



Republic of Serbia  
OFFICE OF THE WAR CRIMES  
PROSECUTOR  
**KTO no.1/20**  
Belgrade, 21 February 2020  
DK/JZ

**HIGHER COURT IN BELGRADE  
War Crimes Department**

BELGRADE

Pursuant to my authority under articles 333 (2) re 331 (1) and 43 (2.5) of the *Code of Criminal Procedure*; and article 4 of the *Act on the Organisation and Competence of Government Authorities in War Crimes Proceedings*, I raise this

**INDICTMENT**

Against:

**AA**

Personal details:

Son of ... and ... née ...

Place and date of birth: ...

Citizen identification number: ...

Citizenship: ...

Educational background: ...

**BACKGROUND FACTS AND GENERAL ALLEGATIONS:**

At the time relevant to this indictment, an armed conflict which was not of an international character existed in the territory of Bosnia-Herzegovina (BH). Parties to the conflict were Croatian and Muslim armed forces on one side and Serbian armed forces on the other. The incidents addressed by this indictment occurred in a makeshift detention camp at the site called Rasadnik in village Gornji Rahić, area of Brčko, BH throughout May and June 1992. Acting as part of the Muslim armed force security structures, the accused, AA, committed grave breaches of international law as envisaged by the following acts and provisions:

- Article 3 (1.a) of the Third Geneva Convention Relative to the Treatment of Prisoners of War, and Fourth Geneva Convention Relative to the Protection of Civilian Persons in

Time of War (both adopted on 12 August 1949), ratified by the FPRY National Assembly in 1950 (*FPRY Official Gazette* no. 24/50); and

- Articles 4 (1, 2.a) and 13 (1, 2) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), ratified by the SFRY National Assembly in 1978 (*SFRY Official Gazette – International Treaties*, no. 16/78).

Alongside other members of the same party to the conflict, AA engaged in the inhumane treatment, intimidation, unlawful detention and torture of persons who did not take direct part in the hostilities – including members of adversary armed forces who had been deprived of their liberty, and as such were in all circumstances entitled to humane treatment without any adverse distinction based on their ethnic backgrounds. Among those whom AA and his accomplices subjected to a campaign of terror which included violence to their health, as well as to their physical and mental well-being were BB, VV, GG, DD and other still unidentified camp inmates.

#### CHARGES:

1. On 6 May 1992, civilian BB, previously removed from his car and arrested at the checkpoint in Gornji Rahić, was brought before AA, who checked BB's identity and withheld his ID, whereupon he started interrogating BB about his knowledge regarding the Serb forces' activities in the clashes in Brčko, as well as about his own alleged involvement in the preparation of such activities. Another soldier of AA's unit, who was present during the interrogation, warned BB that he would be slashed with a knife if he was found guilty. Acting in an unlawful manner, AA locked BB inside the room and left. The next morning, on 07 May 1992, members of the same unit moved BB to a nearby tin structure with concrete floor, with no windows or natural light, which had previously served as a drying shed for fruit and vegetables. Deprived of fresh air, water or toilet, BB was held there until 14 July 1992. On repeated occasions during his captivity, BB was taken out for interrogations, subjected to physical and mental torture and forced to remove unexploded shells from the ground. On an undetermined day, AA came into the shed with another soldier of his unit, to whom he showed BB, whereupon the soldier kicked BB in the knee.

2. On 13 May 1992, AA interrogated civilian VV, who had previously been removed from a passenger car at the checkpoint in Gornji Rahić and deprived of his liberty. During the interrogation, AA and his accomplices – members of the same party to the conflict – subjected VV to a campaign of torture which continued through the night and until the morning of the following day, all the while seeking information about the engagement of certain individuals with the Brčko armed structures, armament in the possession of the Serbian troops and positions under their control. During the interrogation, VV was heavily beaten over the head and body. The interrogators – including AA – struck the victim using their hands, shod feet, wooden batons and truncheons. On repeated occasions during the beating campaign, VV fainted, whereupon he was splashed with water to regain consciousness, then beaten again and forced to drink urine. Once back in the drying shed, VV was on several occasions taken out for new interrogations during which he was physically and mentally tortured, sustaining grave bodily injuries in the process. On an unidentified day in June 1992, aided and abetted by another soldier of his unit, AA forced VV out of the shed, cursing the victim, threatening to kill him and yelling that he would not get out alive. As he did so, AA repeatedly hit VV with his

hands and shod feet until – as a result of the blows received – the victim could no longer control the release of his urine, whereupon he was taken back to the shed.

3. On an unidentified day in June 1992, GG, part of the Serbian armed structures, was taken out of the aforementioned shed – where he had been unlawfully held since 03 June 1992, following his removal from a passenger car and arrest at the *4th July* control checkpoint outside village Dizdaruša, municipal area of Brčko – and brought for interrogation. AA was present while several other soldiers – members of the same party to the conflict were interrogating GG. As he sat at a table with his arms stretched forward, GG was subjected to torture aimed at extorting his statement relating to the positions of the Serbian troops in Brčko and armament in their possession. With a gun pointed at his head, GG received multiple blows with a broom handle, as well as with hands and shod feet. Having received heavy blows to the head, body and arms, GG was covered in blood, with his eyes almost completely closed, nose smashed and several teeth and ribs broken. At one point, AA, who had meanwhile been silently circulating around the table, approached GG and slapped his face saying, “Fuck your Chetnik mother, why are you lying?” Once the interrogation was over, GG was returned to the shed, where he remained confined for 31 days. On repeated occasions during his custody, GG was taken out of the shed in order to clean up litter or remove unexploded shells from the ground, as well as for further interrogations during which he was subjected again to physical and mental torture.

4. On an unidentified day in June 1992, AA and another member of his unit took civilian DD out of the aforementioned shed, where he had been unlawfully detained since 27 May 1992, following his removal from a passenger car and arrest at the control checkpoint in village Ratkovići, municipal area of Čelić. Outside the shed, AA and his accomplice subjected DD to physical torture using their hands and shod feet. As a result of the blows received to the head, body and arms, DD toppled over, whereupon he was transferred to an adjacent room.

**By his involvement in the above described acts, the accused, AA, committed the criminal offence recognised by articles 142 (1) (war crime against civilian population) (items 1, 2 and 4 of the enacting terms of this indictment) and 144 (war crime against prisoners of war) (item 3 hereof), re article 22 (co-perpetration) of the *FRY Criminal Act*.**

**Dušan Knežević**  
**Deputy War Crimes Prosecutor**