



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
KTO no. 5/20
Belgrade, 09 October 2020
IM/IP/AP

***HIGHER COURT IN BELGRADE
War Crimes Department***

BELGRADE

In compliance with article 47 (1) of the *Act on International Legal Assistance in Criminal Matters*, the indictment (ref. T20 0 KTRZ 0009728/14) of 04 December 2014, raised by the BH Prosecutor and confirmed by the 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), (2) and 333 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

Personal details:

Son of ... and ...

Place and date of birth: ...

Citizen Identification Number: ...

Citizenship: ...

BACKGROUND FACTS AND GENERAL ALLEGATIONS:

At the time relevant to this indictment, a noninternational armed conflict existed in the territory of Bosnia-Herzegovina. Parties to the conflict were the BH and Republic of Srpska's Armies. In the period from late May 1992 to late July 1995, **AA** was present in the area of Rogatica, where he acted as the officer in command – initially of the Municipal Territorial Defence force in Rogatica, then of the Rogatica Brigade and ultimately of the 1st Podrinje Light Infantry Brigade. Throughout the

aforementioned period, **AA** ordered a number of attacks on the local civilian population and their settlements, and also personally engaged in them. Such operations involved the killing, torture and inhumane treatment of non-Serbs, infliction of great suffering and injuries to their bodily integrity, as well as their relocation from the area and unlawful arrests. Through his subordinates – members of the Territorial Defence structures, Rogatica Brigade and Podrinje Light Infantry Brigade, **AA**, in cooperation with the local Public Security Police Station, organised unlawful arrests of the non-Serb population in the area of Rogatica and their transfer to makeshift prisons, which he personally visited and interrogated those confined there. Furthermore, **AA** had immediate control over the operations launched by the forces of the Territorial Defence, Rogatica Brigade, Podrinje Light Infantry Brigade and Public Security Station – part of the Serbian police structures in Rogatica. Such operations included murders and unlawful arrests of non-Serb civilians, who were taken to detention centres where they were subjected to heavy beatings and forced labour. Some of them were taken to unknown locations and have been reported missing ever since. Female inmates were raped, whereas non-Serbs' property and religious facilities were destroyed. **AA** also acted as the coordinator of military and police operations in and around Rogatica, which resulted in the forcible removal of the overall non-Serb population from the area and from the BH Serbian Republic's territory.

By engaging in the above described acts, **AA** committed grave breaches of international law as envisaged by the following documents:

- Articles 3, 27 and 49 of the *Fourth Geneva Convention on the Protection of Civilian Persons in Time of War* (Geneva Convention IV), adopted on 12 August 1949; and

- Articles 4, 13 and 17 of the *Protocol Additional to the Geneva Conventions of 12 August 1949, Relative to the Protection of Victims of Non-International Armed Conflicts* (Protocol II).

CHARGES:

1. From late May to early June 1992, acting upon **AA**'s orders, members of the Territorial Defence structure operating within the Serbian municipality of Rogatica launched an infantry attack on three Muslim villages in the area of Rogatica, namely Pašića Kula, Bjelogorice and Godimlje. The villagers were robbed of their legally possessed weapons. The attackers shot from their automatic firearms and activated hand grenades, killing a number of local civilians in the process. Among those killed were AB, AV, AG, AD, AĐ, AE and AŽ, whose bodies were exhumed in early September 1998. In addition, a number of local family homes were burnt down, including those of ..., ..., ..., and others.

2. In the morning of 03 June 1992, soldiers of the Rogatica Brigade launched an infantry attack on Seljani, an undefended Muslim village in the municipal area of Rogatica. Having separated the local male population from women and children, the attackers singled out civilians AZ, AI, AJ, AK, AL, ALj, AM, AN, ANj, AO, AP, AR, AS and AT, whom they transferred to the site of Plješevac in the area of Rogatica and

killed them by gunshots. The victims' bodies were exhumed at the site of Dizdareva Njiva, Rogatica municipality in September 2004. Unlawfully deprived of their liberty, the women and children were taken into custody in the building of *Veljko Vlahović* Secondary School in Rogatica. Several days later, they were transported to Hreša, Stari Grad municipality in Sarajevo.

