



Republic of Serbia
Office of the War Crimes Prosecutor

DISTRICT COURT IN BELGRADE

War Crimes Chamber

14 March 2008

Pursuant to my authority under Articles 46 (2.3), 256 (1) and 266 of the Criminal Procedure Code, re Articles 3 and 4 (2) of the Act on Organisation and Competence of State Authorities in War Crimes Proceedings, I hereby bring the

INDICTMENT

Against

1 Goran SAVIĆ aka Savo, and

2 Saša ČILERDŽIĆ aka Saša

On the grounds set forth below:

Background

At the time relevant to this indictment, a state of armed conflict existed in the territory of Bosnia-Herzegovina (BH), which was one of the republics formerly constituting the Socialist Federal Republic of Yugoslavia (SFRJ). Parties to the conflict, which was underway between early 1992 and 1995, were armed groups of Serbs, Muslims and Croats. In their capacity as members of the Serbian armed groups, the two herein accused individuals engaged in the hostilities in the area of Zvornik, whereby they acted in breach of the rules on protection of civilians at wartime set out by the Fourth Geneva Convention of 12 August 1949, which was ratified by the Assembly of the then Federal People's Republic of Yugoslavia (FNRJ) (Official Gazette No. 24/50), and in breach of the Additional Protocol to the aforementioned Convention (Protocol II), which concerns protection of victims in noninternational armed conflicts.

Charges

I

Goran SAVIĆ aka Savo

Crimes committed at the Ekonomija farm

In the period between 5 and 12 May 1992, among other Muslim civilians confined in the slaughterhouse at the Ekonomija farm in Zvornik, were the herein injured parties:... At the time a volunteer in the so-called Pivarski's unit, which was part of the

Zvornik territorial defence force (TO), Goran SAVIĆ committed serious breaches of the following acts and provisions:

a) Geneva Convention IV - Article 3 (1.1), and

b) Protocol II - Article 4 (1) and (2)(a, g).

a) On 5 May 1992, the accused, Goran SAVIĆ, made an unauthorised entry into one of the farm facilities, where a group of twelve Muslim civilians were detained. SAVIĆ was in the company of three other members of Pivarski's unit - Dragan SLAVKOVIĆ, Ivan KORAC (proceedings against the two are currently under way in separate case K.V.-5/05), and the individual known under the nickname of Pufta. Each of the four acted in compliance with the others and used all manner of objects including water pipes, wooden batons, lengths of electric cable etc., to beat the prisoners all over, thereby inflicting massive bodily injuries on a number of still unidentified victims.

b) On an unidentified day within the aforementioned period of time, the accused, Goran SAVIĆ, arrived at the Ekonomija farm in the company of other two TO members - Svetislav MITROVIĆ aka Niški and aka Pufta. The three entered the building where the victims were confined and, in a joint action, pulled one of the prisoners, a Muslim of village Janja, out of the building for an interrogation. At one point during the interrogation, the victim seized the opportunity and took flight. In a momentary response, the accused, SAVIĆ, ran after the victim, closed in on him after around a hundred metres and deprived him of life by a gunshot.

c) On 12 May 1992, accompanied by Dragan SLAVKOVIĆ, the accused, Goran SAVIĆ, entered the slaughterhouse at Ekonomija. The two ordered the herein injured party ... to come close, whereupon they subjected the victim to severe beatings and robbed him of a gold chain. Specifically, as SLAVKOVIĆ was interrogated the herein injured party severely beating and kicking him all along, the accused, SAVIĆ, was standing nearby. At one point, SAVIĆ removed with his rifle barrel top the gold chain from the victim's neck and said: »You won't need this any longer.« By acting in the described manner, SAVIĆ and SLAVKOVIĆ inflicted serious bodily injuries on the victim until he was unable to move.

II

The accused:

1 Goran SAVIĆ aka Savo

2 Saša ČILERDŽIĆ aka Saša

Crimes committed at the Brickyard

In the period between 12 May and early July 1992, twenty-two civilian persons were transferred from Ekonomija to the site named Ciglana (Brickyard) in Zvornik, where they got subjected to forced labour. In their capacity as TO volunteers and members of Pivarski's unit, the two herein accused individuals were assigned to guard duty at that site during the aforementioned period.

