



Republic of Serbia
Office of the War Crimes Prosecutor

HIGHER COURT IN BELGRADE
WAR CRIMES DEPARTMENT

26 April 2010

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

INDICTMENT

Against:

Darko JANKOVIĆ a.k.a. Pufta, from Kraljevo, born on 12/05/1972; completed a secondary school for traffic engineering; married and father of two minors; unemployed; completed his military service (Military Records Kraljevo); citizen of the Republic of Serbia; currently under custody pursuant to ruling Kr.Po2-3/2010 of 30/03/2010, rendered by the Appellate Court in Belgrade; no previous convictions.

GENERAL ALLEGATIONS:

At all times relevant to this indictment, an armed conflict existed in the territory of Bosnia and Herzegovina (BH), then a constituent republic of the Socialist Federal Republic of Yugoslavia (SFRY). Parties to the conflict, which covered the period from early 1992 to 1995, were armed formations of Serbian, Croatian and Muslim ethnic communities.

In his capacity as member of the so-called Pivarski's unit, which was part of the Zvornik Territorial Defence and the overall Serbian armed force, the accused, Darko JANKOVIĆ, engaged in a number of criminal acts, whereby he committed grave breaches of international law, specifically of the following acts and provisions:

- Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, adopted on 12/08/1949 and ratified by the Assembly of the Federal Peoples' Republic of Yugoslavia (Official Gazette no. 24/50); and

- Protocol Additional to the Geneva Conventions of 12/08/1949, relative to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

CHARGES:

1. Crimes committed in the Cultural Centre in Čelopek

On more than one occasions during the period between around 5 June and mid-June 1992, Darko JANKOVIĆ, aided and abetted by a number of other members of the Zvornik Territorial Defence force, specifically the following: two members of Pivarski's unit – Dragan SLAVKOVIĆ a.k.a. Toro and Ivan KORAC a.k.a. Zoks (both from Kraljevo, now finally convicted); members of the so-called 'Yellow Wasps' – Siniša FILIPOVIĆ a.k.a. Lopov ('Thief', from Ruma, finally convicted)) and the late Dušan VUČKOVIĆ a.k.a. Repić from Belgrade; as well as several FNU LNU individuals, made unauthorized entries into the local Cultural Centre in Čelopek, where 162 Muslims from village Divić were unlawfully confined as hostages. Among the inmates there were a number of fathers and sons, brothers and other close relatives.

Acting in concert with his coperpetrators, Darko JANKOVIĆ engaged in a campaign of physical and psychological terror against the captured civilians, some of whom he took away from the Centre with no apparent reason or explanation, thus provoking in all a general feeling of serious and excessive fear for their lives and the lives of their fellow inmates who were also their relatives. Additionally, the accused killed and physically injured the captured civilians, treated them in an inhumane, degrading and humiliating manner and otherwise tortured his victims, thus causing them great suffering.

The above described conduct on the part of the accused, Darko JANKOVIĆ, amounts to grave breaches of article 3 (1.a, 1.c) of Geneva Convention IV, and of article 4 (2.a, 2.e) of Additional Protocol II.

a) During 10 and 11 June 1992, a day before Bayram, Darko JANKOVIĆ entered the Centre accompanied by the late VUČKOVIĆ and several unidentified members of the Zvornik Territorial Defence. The accused, JANKOVIĆ, or alternatively the late VUČKOVIĆ, ordered several inmates – fathers and their sons – to come out on the stage, undress and perform oral sexual intercourses with each others, interchanging their roles in the process. As those on the stage did what they were ordered to do, the others were made to observe. Among those ordered onto the stage were Fikret Jahijagić and his son Almir, Mehmedalija Bikić and his son (or alternatively his nephew) Šaban, as well as several other (unidentified) fathers and their sons.

