



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Case ref. KTRZ.3/08

DETENTION

Belgrade, 08 July 2009

DISTRICT COURT IN BELGRADE -War Crimes Chamber-

BELGRADE

Pursuant to my authority under articles 46 (3) and 265 (1) of the *Criminal Procedure Code*; articles 3 and 4 of the *Act on the Organization and Competence of Government Authorities in War Crimes Proceedings*; article 39 of the *Act on the Ratification of the Agreement between Serbia & Montenegro and Bosnia-Herzegovina, Relative of Legal Assistance in Civil and Criminal Matters*; and article 47 (3) of the *Act on International Legal Assistance in Criminal Matters*, I raise this

I N D I C T M E N T

Against:

AA

Place and date of birth: ...

Country of citizenship: ...

Family status: ...

Occupation: ...

BACKGROUND AND GENERAL ALLEGATIONS:

At the time relevant to this indictment, a noninternational armed conflict existed in the territory of Bosnia and Herzegovina (BH). Parties to the conflict were armed forces of the local Serb, Croat and Muslim populations.

The incident addressed by this indictment took place in Stari Majdan, BH on 21 December 1992.

Acting as a member of ..., the accused, **AA**, took the lives of two persons and violated the bodily integrity of one, whereby he committed grave breaches of international law, specifically of the following acts and provisions:

- Article 3 (1.1.a) of the *Geneva Convention on Protection of Civilian Persons in Time of War* (Geneva Convention IV) of 12/08/1949 (*Official Gazette of the Federal Peoples' Republic of Yugoslavia*, no. 24/50); and
- Article 4 (1 and 2.a) of the *Protocol Additional to the Geneva Conventions and Relating to the Protection of Victims of Noninternational Armed Conflicts* (Protocol II) of 12/08/1949 (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, no. 16/78 – *International Contracts*).

The victims were civilian persons who did not take part in the hostilities and as such – pursuant to the foregoing provisions – were in all circumstances entitled to humane treatment without any adverse distinction arising from their ethnic or religious backgrounds.

CHARGES:

In the evening of 21 December 1992 in ..., **AA** removed two Muslim civilians – AB and AV – from the local ... café determined to take their lives. Right outside the café, **AA** drew out his knife and stabbed AB in the right side of the neck, thereby inflicting on him a triangular wound which caused massive bleeding from the cut-off blood vessels. In subsequence, **AA** discharged a bullet from his 7.62-mm gun, which hit AB in the fifth right rib and killed him on the spot. Immediately afterwards, **AA** fired another shot at AV. Having received an entry wound in the head with fatal destruction and contusion of the brain structures, AV died instantly. Determined to carry on his killing campaign, **AA** approached the house of AG situated opposite of the ... café and called him to come out. When AG responded to the call, **AA** grabbed him by the chest and forcibly took him to the part of the café outdoor area where the dead bodies of AB and AV were lying on the ground arranged to form the letter 'L'. **AA** ordered the victim to lie down on the ground saying: "One is lying here, the other there, and you must lie down next to them to make the letter 'U'. When AG refused to do so, **AA**, all the while keeping a tight grip on the victim's chest, tried to send him down on the ground. Holding AG with one hand, **AA** hit him with the other and bumped the victim's against a wall of the café, thereby causing him grave injuries to the head. As **AA** went on to unbutton his leather jacket and pull his gun from inside his belt, AG somehow managed to break himself free and escape from the scene.

By engaging in the above described conduct, the accused, 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