Charges

a) On a number of occasions throughout the aforementioned period, aided and abetted by Dragan SLAVKOVIĆ and Ivan KORAC (against whom separate criminal proceedings are under way in case K.V. No.5/05), and by the person known as Pufta, the two herein accused individuals engaged in the inhumane treatment of the injured parties by pulling various groups of prisoners out of the Brickyard and forcing them to plunder abandoned Muslim and Serbian houses in the Zvornik area. Groups of prisoners were commonly loaded in vans and transported to the houses targeted for plunder. After receiving instructions as to what they should seize, the prisoners would take the looted goods out of the houses and subsequently load them onto the van. In the meantime, the herein accused persons and their aiders and abettors were watching from a close distance, armed and ready to prevent any escape attempts. Eventually, the accused: Goran SAVIĆ and Saša ČILERDŽIĆ, along with SLAVKOVIĆ, KORAC and aka Pufta, would load the loot, which included cupboards, TV sets, refrigerators and other goods, on trucks, and dispatch them to Serbia under cover of the Brickyard goods.

b) On an unidentified day, most probably 26 or 27 June 1992, both of the accused, aided and abetted by aka Pufta, entered the premise inside the Brickyard compound which housed Muslims condemned to forced labour. In compliance with each other and by common consent, the three engaged in the torture of the victims. As a result, a number of prisoners sustained severe bodily injuries, whereas one, named Ismet ŠIRAK, was killed. The prisoners were individually taken into a separate room, where aka Pufta took his accomplices' knives in order to slit the victims' throats. His acts were followed by the comments of the accused: Goran SAVIĆ and Saša ČILERDŽIĆ, who said: »You fool, you've killed the man with that blunt knife!«. The very presence of the accused and the arms that they were carrying suggested that any resistance on the part of the victims would be pointless. Shortly afterwards, aka Pufta fetched another prisoner from the common room and cut out a tattooed part of his skin.

By their participation in the foregoing acts, Goran SAVIĆ and Saša ČILERDŽIĆ committed:

Count 1:

A violation of the laws or customs of war recognised by Article 3 (1) (a,c) (cruel treatment) of Geneva Convention IV, and by Article 4 (2) (a,e,g) of Geneva Protocol II.

Count 2:

A grave breach recognised by Article 142 (1) re article 22 (war crime against civilian population) of the SFRJ Criminal Code.

In view of the foregoing, I hereby propose that a public trial be scheduled and conducted before the War Crimes Chamber of the District Court in Belgrade, whereto the following parties and participants should be summoned:

1 War Crimes Prosecutor from Belgrade;

2 Injured parties: protected witnesses who should be interrogated in their witness capacity and whose addresses and other details can be obtained from case K.V.5/05, which is being addressed by this Court. Personal details of the witnesses should be used in accordance with the Chamber's rulings on protective measures applicable thereto;

3 The herein accused individuals;

4 Defence counsel for the accused;

5 Witnesses: ...

6 I further propose that the following documents be read out as the trial evidence:

- Transcripts of records taken during the interrogation of protected witnesses

within the trial held before this Court in case K.V.5/05;

- Transcripts of records on witness interrogations;

- Records on witness interrogations;

- Identification records of 7 December 2007 and 17 January 2008, which were

taken in the course of the investigative proceedings;

7 In addition to the foregoing, criminal records of the accused should be obtained

and read out within the trial session.

8 On the trial completion, the accused: Goran SAVIĆ and Saša ČILERDŽIĆ should be pronounced guilty of the criminal offence charged, duly sentenced and bound to bear the expenses arising from these criminal proceedings.

Statement of reasons:

The investigative authority of the Belgrade District Court's War Crimes Chamber conducted investigation against the accused: Goran SAVIĆ aka Savo and Saša ČILERDŽIĆ aka Saša, both of Kraljevo, for their alleged participation in the criminal offence recognised by Article 142(1) (war crime against civilian population) of the SFRJ Criminal Code.

Throughout the investigative proceedings the following evidence was collected:

- statements provided by the injured parties, i.e. protected witnesses: ...

- witness statements provided by: ..., who had already testified before this

Court in case K.V.5/05;

- Witness statements provided before the War Crimes Chamber's investigative judge within the investigation case against the accused, SAVIĆ and ČILERDŽIĆ;

- Identification of both accused on the part of witnesses.

