising thereof.

Statement of Reasons

Further to the decision rendered by the Chief Prosecutor of the Hague Tribunal in the second half of June 2004, the case relating to the crimes perpetrated in the territory of Zvornik - the Republic of Serbska, i.e. Bosnia and Herzegovina, was referred to the competence of the judicial authorities of the Republic of Serbia.

Before the investigating judge of the Belgrade District Court War Crimes Chamber, the investigation into a case of war crime against civilians under Art. 142 Para. 1 of the SFRY Criminal Code was conducted against the accused: Branko GRUJIĆ from Zvornik, Branko POPOVIĆ aka »Marko PAVLOVIĆ« from Sombor, Duško VUČKOVIĆ aka »Repić« from Umka, Dragan SLAVKOVIĆ aka »Toro« from Kraljevo, Ivan KORAĆ aka »Zoks« from Kraljevo, Siniša FILIPOVIĆ aka »Lopov« from Ruma and Dragutin DRAGIĆEVIĆ aka »Bosanac« from Srebrenica.

In the course of the investigation, written evidence was obtained by the Hague Tribunal Prosecutor's Office, the evidence partly consisting of written documents rendered by the Crisis Staff, Provisional Government and other competent bodies and individuals within the Serbian Municipality Zvornik on the one hand, and partly of the statements given by the injured persons and witnesses to the Hague Tribunal's investigators on the other, the latter evidence being relevant in respect to Art. 14a of the Law on Alterations and Amendments to the Law on Organization and Competence of State Authorities in Proceeding War Crimes Perpetrators.

Likewise, within the investigation stage several witnesses were examined in Belgrade by the War Crimes Chamber's investigating judge, whereas a certain number of injured persons and witnesses were examined in the BH Prosecutor's Office in Sarajevo, as well as in the District Prosecutor's Office in Brčko, the latter examinations being attended by the investigating judge and a deputy War Crimes Prosecutor from Belgrade.

On the basis of evidence collected within the investigation stage, it was undoubtedly established that the accused: Branko GRUJIĆ, Branko POPOVIĆ, Duško VUČKOVIĆ, Dragan SLAVKOVIĆ, Ivan KORAĆ, Siniša FILIPOVIĆ and Dragutin DRAGIĆEVIĆ committed the offence of war crime against civilians under Art. 142 Para. 1 of the SFRY Criminal Code, in all points factually substantiated within the Enacting Terms of this Indictment.

In May 1992, in the then Republic of Bosnia and Herzegovina, members of Serbian, Croatian and Muslim ethnic groups started a civil war which did not have the character of an international armed conflict.

The crimes occurred in the territory of the then Zvornik Municipality, in the period between early May and mid July 1992.

The accused, Branko GRUJIĆ, at the time President of the Serbian Democratic Party in Bosnia and Herzegovina, was appointed, i.e. elected, President of the Serbian Municipality Zvornik and President of the Provisional Government by the self-established Crisis Staff operating within the Zvornik Municipality; subsequently, the Provisional Government appointed the accused as President of the Serbian Municipality Zvornik War Staff. The above offices were performed by the accused in the period between early May and mid July 1992, which is evident from the written documents rendered by the aforementioned bodies.

The accused, Branko POPOVIĆ, during the war known under the cover name of »Marko PAVLOVIĆ«, was appointed commander of the Zvornik Territorial Defence Staff pursuant to the Ruling 01-023-44/92 of 28 April 1992, rendered by the Provisional Government, which subsequently appointed him member of the Zvornik War Staff.

The written documents provide clear evidence that all military formations (regularly mobilized troops or volunteers) were part of the Zvornik Territorial Defence and subordinated to the War Staff command, i.e. to the Territorial Defence Staff commander, the aforementioned offices being performed by the accused, GRUJIĆ and POPOVIĆ.

The subordination is particularly evident in the payrolls listing members of all units, be it regular or voluntary ones, the payment being subject to the approval of Branko POPOVIĆ, who sealed and signed the documents in the capacity of Territorial Defence Staff commander.

The accused: Duško VUČKOVIĆ, Dragan SLAVKOVIĆ, Ivan KORAĆ, Siniša FILIPOVIĆ and Dragutin DRAGIĆEVIĆ were members of the voluntary unit named »Igor MARKOVIĆ« or »Yellow Wasps«, which was commanded by witness Vojin VUČKOVIĆ aka »Žučo«. The written documents, which in all points coincide with the statement given by witness Vojin VUČKOVIĆ, unambiguously indicate that this unit was operating within the Zvornik Serbian Municipality Territorial Defence, and therefore did not have the status of a paramilitary unit outside the command of the Territorial Defence Staff.

