



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Ref. KTO no. 2/19
Belgrade, 26 September 2019
LjV/LjV

HIGHER COURT IN BELGRADE
War Crimes Department

BELGRADE

In line with article 47 (1) of the *Act on International Legal Assistance in Criminal Matters*, Indictment no. T20 0 KTRZ 0002825 10 of 20 November 2017, raised by the BH Prosecutor and confirmed by a competent BH court, is hereby conformed to the laws of the Republic of Serbia and now reads as follows:

Pursuant to my authority under articles 43 (2.5), 331 (1 and 2) and 332 of the *Code of Criminal Procedure*; and articles 3 and 4 (1) of the *Act on the Organisation and Competence of Government Authorities in War Crimes Proceedings*, I raise this

INDICTMENT

Against:

AA a.k.a. ...

Personal details:

Son of ... and ... née ...

Place of birth: ...

Place of residence: ...

Citizen identity number: ...

Country of citizenship: ...

Educational background: ...

Occupation: ...

BACKGROUND FACTS AND GENERAL ALLEGATIONS

The incident relevant to this indictment occurred in the area of Kalinovik, Bosnia-Herzegovina (BH), amidst an ongoing noninternational armed conflict between the BH and Republic of Srpska's Armed Forces.

As a soldier of the Republic of Srpska's Army, **AA** subjected a female person of Bosniak nationality to forcible sexual intercourse, thereby committing grave breaches of international law, as recognised by the following acts and provisions:

- Articles 3 (1.a and 1.c) and 27 (2) of the *Geneva Convention of 12 August 1949, Relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV)*; and
- Article 4 (1 and 2.a) of the *Protocol Additional to the Geneva Conventions of 12 August 1949, Relative of the Protection of Victims of Noninternational Armed Conflicts (Protocol II)*.

CHARGES

In the evening of an undetermined day in August 1992, **AA** and another FNU LNU soldier of the Republic of Srpska's Army were present in the building of the *Miladin Radojević* Elementary School in town Kalinovik, at the time operating as a makeshift prison. The inmates – mainly women and children, as well as a small number of men – were captured Bosniak civilians from the areas of Kalinovik, Gacko and other neighbouring municipalities. Having entered a classroom where some of the inmates were being held, **AA** called protected witness B1 by name and ordered her out of the classroom. B1 complied, taking her underage child with her. **AA** ordered her to take her child back into the classroom, which B1 initially refused to do. However, when **AA** threatened that he would rape her child unless she obeyed, B1 – in fear for her child's life – took the child back into the classroom and then came out into the hallway. In subsequence, **AA** and his FNU LNU accomplice took B1 into an unoccupied adjacent classroom. When the FNU LNU soldier left shortly afterwards, **AA** ordered B1 to take off her clothes. As B1 refused to do so, **AA** headed towards the door saying that he would rob her of her children. In fear for her children's lives, B1 stripped off, whereupon **AA** subjected her to forcible sexual intercourse and warned her not to tell anybody about it or otherwise her children and then she as well would be killed. On completion of his act, **AA** ordered B1 to remain undressed and left the classroom. The FNU LNU soldier of the Srpska Army entered the classroom immediately afterwards and also raped B1.

By his involvement in the above described conduct, AA committed the criminal offence under article 142 (1) (war crime against civilian population) of the *FRY Criminal Act*.

Ljubica Veselinović
Deputy War Crimes Prosecutor