



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR

Reference: KTRZ no. 7/08
Belgrade, 04 December 2012
MP/MS

HIGHER COURT IN BELGRADE
War Crimes Department

Pursuant to my authority under article 409 (1, 2) of the *Criminal Procedure Code* (*RS Official Gazette*, no. 72/11), I hereby **alter** indictments KTRZ 7/08 (dated 30/04/2010) and KTRZ 11/10 (dated 23/02/2011), and **raise a unique indictment (KTRZ 7/08) against the accused: AA; AB; AV; AG; AD; AĐ; and AE, with the enacting terms as set forth below:**

Background facts:

In the period from early 1992 to late 1995, an internal (non-international) armed conflict existed in the territory of Bosnia-Herzegovina (BH). Parties to the conflict were armed forces of the local Serb, Croat and Muslim populations.

As members of the of the paramilitary unit known as *Simo's Chetniks* – part of the Serb armed force, these accused individuals – each acting in compliance with the acts of the others and in support thereof – committed serious breaches of international law, recognized by the following acts and provisions:

- Article 3 (1.a, 1c) of the *Geneva Convention on the Protection of Civilian Persons in Time of War* (*Geneva Convention IV*), adopted on 12 August 1949 and ratified by the FPRY National Assembly in 1950 (*FPRY Official Gazette*, no. 24/50); and
- Articles 4 (2.a, 2e) and 16 of the *Protocol Additional to the Geneva Conventions on the Protection of Victims of Non-International Armed Conflicts* (*Protocol II*), (*SFRY Official Gazette, International Treaties* no. 16/78).

1. Incidents in village Skočić

The accused: AA, AG, AD, AĐ and AE

In the afternoon of 11 or 12 July 1992, **AA, AG, AD, AĐ and AE** – all under arms and accompanied by other FNU LNU members of their unit – arrived in two vehicles (a lorry and a jeep) in village Skočić. In an operation that was not justified by any military necessity, they planted explosives under the foundations of the local mosque and demolished the structure. Part of the unit – including its commander Sima Bogdanović (now deceased – proceedings in case K.Po2 – 42/10 terminated on 03 September 2012) – engaged in the demolition, whereas the remaining ones – **including AD** – were keeping guard in the surrounding area. By their involvement in the foregoing acts, these accused individuals **caused large-scale destruction of public property.**

In subsequence, the unit proceeded to the part of the village inhabited by Roma civilians – 35 in total, namely the following: AŽ, AZ, AI, AJ, AK, AL, ALJ, AM, AN, protected witnesses Alpha, Beta and Gamma, ANJ, AO, AP, AR, AS, AT, AF, AH, AC, AČ, AŠ, BA, BB, BC, BD, BĐ, BE, BŽ, BZ, BI, BJ and BK.

The invaders carried out an extensive search of the Roma households, looking for money and other valuables. Having seized a telephone, money and other items from AŠ's home, three unidentified unit members only known as BL, BLJ and BM proceeded to BN's house – where most of the locals had assembled – and forced those present out into the house yard. Having found a group of locals hiding on the top floor of H.R.'s house, namely protected witness Beta, AJ and Beta's grandmother, BL forced them out of the house and into the yard under a gun threat. Once in the yard, the victims were searched through and ordered to hand over any weapons or valuable items they might have. Thus, as he body-searched AH, a FNU LNU member of the unit seized her wedding ring, ordering the victim to remove it by herself or otherwise he would cut off her finger. Meanwhile, during the body search of Gamma, the accused, AE, seized the victim's gold earrings, two gold pendants in the form of a cross and a horseshoe, as well as a gold ring from her finger, saying: "Why would you ever need a cross!" **By engaging in the above-described conduct, including the seizure of gold jewelry and other personal possessions, these accused individuals subjected their victims to inhumane treatment.**

As they searched the victims and their homes, members of the Sima's Chetniks unit hit and kicked their victims using rifle butts and other objects. They started from AT (58), who was beaten to the ground and then shot dead. As AZ begged the attackers for mercy saying "Don't do that, son!", a FNU LNU paramilitary hit

+ **suffering**. Meanwhile, two minors – namely Beta (13) and Gamma (15) – were forcibly taken to BN’s old house and raped there. Beta was first raped by the individual known as BL and then by several other unidentified members of the unit, whereas Gamma was raped under gun threat by the FNU LNU known as BO.

Following the campaign of terror in village Skočić, BNJ (now deceased) ordered the victims to get into the all-terrain vehicle. They all complied save for BP, BR and AN, who remained hidden in a local house. Having also loaded AT’s body into the vehicle, the group drove the victims to village Malešić. Upon arrival, they ordered Alpha, Beta and Gamma to get out of the vehicle. As Beta refused to do so, AB threatened her saying: “Get out or otherwise I’ll shoot you down”, whereupon all the three got out. They were accompanied by AE and the FNU LNU unit members known as BL, BLJ and BO, whose task was to guard the three as they were transferred to the houses where Sima’s Chetniks were based. Meanwhile, the rest of the group, including BNJ and other members of the unit, drove the remaining victims to a pit at the site called Hamzići in village Šetić.