3. On 08 June 1992, members of the Rogatica Brigade and Public Security Service – part of the Rogatica Serbian Municipality launched a joint infantry attack on non-Serb civilians who had been hiding in the residential building at 6, Maršala Tita Street in Rogatica. The soldiers opened fire from their automatic weapons and threw hand grenades towards the building, killing civilian AĆ in the process. The occupants were ordered to get out of their flats. Once outside the building, civilians AU, AF, AH, AC, AČ, ADŽ, AŠ, BA, BV, BG, BD, BĐ, BE, BŽ, BZ, BI and minor BJ were ordered to lie down on the asphalt, whereas approximately fifty women, children and elderly men were taken to the aforementioned Secondary School building, where they got unlawfully detained in a classroom. Further on, civilians AU, AF, AH, AC, AČ, ADŽ, AŠ, BA, BV, BG, BD, BĐ, BE, BŽ, BZ, BI and minor BJ were also taken to the Secondary School Centre, where they were lined up in two rows. After the soldiers had blindfolded the captives and tied up their hands, AA came over to conduct an inspection. Having done so, AA ordered his troops to retain BI and minor BJ in the school premises, whereas the rest of the lined up men were loaded onto a bus and driven to the neighbourhood called Karanfil Mahale. Upon arrival at the site, AA ordered his troops to return captive AŠ to the school premises, whereas civilians AU, AF, AH, AC, BD, BE, AČ, ADŽ, BA, BV, BG, BĐ and BŽ were taken away in an unknown direction. Their bodies were found and exhumed from the Paklenik pit outside village Kalimanići, municipal area of Sokolac back in 2000.

4. In June 1992, acting upon AA's oral orders, soldiers of the Lađevina, Gučevo, Plješivica and Kozica Companies, as well as those of the Intervention Squad – all operating within the Rogatica Brigade – were present in villages Kukavice, Kujundžijevići and Mesići, where they ordered the local population to hand over all weapons in their possession. After the villagers had done so, on or around 9, 10 and 11 July 1992, the troops – acting in compliance with AA's oral orders issued via a radio link and communicated to the Lađevina Company commander by BB (convicted in an earlier case) – launched an artillery and then an infantry attack on those undefended Muslim villages. The operation resulted in the deaths of a large number of civilians including the following: BK, BL, BLj, BM, BN, BNj, BO, BP, BR, BS, BT, BĆ, BU, BF, BC and BH. Their bodies – save for that of AČ, who has been reported missing ever since – were exhumed in village Kukavice in early October 1998. In addition, a large number of Muslim houses in the aforementioned villages were set on fire.

5. On 15 June 1992, VV and two other soldiers of the Rogatica Brigade, aided and abetted by several members of the Višegrad Brigade and of the Public Security Centre operating within the Višegrad Serb Municipality, took the lives of a large number of civilians at the site of the Paklenik pit outside village Kalimanići, municipal area of Sokolac, which was in the Rogatica Brigade's zone of responsibility. Earlier that day, the victims, namely BDŽ, BŠ, VA, VB, VG, VD, VĐ, VE, VŽ, VZ, VI, VJ, VK,

VL, VLj, VM, VN, VNj, VO, VP, VR, VS, VT, VĆ, VU, VF, VH, VC, VČ, VDž, VŠ, GA, GB, GV, GD, GĐ, GE, GŽ, GZ, GI, GJ, GK, GL, GLj, GM, GN, GNj, GO and GP had been removed from the Rogatica-based *Rasadnik-Sladara* malt factory and – with their hands tied up – transported on a bus to the Paklenik pit. All of the aforementioned – save for GP, who managed to escape – got executed by automatic gunfire and hand grenades. Their bodies were exhumed from the Paklenik pit outside village Kalimanići, area of Sokolac, back in 2000.

