



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
KTO no. 2/21
Ustanička 29, Belgrade
25 March 2021
SPP/AR/IP

HIGHER COURT IN BELGRADE
War Crimes Department

BELGRADE

In line with article 47 (1) of the *Act on International Legal Assistance in Criminal Matters*; articles 331 (1), (2) and 332 re article 43 (3.5) of the *Code of Criminal Procedure*; and articles 3 and 4 of the *Act on the Organisation and Competence of Government Authorities in War Crimes Proceedings*, Indictment no. T20 0 KTRZ 0003786 05 of 01/08/2014, 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:

INDICTMENT

Against:

1. **AA**, son of and
Place and date of birth:
Citizenship: Republic of Serbia;

and
2. **BB** a.k.a., son of and
Place and date of birth:
Citizenship: Republic of Serbia

Background facts and allegations:

At the time relevant to this indictment, an armed conflict existed in the then Republic of Bosnia-Herzegovina between armed forces of Serbs, Croats and Bosniaks. AA and BB were respective commanders of the 6th Sana Brigade – part of the Republic of Srpska's Army (RSA) and of the Sanski Most Territorial Defence Staff. Additionally, both were members of the Sanski Most Municipal Crisis Staff. By their involvement in the incidents addressed by this indictment, AA and BB committed grave breaches of international law, specifically of the following:

- Articles 3 (1. a), (1.c), (1.d); and 76 of the *Fourth Geneva Convention of 12 August 1949, relative to the Protection of Civilian Persons in Time of War* (ratified by the FPRY General Assembly , *FPRY Official Gazette* no. 24/50); and
- Articles 4 (1), (2); 13 (2), (3); and 17 (1), (2) of the *Second Protocol Additional to the Convention*.

Units under AA's and BB's command took part in armed attacks on settlements inhabited by non-Serbs. Those campaigns were aimed at the displacement, killing, unlawful arrests and physical torture of civilians, as well as at the destruction of their neighbourhoods. Albeit fully conscious of their acts and aware that the activities undertaken by their units might amount to criminal offences, AA and BB acquiesced to the commission of such acts. Specifically, the units subordinated to these accused individuals engaged in the following:

1. Unlawful arrests and infliction of physical injuries

On 25 May 1992, Serbian armed forces composed of Police units, Serbian Defence Forces (SDF) and 6th Sana Brigade started an arrest campaign against Croatian and Muslim civilians in the area of Sanski Most. Local officials, political activists of the Party of Democratic Action (PDA) and prominent intellectuals including AB, AV, AG, AD, AĐ, AE, AŽ, AZ, AI, AJ, AK, AL, ALj and AM were brought for interrogations to the premises of the Public Security Centre. AN, the first PDA president, was taken to the seat of the 6th Sana Brigade in village Magarica, where he was heavily beaten. AN was subsequently taken to the premises of Sana radio station, where he was ordered to read out a previously prepared statement in which he "admitted" that the Serb officers and soldiers had enlightened him on the fact that exclusive responsibility for the sufferings and pain of the Muslim people lay with Muslims who had failed to give a hand to the Serbian people in the way the Serbian people had generously given to them. The statement also invited the local Muslims to surrender to the Serbian Army and to hand in to the Serbian authorities all legal or illegal arms in their possession. The locals were also warned not to be misled by the Muslim and Croatian extremist propaganda, or otherwise mass slaughter of innocent people would ensue. After he had read out the statement, AN was taken back to the

Public Security Centre (PSC), where he was held detained together with others. Some inmates were subjected to mental and physical torture. Some were transferred to the garages called Betonirka, where they were severely beaten and then returned to the PSC detention unit. By August 1992, all PSC inmates had been transferred to the Manjača camp save for religious officials AJ and AK, who remained detained in the PSC unit. The two were later killed and their bodies were exhumed and identified at the site of Lugovi – Trnava.

2. Attacks on civilian population and settlements

In the night of 26 May 1992, acting in breach of the rules of international humanitarian law as envisaged by articles 7, 8, 9, 13 and 14 of the 1907 *Hague Convention (IV) respecting the Laws and Customs of War on Land*, forces of the 6th Sana Brigade – whose artillery units had previously been deployed in the areas of Magarica, Dabra and Kruhara whereas its 1st and 4th Infantry Battalions had blocked villages Mahala, Otoka and Muhići – deployed along the Ključ-Prijedor motor road, mounted an artillery attack on the civilian population of undefended villages Muhići, Otoka and Mahala. In an operation which continued for at least 12 hours, private homes and other civilian facilities were burnt to the ground, and the local civilians, in fear for their lives, sought shelter in the cellars of their homes, where they remained hidden until the infantry units' arrival.