Based on the foregoing evidence is the fact of the matter which indicates beyond doubt that the accused, Goran SAVIĆ and Saša ČILERDŽIĆ, committed two respective crimes as specified in the enacting terms hereof. Consequently, both are criminally responsible for the criminal offence recognised by Article 142 (1) re Article 22 (war crime against civilian population) of the SFRJ Criminal Code.

Namely, in the period between early 1992 and 1995, a state of armed conflict, which involved groups of ethnic Serbs, Croats and Muslims, existed in the former SFRJ republic of Bosnia-Herzegovina.

The crimes charged by this indictment occurred at two sites within the area of Zvornik, namely at the Ekonomija farm and in the factory compound commonly known as the Brickyard. They were committed at the time of the armed clashes in BH, namely in the period between early May and early July 1992.

Prospective volunteers in the defence of the Serbian people in Bosnia-Herzegovina, the accused, Goran SAVIĆ aka Savo and Saša ČILERDŽIĆ aka Saša, enlisted through the Belgrade-based BH Serbs' Association. In late March or early April 1992, they departed for Zvornik, where they received duty weapons, equipment and military uniforms, and were assigned to the unit commanded by Stojan PIVARSKI, which was part of the Zvornik territorial defence force. In that capacity they were subsequently involved in a number of armed operations, fighting for the Serbian party to the conflict.

In the former part of May 1992, a number of Muslim civilians were imprisoned in the slaughterhouse at the Ekonomija farm in Zvornik. Among other prisoners, there were also the herein injured parties: ... Ordinarily accompanied by Dragan SLAVKOVIĆ aka Toro, Ivan KORAC aka Zoks, and aka Pufta, (all of whom were from Kraljevo and members of Pivarski's unit), along with Svetislav MITROVIĆ aka Niški (who was one of the unit's commanders), the accused, Goran SAVIĆ, went on more than one occasion to Ekonomija, where he engaged in the following acts:

On the fifth day of May, when a group of 12 civilian persons, among whom was the injured party and protected witness herein, were brought to the Ekonomija farm, the accused, Goran SAVIĆ, aided and abetted by SLAVKOVIĆ, KORAC and aka Pufta, entered the room where the Muslims were confined and engaged in the physical abuse of the prisoners. The perpetrators used all manner of weapons to beat the prisoners all over the body, including water pipes, wooden batons, lengths of electric cable etc., whereby they inflicted massive bodily injuries on a number of victims.

On an unidentified day, the accused, Goran SAVIĆ, arrived at the Ekonomija farm in the company of Svetislav MITROVIĆ and aka Pufta. The three entered the farm slaughterhouse, whereof they pulled one of the prisoners, a Muslim of village Janja,

out of the building, allegedly for an interrogation. As one of the prisoners was being interrogated by Svetislav MITROVIĆ (who had previously told the prisoners in another room that he was a Muslim and prisoner himself), the FNU LNU victim seized an opportunity to take flight. The accused, SAVIĆ, promptly ran after the victim, closed in on him after around a hundred metres and deprived him of life by a gunshot.

On the twelfth day of May 1992, the accused, Goran SAVIĆ, went to the Ekonomija farm together with Dragan SLAVKOVIĆ, where the two intended to interrogate one of the prisoners, namely the herein injured party. During the interrogation, Dragan SLAVKOVIĆ kept beating and kicking the victim, while SAVIĆ assisted, armed with a rifle and standing at a close distance. At one point, having spotted a gold chain around the victim's neck, SAVIĆ removed it and said: »You won't need this any longer.«

By his participation in the three above described acts against the Muslims detainees at Ekonomija, the accused, Goran SAVIĆ, committed grave breaches of the following:

Provisions contained in Article 3 (1.1) of Geneva Convention IV; and Rules contained in Article 4 (1) and (2) (a,g) of Protocol II.

Upon the approval obtained from the competent Zvornik municipal authorities, which permitted the engagement of prisoners as labour force, a group of 22 Ekonomija detainees, which included the herein injured parties: ..., were transferred to the Brickyard on 12 May 1992. In their capacity as members of the Zvornik territorial defence force, the accused: Goran SAVIĆ and Saša ĆILERDŽIĆ were assigned to the Brickyard in order to guard the persons at forced labour. The accused were directly subordinate to Dragan SLAVKOVIĆ.