6. On 19 June 1992, members of the Rogatica Brigade, Public Security Centre operating within the Rogatica Serb Municipality and White Eagles paramilitary unit launched an infantry attack on Gračanica, an undefended Muslim settlement in the area of Rogatica. The villagers were ordered to get out of their homes, whereupon the attackers opened fire from their automatic weapons and killed a large number of civilians including GP, GR, GS, GT, GĆ, GU, GF, GH, GC, GČ, GDž, GŠ, DA, DB, DV, DG, DĐ, DE, DŽ, DZ, DI, DJ, DK, DL, DLj, DM, DN, DNj, DO, DP, DR, DS, DT, DĆ, DU, DF, DH, DC, DČ, DDž, DŠ, ĐA, ĐB, ĐV, ĐG, ĐE, ĐD, ĐŽ, ĐZ, ĐI, ĐJ, ĐK, ĐL, ĐLj, ĐM, ĐN, ĐNj, ĐO, ĐP, ĐR, ĐS, ĐT, ĐĆ, ĐU, ĐF, ĐH and others. Having done so, the attackers – all the while shooting in the air from their automatic weapons – unlawfully took the women, children and elderly men into custody in the Church Home in Rogatica. On repeated occasions, **AA** visited the Church Home, where he interrogated the captives. Females ĐH, ĐC, ĐČ, ĐDž, ĐŠ, EA and others were taken to a nearby building in the neighbourhood called Tekija, where they got raped by soldiers of the Rogatica Brigade. On the following day, female captives EB, EV, EG, ED, EĐ, EŽ, EZ, EI, EJ, EK, EL, ELj, EM i EN, blindfolded and their hands tied up, were driven on a bus to an unknown location. Their destiny remains unknown up to the present day. Two or three days later, the women, children and elderly men detained in the Church Home were moved to the *Veljko Vlahović* Secondary School building in Rogatica.

7. On 19 June 1992, members of the Rogatica Brigade and Public Security Centre operating within the Rogatica Serb Municipality launched an infantry attack on the civilian population of Živaljevina, a Muslim settlement in the area of Rogatica. In compliance with the attackers' orders, the local civilians got out of their homes, whereupon the attackers set the houses of ENj, EO and others on fire. Further on, they unlawfully arrested civilians EP, ER, ES, ET and several others and took them to the local petrol station where – in line with **AA**'s order – the men were separated from the women and children. The able-bodied civilians, namely EĆ, EU, EF, EP, ES, ET, ER and minor EH were then taken to the *Rasadnik-Sladara* malt factory. From that point on, there had been no trace of them until 2000, when their bodies were exhumed from the Paklenik pit outside village Kalimanići, municipal area of Sokolac. Meanwhile, **AA** removed EC from the group of the separated women and children and took her for interrogation to the *Rasadnik-Sladara* premises. The rest of the group were taken into custody in the *Veljko Vlahović* Secondary School building in Rogatica.

8. In early August 1992, soldiers of the 1st Podrinje Light Infantry Brigade launched an attack on Rakitnica, an undefended Muslim village in the area of Rogatica. The operation, which involved artillery strikes followed by infantry gunfire, resulted in the

deaths of a large number of civilians, namely EČ, EDž, EŠ, ŽA, ŽB, ŽV and ŽG, whose bodies were found and exhumed in early September 1998, as well as ŽD, ŽĐ, ŽE, ŽZ, ŽI, ŽJ, ŽK and ŽL, whose bodies have not been found up to the present day.

9. In the morning of 02 August 1992, soldiers of the 1st Podrinje Light Infantry Brigade launched an attack on Kozarde, an undefended Muslim village in the area of Rogatica. The operation, which involved artillery strikes followed by infantry gunfire, resulted in the deaths of a large number of civilians, namely: ŽLj, ŽM, ŽN and ŽNj, whose bodies were found and exhumed in early September 1998; ŽO, ŽP, ŽR, ŽS and his daughter, and ŽT, whose bodies have not been found up to the present day. Furthermore, civilians ŽĆ, ŽU, ŽF and ŽH got wounded during the operation, whereas civilians ŽC, ŽČ, ŽDž, ŽŠ, ZA, ZB, ZV, VG, BD, 3Đ, ZE, ZŽ a ZŠ were unlawfully arrested and taken into custody on the premises of the *Rasadnik-Sladara* malt factory in Rogatica.

