



**Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR**

Ref. KTO no.10/18
Belgrade, 24 December 2018
NA

**HIGHER COURT IN BELGRADE
War Crimes Department**

BELGRADE

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

INDICTMENT

Against the accused

AA,

Personal details:

Son of ... and ... née ...
Citizen identity number: ...
Place / date of birth: ...
Permanent address: ...
Country of citizenship: ...
Occupation: ...

On grounds of involvement in the acts set forth below:

At the time relevant to this indictment, which covers the period between 8 July and 15 October 1992, an internal (noninternational) armed conflict existed in the territory of the Republic of Bosnia-Herzegovina (BH). Parties to the conflict were the Republic of Srpska's and BH Armies.

As a soldier of the BH Army serving as the warden of the military detention unit based at 11, Igmanski Partizanski Odred Street in Hrasnica, Ilidža municipality, the accused, AA, committed grave breaches of the rules envisaged by the following acts and provisions:

(a) Article 3 (1.a) and (1.c), *Geneva Convention on the Protection of Civilian Persons in Time of War* of 12 August 1949 (*Geneva Convention IV*); and

(b) Articles 4 (1) and (2.a), and 5 (1.b), *Protocol Additional to the Geneva Conventions of 12 August 1949, Relative to the Protection of Victims of Noninternational Armed Conflicts (Protocol II)*.

In his capacity as prison warden, the accused engaged in the following criminal acts:

1. Unlawful detention

On no legal grounds or a competent authority's decision, the accused, AA, held in custody around 30 Serb civilians, including BB, VV, GG, DD, ĐĐ, EE (now deceased), ŽŽ, ZZ, II, JJ, KK, LL, LJLJ, MM (now deceased), NN (now deceased), NJNJ (now deceased), OO (now deceased), PP (now deceased), RR (now deceased), SS (now deceased), TT (now deceased), ČČ (now deceased), UU (now deceased), FF (now deceased), and HH (now deceased).

2. Inhumane treatment

In his capacity as prison warden, AA submitted the prisoners to inhumane treatment which caused them great suffering. Deprived of minimum living conditions, the inmates were kept in garages, each divided into two cells with no windows, beds or other basic facilities. The captured civilians slept on the concrete floor and without covers. They had no lavatory or tap water, and used a bucket instead of a toilet. Once or twice a day, they were given meals consisting of 12-13 spoonfuls of liquid and a piece of bread. Subsisting on minimum amounts of food, they were in a state of constant hunger. The prisoners were also deprived of basic medical care. Almost on a nightly basis, they would listen to the moaning and wailing of their fellow prisoners who were being beaten in the fallout shelter just outside the garages.

3. Ordering and participation in acts against physical integrity

A) Upon AA's orders, the prison guards removed male prisoners from their cells during the night and took them into the fallout shelter, where the victims were subjected to torture and beating campaigns, which caused them great suffering and injuries to their bodily integrity. Thus, further to the accused's order, a group of prisoners was taken to the fallout shelter in the night between the 2nd and 3rd of August 1992. Severely beaten inside the shelter, the prisoners sustained grave physical injuries. Some of them did not survive the beatings, namely: PP, OO, ČČ,

RR, TT and SS. Albeit thought by the guards to have succumbed to injuries, BB managed to survive.

B) On an unidentified day in mid-July 1992, Nečko LNU and CC brought BB to AA's office, which was located opposite to the makeshift cells. AA used a metal bar to repeatedly hit the victim on the head and back, throwing him onto the floor. AA then continued to beat and kick the victim until he was unconscious, with grave injuries to the head and back.

C) On an unidentified day in early September 1992, aided and abetted by Faruk LNU and two other FNU LNU prison guards, AA tortured and physically injured VV. Faruk LNU first took VV out of his cell and into the fallout shelter, where the group used batons, rifle butts, their hands and feet to beat the victim over the head and body. In subsequence, the victim was made to spread his legs and was then kicked with a boot in the genitals.

By his engagement in the above-described acts, the accused, AA, committed the criminal offence under article 142 (1) (war crime against civilian population) of the FRY Criminal Act.

Mioljub Vitorović
Deputy War Crimes Prosecutor