3. Unlawful arrests and physical torture

On 27 May 1992, soldiers of the 6th Sana Brigade, *Crni Đorđe* Intervention unit and Serbian Defence forces (SDF) – which had previously entered villages Mashala, Muhići and Otoka – launched a raid of the local homes. The civilians who were found inside – men, women and children – were forced out and under arms treat made to move towards the collection centres set up in vilages Dašići and Krkojevci. Guarded by soldiers under arms and deprived of any food or water, the villagers were held in the collection centres for the whole day, whereupon they were transported to the buildings of the *Narodni Front* Elementary School and of the local Sports Hall, which had been converted into makeshift detention facilities. Almost the overall populations of Mahala, Muhići and Otoka were removed from their homes and placed under detention. Civilians ANj and AO, who stepped out of the convoy as it headed towards Dašići, were killed. Their bodies were later exhumed from the Greda I mass grave and identified.

4. Killings

On 27 May 1992, during the raid of the local homes, removal of the occupants and their transfer to the collection centres, a group of soldiers killed civilian AP in front of the family home. The civilians who had been sheltered inside were forced out and sprayed with automatic gunfire. AR, AS, AT, AĆ, AU, AF, AH and his gravid wife AC were killed in the process. Their bodies were later exhumed from the Greda I mass grave and identified.

5. Killings and unlawful arrests

On 27 May 1992, a group of armed soldiers was present in village Otoka, where they unlawfully arrested civilians AČ and ADŽ and brought them to AŠ's home. Having removed the civilians whom they found inside, one group of soldiers took AŠ, his wife and his daughter-in-law towards village Krkojevci, whereas another group took civilians AČ, ADŽ and BA away from the scene and killed them. The bodies of the three were later identified following their exhumation from the Greda I mass grave.

6. Attacks on civilian population and civilian settlements

On 31 May 1992, the 6th Sana Brigade artillery units, at the time based near the Kljevci Elementary School and acting in breach of the rules of international humanitarian law as envisaged by articles 7, 8, 9, 13 and 14 of the 1907 *Hague Convention (IV) respecting the Laws and Customs of War on Land*, engaged in the random shelling of undefended civilian populations of villages Vrhpolje and Hrustovo, which had already been besieged by soldiers under arms and ready to attack. During the operation, a large number of family homes and ancillary facilities were burnt down and demolished. In fear for their lives, the local civilians were forced to seek shelter in cellars and garages, where they remained hidden until the infantry units' arrival.

7. Killings

On 31 May 1992, having entered undefended village Hrustovo, a group of soldiers threw an explosive device into the garage of the family home where approximately 37 civilians – mainly women and children – had been hiding. The explosion resulted in the deaths of a large number of those in the garage, specifically of the following: BG, BD, BĐ, BE, BŽ, BZ (child), BI, BJ, BK (child), BL, BLj, BM, BN, BNj, BO, BP, BR, BS, BT and BČ. The victims' bodies were identified following their exhumation from the Hrustovo I – Kukavice mass grave.

8. Killings and unlawful arrests

On 31 May 1992, following the troops' entry into the undefended neighbourhood of Begići, the overall local population was brought before the home of BU. The women and children got confined in the house, whereas the men were taken across the field called Vinogradine and towards the Vrhpolje bridge. When they reached the slaughterhouse by the bridge on the Sanica river, VV killed civilians BF and BH. A while later, upon arrival at the Vrhpolje crossroads, VV killed BU, then BC on the motor road towards Sanski Most and BČ at the Vrhpolje bridge. Together with other soldiers, VV killed the remaining civilians, who were ordered to take off their clothes and jump from the bridge. As they fell into the water, the men – including BDŽ, BŠ, VA, VB, VG, VD, VĐ, VE, VŽ, VZ, VI, VJ, VK and VL –

were shot dead. The victims' bodies were identified following their exhumation from the Vrhpolje Bridge I and II mass graves.

