



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Ref. KTRZ-14/07

Belgrade, 3 June 2009

DISTRICT COURT IN BELGRADE
War Crimes Chamber

BELGRADE

Pursuant to my authority under article 265 (1) re art. 46 (2.3) of the *Code of Criminal Procedure*, I raise this

INDICTMENT

against **AA**

Personal details:

Son of BB and VV, née ...

Place and date of birth: ...

Country of citizenship: ...

Citizen identification number. ...

BACKGROUND AND GENERAL ALLEGATIONS:

At the time relevant to this indictment, an internal (noninternational) armed conflict existed in the Republic of Croatia, then part of the Socialist Federal Republic of Yugoslavia. Parties to the conflict were the Yugoslav People's Army (JNA) – including the Territorial Defence force of the Serbian Autonomous Region of Krajina (TO SAO Krajina) and volunteer units – on one side, and the Croatian military force – which comprised units of Croatia's Ministry of the Interior (MUP), National Guard's Assembly (ZNG) and volunteers – on the other.

The events addressed by this indictment took place in the period between early October 1991 and late January 1992, on the premises of the prison in Stara Gradiška, Republic of Croatia.

At all material times, the accused, **AA**, was a member of the TO force operating under the SAO Krajina authority. Acting in such capacity, **AA** engaged in the cruel treatment and physical torture of inmates, whereby he committed grave breaches of international law, specifically of the following acts and provisions:

- Article 3 (1.1) and (2.a); art. 4 (1); and art. 27 (1) of the *Geneva Convention on Protection of Civilian Persons in Time of War* (Geneva Convention IV) of 12 August 1949 (*Official Gazette of the Federal People's Republic of Yugoslavia*, no. 24/50); and
- Article 13 (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) (*Official Gazette of the Socialist Federal Republic of Yugoslavia – International Treaties*, no. 16/78).

The inmates of the Stara Gradiška prison were Croatian civilians who did not take part in the hostilities. Pursuant to the foregoing documents, civilian persons who are unlawfully detained and deprived of their liberty for reasons related to the armed conflict, and held in the power of a party to the conflict, shall in all circumstances be treated humanely, without any adverse distinction founded on ethnic origin, and shall as such be protected from any form of violence or intimidation.

By engaging in the cruel treatment, torture and physical mutilation of the prisoners, **AA** acted in violation of the aforementioned provisions.

CHARGES:

- On an unidentified day in January 1992, **AA** ordered inmate GG to take off his shoes, stand on his toes and face a wall. As GG had done so, **AA** started rubbing the victim's forehead against the wall by drawing his head up and down. In subsequence, **AA** thrust his hand into GG's mouth, grabbed him by the teeth and gums and broke several teeth in the victim's lower jaw. Immediately afterwards, with his feet clad in shoes, **AA** went on to kick the victim all over the body.
- On 18 October 1991, aided and abetted by an unidentified male individual, **AA** ordered inmate DD to put his arms on the back and face a wall with his legs stretched apart. As DD had done so, **AA** beat the victim with a chain all over the body, and the FNU LNU joined in with a truncheon. At one point, **AA** slapped DD hard across the face, whereupon both perpetrators grabbed the victim by the hair and repeatedly banged his head against the wall.
- On two separate occasions during the above specified period, **AA** and the aforementioned FNU LNU severely tortured inmate ĐĐ. They ordered ĐĐ to put his arms on the back, stretch his legs apart and press his forehead against a wall. When ĐĐ had done so, the offenders started kicking the victim from alternative sides until he could stand on his feet. When ĐĐ toppled to the ground, the two proceeded to stamp their feet all over him. Having done so, they ordered ĐĐ to get on his feet and regain his original position, whereupon they resumed the beating in the same

manner as earlier, sending the victim twice on the ground and getting him to rise again. **AA** and his accomplice followed the same pattern several days later, subjecting ĐĐ to severe beating once again.

The above described acts on the part of AA caused great suffering to the victims, as well as grave injuries to body and health. As he engaged in such conduct, AA committed the criminal offence recognized by article 142 (1) (war crime against civilian population) of the *FRY Criminal Act*.

Vladimir Vukčević
War Crimes Prosecutor