The accused: Branko GRUJIĆ and Branko POPOVIĆ, in the aforementioned capacities, upon previous agreement and aided by Jovo MIJATOVIĆ (against whom investigation has been discontinued due to his unavailability to the Serbian state authorities), on the date of 26 June 1992, orally ordered and, aided by the Territorial Defence units, forcibly conducted the mass evacuation of 1822 civilians of the then Muslim nationality, from the territories of villages Kozluk and Skočić to the Republic of Hungary, in the manner detailed within the Enacting Terms I of this Indictment, thus acting in contravention of the Rules under Art. 17 Paras. 1 and 2 of the Annexed Protocol II of the Geneva Convention of 12 August 1949, referring to the protection of victims in noninternational armed conflicts.

On an unestablished date, which was most probably 26 May 1992, the accused: Branko GRUJIĆ and Branko POPOVIĆ organized and conducted voluntary

evacuation of residents of village Divići; the evacuation resulted in failure, whereupon the villagers were returned to the bus station in Zvornik, most probably on 27 May 1992. The column of refugees consisted of all villagers of the then Muslim nationality, including men, women, old people and children. Upon their return to the Zvornik bus station, the refugees were met by the members of the Serbian Municipality Zvornik Territorial Defence, who removed 174 male persons aged between 18 and 60 from the column and took them to the »Novi Izvor« administration building, where they were withheld in detention and placed under supervision. Immediately upon their detention, Branko GRUJIĆ came and informed the detainees that they were going to be retained; this act, as well as the engagement of the Territorial Defence forces, unambiguously indicates that the accused, Branko GRUJIĆ and Branko POPOVIĆ, ordered that the refugees be removed from the column, detained in »Novi Izvor« and withheld therein.

Several hours subsequent to the refugees' detention, two unknown Territorial Defence members unauthorizedly forced away 11 detained civilians, the traces of whom have remained lost up to the present day. Personal details of the missing are specified within the Enacting Terms II-a of this Indictment.

Subsequently, on the second day, most probably on 28 May 1992, the Territorial Defence forces transferred the remaining 163 civilians to the Home of Culture in Čelopek, wherein they were held confined without basic facilities for personal hygiene, such as water or bedding, their physical and mental health thus being seriously threatened. While the accused, GRUJIĆ and POPOVIĆ, must have been aware of such conditions, they failed to undertake any steps towards the improvement of the situation.

According to the statements given by the witnesses - guards in the Home of Culture in Čelopek, the security service was poorly organized, understaffed and underarmed, which shortly resulted in frequent intrusions of the accused: Duško VUČKOVIĆ aka »Repić«, Dragan SLAVKOVIĆ aka »Toro«, Ivan KORAC aka »Zoks«, Siniša FILIPOVIĆ aka »Thief«, Dragutin DRAGIĆEVIĆ aka »Bosanac«, and a number of other, still unknown persons, who conducted »their own investigation«. On a number of occasions, in the daytime and at night alike, acting at times together, within smaller groups or individually, the aforementioned group of the accused entered the Home of Culture in Čelopek, looted money and gold jewels from the detained civilians, physically tortured, injured, mutilated and killed them, thus causing their great suffering; subsequently, the aforementioned accused ordered the detainees to fight with each others, promising that the winner would be granted life, forced fathers and sons to mutually perform unnatural sexual acts, which has been detailed in the factual presentation of the criminal offence within Part II(b) of this Indictment.

Although aware of the unlawful actions undertaken by the group most often headed by accused VUČKOVIĆ, the accused, GRUJIĆ and POPOVIĆ, failed to do anything in order to prevent such actions, thereby approving of them.

The unlawful practice in the Home of Culture in Čelopek continued until 1 July 1992, when the remaining 119 survivors were transferred to the prison facilities in Zvornik, and subsequently, on 15 July 1992, to the exchange camp in the village of Batković.

In the events taking place in the Home of Culture in Čelopek throughout the

aforementioned period, 19 persons lost their lives, while the victims relating to the individual case Ref. No. K.41/94 against Duško VUČKOVIĆ, proceeded before the District Court in Šabac, are not included in the above number.

By perpetrating the herein described criminal activities, the aforementioned accused individuals violated the provisions of the Rules recognized by Article 3 Paragraph 1 Item 1 (a) and (c) of the Geneva Convention on protection of civilians in the time of war, as well as the provisions recognized by Article 4 Paragraph 2, Items (a) and (e) of the Annexed Protocol II to the Geneva Convention of 12 March 1949 on protection of victims in noninternational armed conflicts.