9. Killings

On 01 June 1992, villagers of Hrustovo assembled at the local cemetery called Keranjsko Groblje to attend the burial of those killed in the family garage. As the 6th Sana Brigade artillery launched a shelling attack on them, they sought refuge in a nearby house owned by VLj. The house was soon surrounded by a group of soldiers, who separated the women from the men. Shortly afterwards, those men alongside other male villagers – approximately a hundred of them – were taken to the Vrhpolje bridge, where they were divided into groups.

a) A group of around 25 men including VM, VN, VNj, VO, VP, VR, VS, VT, VĆ, VU, VF, VH, VC, VČ, VDŽ, VŠ, GA, GB, GV, GD, GĐ and GE was taken away in the direction of Tomina and killed. The victims' bodies were later identified following their exhumation from the Tomina – Markovići mass grave.

b) Another group of around 20 men including GŽ, GZ, GI, GJ and GK was taken away towards the site of Tomina – Gornja Tramošnja, where all of them were killed. The victims' bodies were later identified following their exhumation from the Tomina – Jankov Do mass grave.

c) **Unlawful arrests:** More than 20 men were brought before the Public Security Centre and handed over to the police, who placed them under detention in the garage known as Betonirka. Among those confined in Betonirka were GL, GLj, GM, GN, GNj, GO, GP, GR, GS, GT, GĆ, GU, GF, GH, GC, GČ, GDŽ, GŠ and DA. The inmates were heavily beaten and starved by hunger. In August 1992, the Betonirka inmates alongside those from other detention facilities in the area of Sanski Most were transported to the Manjača camp.

10. Killings, unlawful arrests and relocation

On 01 June 1992, groups of soldiers forced the Hrustovo villagers out of their homes and took them under arms threat towards Sanski Most. As they reached the Vrhpolje bridge, the men were separated from the women and children, who were transferred to village Tomina and further to the Krings prison facility, from where they ultimately got expelled from the area. The men including DB, DV, DG, DĐ, DE, DŽ and DZ were killed. Their bodies were later identified following their exhumation from the Vrhpolje Bridge II mass grave.

11. Killings

On 01 June 1992, DI and DJ alongside nurse DK were allowed by the soldiers present in village Hrustovo to take a group of wounded villagers – namely DL, child DLj and DK's children – in their passenger car to the Health Centre in Sanski Most. When the car reached the Vrhpolje bridge, it was stopped by a

group of soldiers, who forced the passengers out and seized their car. The women and children, escorted by a doctor who happened to be present at the scene, were driven to the Health Centre, whereas DI and DJ were withheld and killed. The victims' bodies were later identified following their exhumation from the Vrhpolje Bridge II mass grave.

12. Killings and unlawful arrests

In the period from 31 May 1992 to 04 June 1992, the troops present in village Hrustovo continued searching the local homes and cleansing the area. The civilians who were found in their homes were forced out. Part of them were taken to prison facilities in Sanski Most, whereas over 50 were killed at various locations in the village. The bodies of DM, DN, DNj, DO, DP, BS, DR, BNj, DS, BP, DT, DĆ, DU, DF and BR were identified following their exhumation from the Hrustovo I mass grave. The bodies of DH, DC, DČ, ZDž, DŠ, ĐA, ĐB, ĐV, BG, ĐG, BĆ, ĐD, ĐE and ĐŽ were identified following their exhumation from various individual graves in the village. The bodies of ĐZ, ĐI, ĐJ, ĐK, ĐL, ĐLj, ĐM, ĐN, ĐNj, ĐO, ĐP, ĐR, ĐS, ĐT, ĐĆ, ĐU, ĐF, ĐH, ĐC and ĐČ were identified following their exhumation from the Vrhpolje-Polje mass grave.

13. Killings and unlawful arrests

Following a shelling operation on 31 May 1992, the army entered village Vrhpolje, where they engaged in search campaigns. Under arms threat, the overall village population was removed from their homes or hiding places, assembled in the village centre and ordered to leave the village heading towards Tomina. Prior to the convoy's departure, EDž, EŠ, GČ, EA, EB, EV and EG were removed from their wagons and beaten all over the body with rifle butts. When the convoy of those exiled had left the village, the aforementioned six were killed. The victims' bodies were later identified following their exhumation from the Gornja Tramošnja – Jankov Do mass grave.

14. Killings

On 31 May 1992, a group of soldiers stopped the convoy of civilians moving from village Vrhpolje towards Tomina at the Vrhpolje bridge. Seven male civilians were removed from the convoy and killed. The bodies of ED, EĐ, EŽ, EZ and EI were later exhumed from the Gornja Tramošnja – Jankov Do mass grave; the body of EJ was found in the Vrhpolje Bridge III grave; and the seventh of the removed civilians, namely EK, has been missing up to the present day.

15. Unlawful arrests and relocation

On 31 May 1992, in compliance with the troops' orders, the villagers of Vrhpolje left their homes and – save for the men singled out in the village or at the Vrhpolje bridge – were transferred to Tomina, where they were forced to remain for approximately one month, deprived of basic human rights and also

dispossessed of their luggage which had been left behind in the cars. On 05 May 1992, they were banished from Tomina and transferred to the Krings prison facility in Sanski Most. After a while, they were transported on trucks to Trnopolje, Prijedor, where they were loaded onto a freight train and transported to Doboj. Upon arrival in Doboj, the exiled civilians were ordered to proceed on foot towards Gračanica and to the territory controlled by the BH Army.

