



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

**DISTRICT COURT IN BELGRADE**  
**WAR CRIMES DEPARTMENT**

6 October 2009

Pursuant to my authority under articles 46 (2.3), 265 (1) and 266 of the Criminal Procedure Act, and under articles 3 and 4 (2) Act on Organization and Competence of State Authorities in War Crimes Proceedings, I herein raise the

**INDICTMENT**

Against the accused:

1. Lazić Milorad, from Belgrade – Surčin, born on January 5th 1964 in Udbina, Korenica municipality, a Serb, a citizen of the Republic of Serbia,
2. Đaković Perice, from Belgrade – Surčin, born on April 13th 1967 in Gospić, a Serb, a citizen of the Republic of Serbia,
3. Vujinović Nikola, from Belgrade – Batajnica, born in Gospić, a Serb, a citizen of the Republic of Serbia,
4. Marunić Mirko, from Kanjiža, born on January 3rd 1967 in Gospić, a Serb, a citizen of the Republic of Serbia,
5. Konjević Nikola, from Novi Sad, born on August 14th 1953 in Gospić, a Serb, a citizen of the Republic of Serbia.

**ALLEGATIONS AND CHARGES:**

At the time in question there was an armed conflict on the territory of then Republic of Croatia, a constituent part of the Socialistic Federative Republic of Yugoslavia (SFRJ). The conflict was between armed forces of Yugoslav National Army (JNA), units of Territorial Defence and police „SAO Krajina“ on one side, and police and paramilitary formations of the Republic of Croatia on the other. The accused were on the territory

of Gospić municipality during the armed conflicts between the police „SAO Krajina“, Territorial Defence and reserve police forces and units of the Ministry of Interior (MUP) of Croatia.

In the period from September 3rd to September 8th in Medak the accused were the members of the Territorial Defence and reserve police forces. They were in breach of the rule of the International Law during the armed conflict, in contravention of the provisions under the article 3 (1.2 a)) of the III Geneva Convention on treatment of the prisoners of war dated August 8th 1949 (ratified by National Assembly of Federative Peoples' Republic of Yugoslavia (FNRJ) in 1950) and article 4 (.2a) of the Additional Protocol to the Geneva Conventions dated August 8th 1949 on protection of the rights of the victims of non-international armed conflicts (Protocol II) dated June 8th 1977 (“Official Gazette of SFRJ”, No. 16/78 – international contracts).

The injured party, Mirko Medunić, was a member of the Ministry of Interior (MUP) of Croatia. On September 3rd 1991 the injured party layed down his weapons after fighting the members of the police „SAO Krajina“ on the road to Bilaj. After that he was brought to Medak, to the offices of the police station, which was located in the adapted „Jadran“ restaurant.

The accused treated Medunić, a prisoner of war, in inhumane and cruel way, and tortured him by inflicting on him great suffering and injuries to bodily integrity.

The accused took turns in kicking the injured party Medunić, hitting him, beating him with bats, wooden stick, cutting and stabbing him with a knife, resulting in severe pain in injured party Medunić and consequently fainting several times. All that took place during the interrogation, until September 8th 1991, during day and night. Other multiple FNU LNU members of the Territorial Defense and reserve police forces also participated.

More specifically:

The accused Lazić kicked and hit (with his feet and hands) the injured party Medunić on numerous occasions on the head and body. He also cut the uniform of the injured party with a large kitchen knife, until the injured party was left completely naked. Then the aforementioned accused cut the injured party's face and body and stabbed him in the left thigh and above the knee. Consequently the injured party sustained minor bodily injuries in the form of lacerations on the left-hand side of the face in front of the earlobe, numerous lacerations (more than 20) in the area of both shoulders and back and a stab wound in the area of the left thigh.

The accused Đaković and Vujnović hit the injured party Medunić with bats on the soles of his feet and all over the body.

The accused Marunić hit the injured party Medunić with the bat on the back, and the injured party sustained minor bodily injuries in the form of contusion of soft tissues in the loin's area.