In the course of the investigation it was established that crimes were also perpetrated at the »Ekonomija« farm and at the »Ciglana« site in Zvornik, and that the perpetrators were Branko GRUJIĆ, Branko POPOVIĆ, Duško VUČKOVIĆ, Dragan SLAVKOVIĆ and Ivan KORACĆ, along with a group of other perpetrators whose identities are yet to be established.

Namely, in the period between early May and approximately 15 May 1992, a great number of civilians were confined at »Ekonomija«; the accused: VUČKOVIĆ, SLAVKOVIĆ and KORACĆ undertook a number of criminal actions against the detainees, including tortures, inhumane treatment, humiliation and murders, all of the aforementioned actions having the character of a war crime. The accused: GRUJIĆ and POPOVIĆ were well aware of the fact that the civilians were held detained at the »Ekonomija« farm, as well as of the fact that against the detainees unlawful actions were being undertaken by a number of persons among whom were VUČKOVIĆ, SLAVKOVIĆ and KORACĆ, yet the former two failed to act towards the prevention of such unlawful actions, although they were obliged to do so under the Rules recognized by Articles 31, 32 and 33 of the Geneva Convention on protection of civilians in civil wars. The herein referred to unlawful actions are detailed in the factual presentation of the criminal offence within Part 3-a of this Indictment.

At the »Ekonomija« farm, at least two persons were deprived of life.

On the date of 12 May 1992, twenty-two civilians were transferred from »Ekonomija« to the »Ciglana« site. The group in which, among others, were the accused: Dragan SLAVKOVIĆ and Ivan KORACĆ, continued to perform unlawful actions against the detained at »Ciglana«, wherein they introduced the following innovation: they ordered the detainees to plunder the abandoned houses of Muslims and occasionally those of the Serbs, which the victims did, thereupon handing the loot to the accused.

It was established that in the tortures conducted at »Ciglana« at least one person was deprived of life. The tortures and the deprivation of life are detailed in the factual presentation of the criminal offence within Part 3(b) of the Enacting Terms of this Indictment.

The legal estimation of the established facts foundedly indicates that all features relevant to the criminal offence of war crime against civilians, recognized by Art. 142 Para. 1 of the SFRY Criminal Code, are contained in each of the accused individuals' actions.

With respect to the acts of criminal offence detailed in Parts I and II of the Enacting

Terms of this Indictment, the accused: Branko GRUJIĆ and Branko POPOVIĆ were aware of the offence and wilfully consented to its commission, thereby committing the offence with direct premeditation, whereas they committed the criminal offence detailed in Part III with possible premeditation.

The accused: Duško VUČKOVIĆ, Dragan SLAVKOVIĆ, Ivan KORAC, Siniša FILIPOVIĆ and Dragutin DRAGIĆEVIĆ performed each of the criminal offences with direct premeditation, given the fact that they were aware of their offences and wanted their commission.

In the course of the investigation, the accused: Branko GRUJIĆ, Branko POPOVIĆ, Duško VUČKOVIĆ, Dragan SLAVKOVIĆ and Dragutin DRAGIĆEVIĆ defended themselves by silence, while the accused: Ivan KORAC and Siniša FILIPOVIĆ, within the defence provided at a later stage, denied the commission of a criminal offence, whereas they confirmed their presence in Zvornik, within the ranks of the »Yellow Wasps«, at the time relevant to the Indictment.

The defence provided by the accused: Ivan KORAC and Siniša FILIPOVIĆ is unfounded, given the fact that, matched with the collected evidence, both written and that obtained through the examinations of protected witnesses, it proved untruthful. The point to be specially emphasized here is the fact that the above mentioned accused individuals were identified by the injured parties - examined in the capacity of witnesses, as persons who had undertaken certain unlawful actions against the injured.

Since I did not find any circumstances releasing any of the accused from criminal responsibility in respect of the committed offence, I propose that they be pronounced guilty, sentenced pursuant to the law and obliged to cover the expenses of the criminal proceedings.

Considering the facts that the criminal offence of war crime against civilians referred to in Art. 142 of the SFRY Criminal Code is punishable by imprisonment for a term longer than 10 years; that the commission of the criminal offence involved numerous brutalities; and finally, considering the numerous grave consequences arising thereof; I find, further to the provision recognized by Article 142 Paragraph 2 Item 5 of the Criminal Procedure Act, and in accordance with Article 269, that there are reasonable grounds for all of the accused TO BE RETAINED IN EXTENDED DETENTION.

WAR CRIMES PROSECUTOR
Vladimir Vukčević