



**Republic of Serbia  
Office of the War Crimes Prosecutor**

**DISTRICT COURT IN BELGRADE  
WAR CRIMES DEPARTMENT**

8 July 2009

Pursuant to my authority under articles 46 (3) and 265 (1) of the Criminal Procedure Act; articles 3 and 4 of the Act on Organization and Competence of State Authorities in War Crimes Proceedings; article 39 of the Act on Ratification of the Agreement between Serbia & Montenegro and Bosnia-Herzegovina on Legal Assistance in Civil and Criminal Matters; and article 47 (3) of the Act on International Legal Assistance in Criminal Matters, I hereby raise this

**INDICTMENT**

Against:

Nenad MALIĆ from Bečej, born on 25/06/1961 in Dževar (Sanski Most, BH), Serb, citizen of the Republic of Serbia, cook by profession, married, father of two, previously convicted, since 09/01/2009 under custody pursuant to rulings Ki.V. 5/08 and Kv.V. 102/08 of 12/12/2008, rendered by the District Court in Belgrade – War Crimes Chamber.

**CHARGES AND ALLEGATIONS:**

At the time relevant to this indictment, a noninternational armed conflict existed in the territory of Bosnia and Herzegovina. Parties to the conflict were armed formations of three ethnic groups living in that territory, namely Serbs, Croats and Muslims.

In the evening of 21 December 1992, in the courtyard of the Fontana café in Stari Majdan, municipality Sanski Most, BH, the accused, who was at the time member of the 6th Krajina Brigade – part of the Serbian Army in BH, killed and inflicted bodily injuries to civilians who were not involved in the hostilities, and as such, were at all times entitled to receive humane treatment free from any infavourable discrimination arising from their religious or ethnic backgrounds.

By the foregoing acts, the accused, Nenad MALIĆ, committed grave breaches of article 3 (1.a) of the Geneva Convention IV on Protection of Civilian Persons at Time of War of 12/08/1949 (Official Gazette of the Federal Peoples' Republic of Yugoslavia, no. 24/50), and of article 4 (1, 2.a) of the Protocol Additional to the Geneva Convention, on Protection of Victims of Noninternational Armed Conflicts (Protocol II) of 12/08/1949 (Official Gazette of the Socialist Federal Republic of Yugoslavia, no. 16/78 – International Contracts).

At the time and place specified above, the accused, Nenad MALIĆ, forced two Muslim civilians out of the café and into the courtyard, where he deprived them of their lives. The accused first killed Husein Grbić by thrusting a knife in the right side of the victim's neck, thereby inflicting on him a triangular stab wound which caused massive bleeding from the cut-off blood vessels. In subsequence, the accused discharged a bullet from his 7.62-mm gun, which hit the victim in the area of the fifth rib in the right part of the chest and killed him on the spot. In subsequence, the accused used the same gun to discharge a bullet in Refik Velić, which caused an entry wound in the victim's head with fatal destruction and contusion of the brain structures. The victim died on the spot. In an attempt to kill a third victim, Džemal Hadžalić, the accused approached the victim's house, which was situated opposite of the Fontana café, and called him to get out. When the victim responded to the call, the accused grabbed him by the chest and forcibly took him to the part of the café courtyard where the dead bodies of Grbić and Velić were lying on the ground positioned in the shape of letter 'L'. As he ordered the victim to lie down on the ground, the accused said: "One is lying here, the other there, and you must lie down next to them and to make a 'U'. When Hadžalić refused to do so, the accused, never relaxing his grip on the victim's chest, tried to send him down on the ground all the while hitting him with his other hand and bumping his head against a wall of the café, whereby the victim sustained grave injuries to the head. As the accused started unbuttoning his leather jacket and untucked his gun from his belt, Hadžalić somehow managed to pull himself free and escape from the spot.

By the foregoing acts, the accused, Nenad MALIĆ, committed the criminal offence recognized by article 142 (1) (war crime against civilian population) of the FRY Criminal Code.

In consideration of the above, I PROPOSE that a trial be scheduled and held before this court, whereto the following should be summoned:

1. The War Crimes Prosecutor;
2. The accused, Nenad MALIĆ, to be brought from the detention unit of the District Prison in Belgrade;

3. Witnesses;

4. Court Experts.

I further propose that the court, pursuant to article 142 (2.5) of the Criminal Procedure Act, rules DETENTION ON REMAND for Nenad MALIĆ, in view of the persisting reasons for the ruling on his detention that was originally rendered by this court.

WAR CRIMES PROSECUTOR

*Vladimir Vukčević*