The accused Konjević hit the injured party Medunić with a wooden stick all over the body; he kicked the injured party - with his boots still on – on the head in the area under the chin; with the beer bottle on the head and the injured party consequently sustained major bodily injuries in the form of the fracture of upper jaw bone and knocking out two of his upper teeth.

By the above described conduct these accused individuals committed the criminal offence, recognized by article 144 (war crime against the prisoners of war) of the Criminal Code of the Federal Republic of Yugoslavia.

Therefore,

#### I P R O P O S E

That the trial be scheduled and held before this court, where to following should be summoned:

1. War Crimes Prosecutor;
2. The accused: Lazić Milorad, Đaković Perica, Vujnović Nikola, Marunić Mirko and Konjević Nikola;
3. Defenders of the accused
4. The injured party, who should be heard as a witness also via video-link;
5. Witnesses;
6. Court expert

I also propose that the court in the evidentiary proceedings carries out the inspection of the certified copy of the case file of the District Court in Gospić K.No.4/96, and to read from these case files the records of the hearing of the witness Mirko Medunić No. Kio-31/92.7 dated March 4th 1993 and Kio-31/92-13 dated October 1st 1993, as well as the testimony of the witness Mirko Medunić in the records of the main hearing No.K-4/96-10 dated October 21st 1996.

S t a t e m e n t o f r e a s o n s

The reasonable doubt that the accused Lazić Milorad, Đaković Perica, Vujnović Nikola, Marunić Mirko and Konjević Nikola committed the criminal offence they are accused of in this indictment ensues from the results of the investigation conducted and evidence proposed.

In connection with the same event, the criminal proceedings were led against the accused Lazić Milorad, Đaković Perica, Vujnović Nikola, Marunić Mirko and Konjević Nikola before the District Court in Gospić – Republic of Croatia for the criminal offense, recognized by article 122 (war crime against prisoners of war) of the Penal Code of the Republic of Croatia in the absence of the accused. In that proceedings the accused Milorad Lazić, Perica Đoković and Nikola Konjević were sentenced to jail sentences in duration of 8 years each, and the accused Nikola Vujnović and Mirko Marunić to jail sentences in duration of 6 years each by the final judgment of the District Court in Gospić K.No.4/96-12 dated October 21st 1996 for the commission of the criminal offence in question.

As it ensues from the records of the District Court in Gospić K. No.4/96-12, none of the accused has served, in whole or partially, the sentences to which they were sentenced in absence in the Republic of Croatia. Accordingly, there are no legal obstacles for them to be prosecuted for the criminal offence, recognized by article 144 (war crime against the prisoners of war) of the Yugoslav Criminal Code, and pursuant to article 108 (2) in relation to article 106 of the Criminal Code of Federal Republic of Yugoslavia which applied at the time of the commission of the criminal offense, i.e. in the sense of article 108 (2) in relation to (1) in relation to article 106 of the Criminal Code of the Republic of Serbia, which applied in the meantime, as well as in the sense of now applied article 10 (1) in relation to article 8 of the Criminal Code of the Republic of Serbia. So the all the legal conditions for the criminal proceedings according to this indictment have been fulfilled.

Having in mind all the aforementioned, in the actions of the accused Lazić Milorad, Đaković Perica, Vujnović Nikola, Marunić Mirko and Konjević Nikola all the relevant elements of the criminal offense recognized by the article 144 (war crime against prisoners of war) of the Yugoslav Criminal Code are present, because all of the accused treated the injured party Medunić, a prisoner of war, in inhumane and cruel way, tortured him by inflicting on him great suffering and injuries to bodily integrity, breaking the rules from article 3 (1 .a)) of the III Geneva convention and article 4 (1 and 2 .a)) of the Additional Protocol to the Geneva Convention on protection of the rights of the victims of non-international armed conflicts.

WAR CRIMES PROSECUTOR  
*Vladimir Vukčević*