In subsequence, the accused engaged in other unlawful acts which involved

particularly degrading, humiliating and inhumane treatment of the victims, as well as injury to their human pride. Some of the unlawful acts charged by this indictment were the following:

- With shots from his small-calibre rifle, the late VUČKOVIĆ killed Aziz (Abdulaziz) Tuhčić, Salih Hadžiavdzić and Alija Atlić, whereupon he pushed the barrel of his rifle into the mouth of Damir Bikić and, by pressing the barrel inside the victim's mouth upwards, forced him to raise on his toes. VUČKOVIĆ then turned to Nurija Bikić, Damir's father, and asked him if Damir was his only son. When Nurija replied affirmatively, VUČKOVIĆ told him that he would no longer have a son and killed Damir with a shot in the mouth. In the meantime, Darko JANKOVIĆ killed Zaim Pezerović by slitting his throat with a knife, saying that Zaim should be punished for being married to a Serb. In subsequence, he took the lives of Hasan Atlić, Sakib Kapidžić and Fikret Jahijagić, whom he also slit with his knife. Finally, aided and abetted by the late VUČKOVIĆ, the accused killed Šaban Bikić, whom he stabbed all over with his knife.

- On the same occasion, Darko JANKOVIĆ used the point of his knife to stab protected witness 'G' (case addressed by this Court, ref. K.V.5/05). As a result, 'G' sustained a large number of bodily injuries.

- Finally, Darko JANKOVIĆ and the late VUČKOVIĆ ordered those confined in the Cultural Centre to clean the place from blood, take the corpses out and load them on a truck, and the inmates complied with the orders. The corpses were taken out by Hasan Halilović, Salih Zahirović, Husein Salihović, Nesib Okanović and Sead Džihić, who were also driven away on the truck in order to unload the bodies. The five never returned to the Centre. Their bodies were identified after the war after being exhumed from a secondary mass gravesite at Crni Vrh. By acting in the described manner, the accused, JANKOVIĆ, and the late VUČKOVIĆ physically and psychologically tortured their victims – civilians confined in the Centre.

b) On an unidentified day that followed 10 and 11 June 1992, Darko JANKOVIĆ arrived at the Centre one more time, now in the company of Dragan SLAVKOVIĆ, Ivan KORAĆ and Siniša FILIPOVIĆ (the three have been finally convicted pursuant to case K.V. 5/05 earlier addressed by this Court). JANKOVIĆ and his aiders ordered the victims to stand in two lines and fight with each others. As the victims complied with the orders, the perpetrators laughed, pretending to 'support' one side or the other and urging the inmates to fight harder. By acting in the above described manner, the accused and his company committed serious breaches of humanitarian law, which involved inhumane treatment, physical and psychological abuse of the confined civilians.

v) On 13 June 1992, the accused, JANKOVIĆ, entered the Cultural Centre, this time

with the late VUČKOVIĆ and several unidentified members of the Territorial Defence force. On that occasion the accused mutilated Zulkarnein Efendić and Enes Čikarić with his knife by cutting off the penis of the former and an ear of the latter, whereupon he forced the two to eat their removed body parts. By acting in the described manner, the accused and his aiders inflicted grave bodily injuries on the two victims, and caused great psychological suffering to all other inmates, since they were forced to watch the development.

2. Crime at the “Ekonomija” farm

In the period between around 05 and 12 May 1992, Darko JANKOVIĆ came to the Ekonomija farm in the company of three other members of Pivarski's unit – part of the Zvornik Territorial Defence force: Dragan SLAVKOVIĆ, Ivan KORAC (both finally convicted) and Goran SAVIĆ (indicted before this Court, case ref. K.V. 1/08). They entered the farm premises which originally served as stables and a slaughterhouse. At the time relevant to this indictment, a number of Muslim civilians were held confined on those premises, among whom were the following: protected witness 'U'; protected witness '4'; protected witness 'H'; protected witness 'T'; protected witness 'F'; victim/protected witness 'Beta' (case K.V. 5/05 addressed by this Court); Muhamed Redžić; Kemal Korkutović; Bego Bukvić; Nesib Dautović; Ismet Čirak; Jusuf Avdispahić; Meho Huseinović; Abdulah Buljubašić a.k.a. Bubica; Sefudin Džihić; and Senaid Avdić. Once inside the confinement area, JANKOVIĆ and others jointly engaged in a campaign of terror against the aforementioned inmates, which included beating with batons and similar objects, thus impairing the victims' physical integrity.

By his involvement in the foregoing acts, Darko JANKOVIĆ committed serious breaches of article 3 (1.1a) of Geneva Convention IV, and article 4 (2.a) of Additional Protocol II.