16. Killings

As of 31 May 1992 onwards, the army continued their search and cleansing operations in village Vrhpolje. The men found inside their homes were killed. Among the victims were VLj, EL, ELj, EM, EN and ENj, whose bodies were identified following their exhumation from individual graves in the village.

17. Killings

On 25 June 1992, following extensive search and surveillance operations in villages Hrustovo and Vrhpolje, the army arrived in the neighbourhood of Kenjar, where the overall civilian population was removed from their homes and ordered to the village centre. The men were separated from the women and children, who were allowed to return to their homes. The men were taken into the family house in Kljevci, and on the following day, 26 June 1992, they were transferred to the site of Kasapnice, where they got locked inside the family house. The soldiers then threw hand grenades into the house, shot from their firearms and ultimately set the house on fire. Civilians EO, EP, ER, ES, ET, EĆ, EU, EF, EH, EC, EČ, EDž, EŠ, ŽA, ŽB, ŽV, ŽG and ŽD were killed in the process, whereas (witness) ŽĐ and ŽE managed to escape through a window. The army later found ŽE and handed him over to the Public Security Centre, whereupon he has remained missing up to the present day.

18. Attack on civilian population and civilian settlements

In the period from 23 to 25 July, the artillery force of the 6th Sana Brigade, acting in breach of the rules of international humanitarian law as envisaged by articles 7, 8, 9, 13 and 14 of the *1907 Hague Convention (IV) respecting the Laws and Customs of War on Land*, engaged in the random shelling of undefended villages Stari Majdan, Stara Rijeka and Briševo, which had been besieged by the forces of the 6th Sana Brigade and 5th Kozara Brigade based in Prijedor. In the course of the shelling operation, private homes and other civilian structures were burnt down. In fear for their lives, the local civilians were forced to remain sheltered in inconvenient facilities until the arrival of the 6th Sana Brigade infantry units, which forced them out of their hiding places.

19. Killings

From 23 to 25 July 1992, troops of the 6th Sana Brigade launched an infantry attack on undefended villages Briševo, Stara Rijeka and Stari Majdan. The army

set local houses on fire and removed civilians from their homes, conducted search operations and seized private property. Those found inside their homes were severely beaten, subjected to mental or physical abuse and otherwise tortured. Many civilians – both men and women – were killed in the process, including ŽZ, ŽI, ŽJ, ŽK, ŽL, ŽLj, ŽM, ŽN, ŽNj, ŽO, ŽP, ŽR, ŽS, ŽT, ŽĆ, ŽU, ŽF, ŽH, ŽC, ŽČ, ŽDž, ŽŠ, ZA, ZB, ZV, ZG, ZD, ZĐ, ZE, ZŽ, ZI, ZJ, ZK, ZL, ZLj, ZM, ZN, ZNj, ZO, ZP, ZR, ZS, ZT, ZĆ, ZU, ZF, ZH, ZC, ZČ, ZDž, ZŠ, IA, IB, IV, IG, ID, IĐ, IE and IŽ. The victims' bodies were identified following their exhumation from the Stari Majdan – Stara Rijeka mass grave.

20. Unlawful arrests

In the course of 25 July 1992 or longer, the troops were present in village Briševo, where they set houses on fire, removed the civilian population from their homes, subjected them to beatings, physical or mental torture and also killed some in the process. The men who were found in their homes, in the surrounding woods or hidden elsewhere in fear for their lives were captured and transferred to the Krings prison facility in Sanski Most, where they remained for approximately one month. The prisoners were forced to sleep on a concrete floor, deprived of basic living conditions. Many of them – including IP, IR, IS, IT, IĆ, IU, IF, IH, IC, IČ, IDž, IŠ, JA and JB – were subjected to interrogations and severe beatings.

21. Killings

On 01 August 1992, the army continued their search campaigns in the Muslim villages on the left bank of the Sana river. On arrival in village Lukavice, they removed the overall local population from their homes, separating the men from the women and children. Fourteen male civilians – namely JV, JG, JD, JĐ, JE, JŽ, JZ, JI, JK, JL, JLj, JM, JN and JNj – members of the family, were taken outside the village and killed. The victims' bodies were identified following their exhumation from the Lukavice mass grave.

By their involvement in the above described acts, AA and BB committed the criminal offence under article 142 (1) (war crime against civilian population) re article 22 of the FRY Criminal Act.

***Snežana Pavlović Pejić
Deputy War Crimes Prosecutor***

