



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

Reference: KTRZ no. 5/04  
Belgrade, 18 September 2009  
MP/JS

**DISTRICT COURT IN BELGRADE**  
**War Crimes Chamber**

BELGRADE

Pursuant to my authority under article 341 (1) of the *Code of Criminal Procedure*, I hereby amend my indictment (ref. KTRZ 5/04) of 09 November 2007, specifically its part relating to the account of the criminal conduct of **AA** from ..., so that the amended passage now reads as follows:

**Background facts and general allegations:**

In the period between 1992 and 1995, an armed conflict involving Bosniak, Croat and Serb armed formations existed in the territory of Bosnia-Herzegovina (BH), at the time part of the Socialist Federal Republic of Yugoslavia (SFRY).

Parallely underway in the former part of 1992, were hostilities between Bosniak and Croat forces on one side, and the Yugoslav People's Army (JNA), the SFRY military force at the time.

**AA** was part of the Bosniak/Croat armed force, serving with the Operational Headquarters of the Public Security Centre based in Tuzla, BH. As an officer on duty at the material time, who as such was authorized to issue orders to all armed formations in the territory under his control, **AA** committed serious breaches of the rules of international law as envisaged by the following acts and provisions:

- Article 19 of the *Geneva Convention for the Amelioration of Condition of the Wounded and Sick in Armed Forces in the Field* (*Geneva Convention*

- 1), adopted on 12 August 1949 and ratified by the Federal People's Republic of Yugoslavia (*FPRY Official Gazette* no. 24/50); and
- Articles 21 and 37 (1) of the *Protocol Additional to the Geneva Conventions of 12/08/1949 on the Protection of Victims of International Armed Conflicts (Protocol I)*.

### **Charges:**

On 15 May 1992, troops of the 92th JNA Motorized Brigade were retreating from Tuzla under an agreement on peaceful JNA withdrawal from BH to the FRY, previously negotiated between the local civil and military authorities on one side, and the JNA represented by Colonel AB on the other. As determined by the agreement, the withdrawal route was as follows: Husinska Buna Barracks – Skojevska Street – Brčanska Malta junction – Simin Han – Bijeljina – FRY. The agreement, which had also been confirmed by the relevant BH Presidency's decision, guaranteed a safe JNA withdrawal from the BH territory.

At all material times, **AA** was aware of the agreement, as well as of the BH Presidency's decision which guaranteed the safe passage of the JNA troops. Nonetheless, acting in line with a premeditated and perfidious attack plan devised by the Tuzla Municipal Presidency's Crisis Staff, **AA** broke the agreement, engaging in an impermissible manner of combat which is forbidden by international law.

At around 19 hrs. on the aforementioned date, while he was on duty at the Operational Headquarters of the Tuzla Public Security Centre (PSC), **AA** received a radio communication from his superior AV, the Operational HQ commander and head of the PSC Tuzla at the time, ordering an attack on the convoy. Further to his superior's order, **AA** personally issued the attack order to all units of the Bosniak/Croat armed force – the Territorial Defence, PSC and Patriotic League – which, according to a previous plan, were in a state of combat readiness and positioned in the surrounding buildings and behind improvised shelters laid out along the JNA withdrawal route. Upon **AA**'s orders, snipers opened fire from their positions at a separated part of the convoy which was peacefully moving along Skojevska Street and towards the Brčanska Malta junction. The drivers of the army vehicles were killed first. As a result, the vehicles stopped moving, thereby blocking the convoy's further movement along the approved withdrawal route. The next to come under the snipers' fire were soldiers on board the vehicles, who were not prepared to fight or offer resistance. Parallely under attack were the visibly and appropriately marked military ambulances, which were destroyed in the process, whereas several of those aboard were killed or wounded.

The above described acts caused the deaths of at least 51 JNA soldiers, namely:

AG, AD, AĐ, AE, AŽ, AZ, AI, AJ, AK, AL, ALJ, AM, AN, ANJ, AO, AP, AR, AS, AT, AF, AH, AC, AČ, ADŽ, AŠ, BA, BB, BV, BG, BD, BĐ, BE, BŽ, BZ, BI, BJ, BK, BL, BLJ, BM, BN, BNJ, BO, BP, BR, BS, BT, BF, BH, BC and BČ.

Additionally, the attack resulted in the wounding of 50 JNA members, namely:

BDŽ, BŠ, VA, VB, VV, VG, VD, VĐ, VE, VŽ, VZ, VI, VJ, VK, VL, VLJ, VM, VN, VNJ, VO, VP, VR, VS, VT, VH, VF, VC, VĆ, VDŽ, VŠ, GA, GB, GV, GD, GĐ, GE, GŽ, GZ, GI, GJ, GK, GL, GLJ, GM, GN, GNJ, GO, GP, GR (who was transferred from the Tuzla Hospital to the District Prison, where he was killed on 8 June 1992), and GS (who subsequently died in the Tuzla Hospital).

Finally, the attacks ordered by AA resulted in the destruction of a significant number of military combat vehicles and ambulances.

**By engaging in the above described conduct, AA committed the criminal offence under article 148 (2) (use of impermissible means of combat) in re article 1 of the *SFRY Criminal Act*.**

**Milan Petrović**  
**Deputy War Crimes Prosecutor**