3. Crime at the “Brickyard”

a) In the period between 12 May and around late June 1992, around 20 Muslim civilians originally confined at the Ekonomija farm were transferred to a site known as the Brickyard, which operated within Novi Izvor, a Zvornik-based company. Among those transferred were the following: protected witness 'U'; protected witness '4'; protected witness 'Beta'; protected witness 'T'; protected witness 'F' (case K.V. 5/05 addressed by this Court); Muhamed Redžić; Kemal Korkutović; Bego Bukvić; Nesib Dautović; Ismet Čirak; Jusuf Avdispahić; Meho Huseinović; Sefudin Džinić; and Senaid Avdić. The accused, Darko JANKOVIĆ, alongside four other members of Pivarski's unit – part of the Zvornik Territorial Defence force, namely the following:

Dragan SLAVKOVIĆ, Ivan KORAC (both finally convicted), Saša ČILERDŽIĆ and Goran SAVIĆ (both indicted before this Court, case K.V. 1/08), were at the time assigned to guard the civilians performing forced labour at the Brickyard.

Alongside the aforementioned members of his unit, Darko JANKOVIĆ engaged in acts of inhumane treatment against the detained civilians, among whom were protected witnesses 'F', 'T', '4' and 'U'. Specifically, JANKOVIĆ and his fellow guards removed groups of victims from the Brickyard and sent them to plunder Serb and Muslim houses throughout the Zvornik area. The loot, which was handed over to JANKOVIĆ and his fellow guards, included cupboards, TV sets, refrigerators and other goods. Some of those goods were subsequently transported to the Republic of Serbia together with regular contingents of the Brickyard products.

By his involvement in the foregoing acts, Darko JANKOVIĆ committed serious breaches of article 3 (1.1c) of Geneva Convention IV, and article 4 (2.e) of Additional Protocol II.

b) At the time relevant to this indictment, Darko JANKOVIĆ, Saša ČILERDŽIĆ and Goran SAVIĆ, all of whom were members of Pivarski's unit and part of the Zvornik Territorial Defence force, were assigned to supervise the forced labourers at the Brickyard. On 26 or 27 June 1992, the three entered a facility within the Brickyard compound that accommodated the Muslim civilians – forced labourers, and jointly engaged in a campaign of terror against those inside. Specifically, Darko JANKOVIĆ inflicted grave bodily injuries on Enver Dautović and killed Ismet Čirak. Having removed the two from the common premise and taken them into a separate room, JANKOVIĆ produced a knife, cut off a tattooed part of the skin on Enver Dautović's hand and also made several slits in the throat of Ismet Čirak. The accused physically injured his victims in the presence of ČILERDŽIĆ and SAVIĆ. In subsequence, he loaded Ismet into the boot of his car, drove him to an unknown site where he deprived the victim of his life, and then returned to the Brickyard.

By his involvement in the foregoing acts, Darko JANKOVIĆ committed serious breaches of article 3 (1.1a) of Geneva Convention IV, and article 4 (2.a) of Additional Protocol II.

The above described conduct of the accused, Darko JANKOVIĆ, amounts to the criminal offence recognized by article 142 (1) (war crime against civilian population) re article 22 of the SFRY Criminal Code.

In consideration of the above, I PROPOSE that a public trial be scheduled and held before the Higher Court in Belgrade – War Crimes Department, which has the subject matter and territorial jurisdiction over this case, whereto the following persons should be summoned:

1. War Crimes Prosecutor from Belgrade
2. Injured Parties:
3. Accused Darko JANKOVIĆ a.k.a. Pufta
4. Witnesses:

I further propose DETENTION ON REMAND of Darko JANKOVIĆ a.k.a. Pufta, pursuant to article 142 (2.1 and 2.5) of the Criminal Procedure Act.

Additionally, pursuant to article 33 (3) of the Criminal Procedure Act, I propose that the present case be joined to this Court's case K.V. 1/08, with a view to a concurrent trial.

Finally, I propose that, upon the trial completion, the accused, Darko JANKOVIĆ, be pronounced guilty, sentenced in accordance with the law and made to bear the costs of these criminal proceedings.

WAR CRIMES PROSECUTOR
Vladimir Vukčević