The first to take military guard duty at the Brickyard was Dragan SLAVKOVIĆ, who was shortly joined by Ivan KORAĆ and aka Pufta. Goran SAVIĆ and Saša ĆILERDŽIĆ joined in a while later, with their guard assignment approximately covering the period between mid May and early July 1992.

In the foregoing period and in collaboration with Dragan SLAVKOVIĆ, Ivan KORAĆ and aka Pufta, the accused, SAVIĆ and ĆILERDŽIĆ, inhumanely treated the Muslims who were performing hard labour at the Brickyard, whereby they committed serious breaches recognised by Article 3 (1.1) (a,c) of Geneva Convention IV, and by Article 4 (2) (a,e,g) of Protocol II. Furthermore, by their participation in these acts and in the manner detailed above, both of the accused are criminally responsible for the criminal offence recognised by Article 142 (1) (war crime) of the SFRJ Criminal Code.

Throughout the time relevant to this indictment, both of the accused inhumanely treated the herein injured parties, whom they removed in groups (commonly consisting of 6 persons) from the Brickyard and ordered them to plunder abandoned houses, whereupon, along with the Brickyard products and under cover thereof, the accused would dispatch the loot to Serbia, where they traded it for money. The entire course of such operations was closely supervised by the accused, SAVIĆ and ĆILERDŽIĆ, as well as by SLAVKOVIĆ, KORAĆ and aka Pufta, who accompanied the prisoners, instructed them on what they should plunder and were prepared to fire at anyone who might try to escape.

On an unidentified day, most probably 26 or 27 June 1992, the accused, Goran SAVIĆ and Saša ĆILERDŽIĆ, who were accompanied by aka Pufta, entered the Brickyard premise where Muslims assigned to hard labour had been locked in. On that occasion, aka Pufta removed the herein injured party from the group and took him to another room. He asked the accused, SAVIĆ and ĆILERDŽIĆ, to give him a knife in order to kill the victim. As he had made a slit across the victim's throat, the accused, SAVIĆ and ĆILERDŽIĆ commented on his act by saying: »You fool, you have killed the man with that blunt knife!« The accused subsequently assisted aka Pufta to load the victim into the boot of a passenger car and remove him from the Brickyard. On the same occasion, the accused, SAVIĆ and ĆILERDŽIĆ, assisted aka Pufta as he physically injured one of the victims by cutting off a tattooed piece of skin from the victim's arm. The assistance on the part of the accused is reflected in the fact that they were both armed and standing close to the scene of the event; moreover, the comments which they made demonstrated their compliance with aka Pufta's treatment of the injured parties, whereby the accused clearly indicated the futility of any resistance that the victims or others condemned to hard labour in the Brickyard compound might try to offer.

Grounded on the legal assessment of the factual state established during the investigation is the conclusion that, at the time, in the place and manner detailed in the enacting terms of this indictment, the herein accused individuals committed the criminal offence recognised by Article 142(1) re Article 22 (war crime against civilian population) of the SFRJ Criminal Code.

Within their defence allegations, the accused: Goran SAVIĆ aka Savo and Saša ĆILERDŽIĆ aka Saša denied their involvement in the criminal offence, stating in the first place that they were not present either at Ekonomija or the Brickyard at the critical time.

The defence allegations of the accused should be dismissed as false and ungrounded, since they are in flat contradiction with the evidence collected and, in particular, with the statements obtained from the injured parties - protected witnesses herein. In their capacity as protected witnesses, all of the injured parties unequivocally referred to the accused, SAVIĆ and ĆILERDŽIĆ, as being present both at the Ekonomija farm and the Brickyard, and offered detailed descriptions of their involvement in the events at issue. One of the witnesses provided an explicit testimony about the killing of a FNU LNU person from village Janja on the part of the accused, Goran SAVIĆ, whereas another witness described the presence of both SAVIĆ and ĆILERDŽIĆ at the brick factory at the time relevant to this indictment.

Since the prosecution has found no circumstances that would exclude the criminal responsibility of the individuals accused in this indictment, I hereby propose that the War Crimes Chamber of the District Court in Belgrade pronounce them guilty, whereby they should be sentenced as required by statute and bound to bear the expenses arising from these legal proceedings.

*WAR CRIMES PROSECUTOR
Vladimir Vukčević*