10. In the early morning of 02 August 1992, advancing from the direction of villages Stijenice, Burat and Zakomo, soldiers of the 1st Podrinje Light Infantry Brigade launched an attack on Kramer, an undefended Muslim village in the area of Rogatica. The operation, which involved artillery strikes followed by infantry gunfire, resulted in the deaths of a large number of civilians, namely ZI, ZJ, ZK, ZL, ZLj, ZM and ZN. Several local houses were set on fire, whereas over 150 Bosniak civilians were unlawfully deprived of their liberty and taken into custody in the Elementary School building in village Han Stijenice. Through an open window of a *Golf* passenger car which escorted the captured civilians on their way to the school, **AA** kept shouting at them saying, "Come on, Balias, don't just trudge along, you fucking sons of a bitch! Anyone who might try to escape will be shot dead!" Upon arrival in front of the school building, **AA** ordered his troops to remove the able-bodied men, namely civilians ZNj, ZO, ZP, ZR, ZS, ZT, ZĆ, ZU, ZF, ZH, ZC, ZDž, IA, IB, IV, IG, ID, IĐ and IE from the rest of the line and take them behind the building. Having done so, the soldiers – part of the Rogatica Brigade – killed the aforementioned civilians with shots from their firearms. The victims' bodies were found and exhumed at the site of Ivan Polje, municipal area of Rogatica in May 2011. Further on, **AA** ordered one of his soldiers to have the women, children and elderly men locked inside the school premises. In the course of the following night, the captives were removed from the school premises and transported on buses to Hreša, a neighbourhood in Eastern Sarajevo.

11. On or around 14 August 1992, **AA** was present in village Kosova, municipal area of Rogatica, where, aided and abetted by BB (convicted in an earlier case) and several other soldiers of the 1st Podrinje Light Infantry Brigade, he engaged in the unlawful arrests of civilians IŽ, IZ, IJ and JK. The captives were taken to IL's garage, where, in **AA**'s presence, BB (convicted in an earlier case) and a certain GG subjected the captives to physical torture and other humiliating acts, causing them severe physical pains and mental suffering. IZ was repeatedly punched on the head and – with a knife placed to his throat – forced to swallow 7.62 mm bullets. IŽ was punched and kicked over the head and body until he lost consciousness. Having received multiple punches to the head, IJ was taken out of the garage and there has been no trace of him ever since.

12. On 15 August 1992, soldiers of the 1st Podrinje Light Infantry Brigade transported 27 Bosniak civilians detained in the *Rasadnik-Sladara* malt plant premises to the site of Jačen outside village Duljevac, municipal area of Rogatica. The captives were used there as a human shield moving before the Serb troops during their attack on the aforementioned location. On that occasion, soldier DD (convicted in an earlier case), who was part of the Rogatica Brigade, opened fire from his automatic rifle and killed a large number of captured civilians, namely: ILj, IM, IN, INj, IO, IP, IR, IS, IT, IĆ, IU, IF, IH, IC, IČ, IDž, IŠ, JA, JB, JV, JG, JD, JĐ, JE, JŽ and JZ. The victims' bodies were exhumed in village Duljevac, area of Rogatica in September 1998. Captives JI, JK and JL survived the execution as they managed to flee from the scene.