2. Incidents at Hamzići, village Šetić

The accused: AB, AG, AĐ and AD

In the night of the same day, i.e. 11 or 12 July 1992, these accused individuals, alongside BNJ (now deceased) and other members of the Sima’s Chetniks unit, killed the victims with knives and gunshots in front of a pit at the site called Hamzići in village Šetić. Having dumped the bodies in the pit, they also threw an activated bomb inside. Meanwhile, AD and two unidentified paramilitaries of whom one was a.k.a. BP stood in the vicinity keeping guard. By acting in the above-described manner, **the group – including these accused individuals – took the lives of 27 civilians**, namely:

1. AŽ;
2. AZ;
3. AI;
4. AJ;
5. AK;
6. AL;
7. ALJ;
8. AM;
9. ANJ;
10. AO;
11. AS;
12. AF;
13. AH;

14. AČ;
15. AČ;
16. AŠ;
17. BA;
18. BB;
19. BV;
20. BG;
21. BD;
22. BĐ;
23. BE;
24. BŽ;
25. BZ;
26. BI; and
27. BJ.

One of the victims, namely BK (8), albeit severely wounded, managed to survive the massacre by pure chance.

3. Incidents in village Malešić **The accused: AB, AG, AĐ, AD, AA, AV and AE**

In the period from 11 or 12 July to approximately 1 October 1992, aided and abetted by other FNU LNU members of the Sima's Chetniks unit, the accused: AB, AG, AĐ, AD, AA, AV and AE held Alpha, Beta and Gamma in unlawful confinement in some houses in Malešić. The three were forced to prepare food for the paramilitaries, to wash their clothes and uniforms, clean their footwear, as well as clean the houses used by the paramilitaries. Following the Hamzići massacre, they were made to wash the paramilitaries' bloody uniforms. AĐ forced Alpha to wash his blood-stained knife and uniform. As she received AĐ's orders, Alpha saw on AĐ's hand the *Seiko* wristwatch which had belonged to her nephew AI. Upon his arrival in the unit, AA forced Alpha to wash his clothes too. On one of such occasions, Alpha found two photos of the unit members in AA's pocket. By acting in the above-described manner, **these accused individuals subjected their victims to inhumane treatment.**

Throughout their captivity in village Malešić, Alpha, Beta and Gamma were repeatedly beaten by AB, AD, AĐ and AE. They hit the victims all over the body, using their hands, feet and various objects, causing them multiple physical injuries in the process. Thus, AB hit Alpha with his hands and feet all over the body, AD kicked her and also used a hand launcher barrel to hit her on the back, whereas AĐ punched her in the stomach. Furthermore, AB beat and kicked Beta on the head and other parts of the body until she was unconscious, then splashed her with water and kept her naked outdoors in cold weather throughout

the night. Likewise, AB hit Gamma over the legs, whereas AE slapped her on the face and hit her with a rifle all over the body.

Throughout their imprisonment in Malešić, Alpha, Beta and Gamma were sexually abused and humiliated by members of the Sima's Chetniks unit. They were made to dance naked on a table, as well as to watch each other being raped by AĐ and other FNU LNU paramilitaries. AĐ forced Beta and Gamma to walk naked on tables and also compelled Gamma to drink his sperm out of a glass.

On multiple occasions, Alpha, Beta and Gamma were subjected to forcible sexual intercourse. Specifically:

- AB, AG, AĐ, AD and AV, as well as FNU LNU paramilitaries known as BS, BT, BF, BH and BC, raped Alpha on repeated occasions;
- AB, AG, AD and AV, as well as BNJ (now deceased) and the paramilitaries known as BL, BLJ and BH, raped Beta on repeated occasions; and
- AB, as well as the paramilitaries known as BČ, BLJ, BŠ and BT, raped Gamma on several occasions.

Having spent some time in Malešić, AG, AĐ, AD and AE left the unit. The remaining members, including AB, AA and AV, left for village Klisa, where they settled for a while in deserted Bosniak houses together with Alpha, Beta and Gamma, whom they had forcibly taken along. After a brief spell in Klisa, AB, AA, AV and several unidentified paramilitaries – again with Alpha, Beta and Gamma - moved to village Petkovic, temporarily settling in the local elementary school building. At that point, AV left the group, and so did VA, who departed for Serbia and took Beta along. Around mid-November 1992, when the unit had already moved from Petkovci to Drinjača, AB also left for Serbia, taking Gamma along. In mid-January 1993, the remaining members of the Sima's Chetniks unit, including AA and BNJ, left for Serbia and also took Alpha with them.

Throughout the overall relevant period, the accused: **AB, AA and AV subjected Alpha, Beta and Gamma to inhumane treatment**, forcing them to prepare their food, wash their clothes and uniforms and clean the facilities in which they were accommodated.

Acting as co-perpetrators in the above-described incidents, these accused individuals committed the criminal offence under article 142 (1) (war crime against civilian population) in re article 22 of the *FRY Criminal Act*.

Milan Petrović
Deputy War Crimes Prosecutor