13. In the period from 08 June to mid-August 1992, soldiers of the 1st Podrinje Light Infantry Brigade alongside the Public Security Centre and civil authorities of the Rogatica Serb Municipality were present in the *Veljko Vlahović* Secondary School Centre in Rogatica, where they were setting up a makeshift prison for unlawfully detained Muslim civilians. Secured by soldiers of the Rogatica Brigade, later renamed 1st Podrinje Light Infantry Brigade Rogatica, the prison accommodated between 350 and 1,000 inmates – Muslim civilians from the area of Rogatica. Living conditions in the prison were brutal. The inmates were kept in inadequate premises and on starvation amounts of food. The soldiers and police officers subjected the prisoners to physical and psychological torture on a daily basis. **AA** often visited the camp, where he interrogated the prisoners and released some of them. Those released were transported on buses and trucks to villages Mangurići and Kaljina in the Olovo district, or to Stoborani in the area of Žepa. During their captivity in the aforementioned Secondary School Centre, female prisoners JLj, JM, JN, JNj, JO, JP, JR, JS and others were subjected to forcible sexual intercourse, whereas male captives were subjected to forced labour for the needs of Serb soldiers, which included trench digging, carrying ammunition and setting up sandbag emplacements.

14. In mid-September 1992, soldiers of the Rogatica-based 1st Podrinje Light Infantry Brigade launched an infantry attack on undefended Muslim villages Vragolove and Karačići in the area of Rogatica. A number of civilians were killed by gunfire including JT, JĆ, JU, JF and JH, whose bodies were exhumed from ...'s stable in village Karačići in 2000. The bodies of JČ, JDž, JŠ and KA, who were also killed in the operation, have not been found up to the present day.

15. In the period from mid-June 1992 to late 1994, soldiers of the Rogatica Brigade (later renamed 1st Podrinje Light Infantry Brigade) alongside the Public Security Centre and civil authorities of the Rogatica Serb Municipality were present in *Rasadnik-Sladara*, the malt processing plant in Rogatica, where they were setting up a makeshift prison for unlawfully detained Muslim civilians. Secured by soldiers of the Rogatica Brigade, later renamed 1st Podrinje Light Infantry Brigade Rogatica, the prison accommodated around 350 Muslim civilians from the area of Rogatica. Living conditions in the prison were brutal. The inmates were kept in inadequate premises and on starvation amounts of food. The soldiers and police officers

subjected the prisoners to physical and psychological torture on a daily basis. Among the torturers was **AA**, who severely beat inmates KB, KV and KG. Some inmates were later transported on buses and trucks to Mangurići in the area of Olovo, whereas others were transferred to the Sušica, Vlasenica and Batković camps in the area of Bijeljina. During their captivity in the *Rasadnik-Sladara* malt plant, female inmate KD and others were subjected to forcible sexual intercourse, whereas males were forced to clean local streets and dig trenches. Inmates KĐ, KE, KŽ, KZ, KB, KV and KG were killed. Their bodies were exhumed in the vicinity of the aforementioned malt plant in November 1998 and from the Paklenik pit outside village Kalimanići, area of Sokolac in 2000.

16. In the period from late June 1992 to late July 1995, soldiers of the Rogatica Brigade, later renamed 1st Podrinje Light Infantry Brigade, used cannon shells to demolish two mosques in Rogatica, namely Arnautovića (built in 1558) and Čaršijska (built in the 12th century). Furthermore, they mined several other mosques in the area including those in Muslim villages Kramer, Šljedovići, Kukavice, Mahala and Rakitnica. Not justified by military necessity, such operations were intended to remove any traces of the Muslim population's presence in the area of Rogatica.

17. In the period from late June 1992 to late July 1995, soldiers of the Rogatica Brigade, later renamed 1st Podrinje Light Infantry Brigade, launched artillery attacks from the site of Borik, municipal area of Rogatica. The attacks were aimed at the Muslim population of Žepa, the village which – pursuant to the UN Security Council Resolution 824 (1993) rendered at its 3,208th session of 06 May 1993 – had been declared a safe area. The operation resulted in the deaths of a large number of civilians including KI, KJ, KL, KLj, KM, KN, KNj, KO, KP, KR, KS, KT and others.

By engaging in the above described conduct, the accused, AA, committed the criminal offence recognised by article 142 (1) (war crime against civilian population) of the FRY Criminal Act.

Ivan Marković
Deputy War Crimes Prosecutor