

# TIME FOR TRUTH

Review of the Work of the War Crimes Chamber of the Court of Bosnia and Herzegovina 2005-2010

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**Review of the Work of the War Crimes  
Chamber of the Court of Bosnia and  
Herzegovina 2005-2010**

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## INTRODUCTION:

Conducting trials for the grave breaches of human rights committed in Bosnia and Herzegovina (BH) during the 1992-1995 war is a significant aspect of the process of facing the past there. Our awareness of how important it is to inform the public about this essential process has led us to publish this book, offering information about proceedings that have taken place before the War Crimes Section of the BH Court in Sarajevo since 2005.

Publication "**Time for Truth**" provides the first complete summary of all cases to date - ongoing and closed, first and second instance - as well as information about indictees who are at large. Our aim is thus to raise public awareness of the prosecution of those accused of the most serious crimes, as well as the process of facing the past in BH.

From 2005, when the first judgment was handed down at the State Court, until 31 March 2010, 60 verdicts have been reached in relation to a range of crimes perpetrated during the 1990s, with sentences totalling over 1,000 years' imprisonment. The majority of convictions have been for crimes against humanity, war crimes against civilian population and the genocide committed in Srebrenica.

Each case report in this publication contains basic information about the indictee and the proceedings, along with a brief description of the criminal acts cited in the indictment or sentence. We paid special attention to the wording of final verdicts because they contain facts about specific crimes, victims and perpetrators that have been established in court and confirmed by judges, and are therefore of historical value.

Cases in which indictees confessed their crimes and made agreements with the BH Prosecution are also presented. Until now, sentences in such cases have ranged from 6 to 15 years, and when confessing, the indictees, or most of them, have agreed to cooperate in various ways with the justice sector.

The State Court has so far found 14 persons not guilty of participation in war crimes. The longest sentence given was 34 years for crimes committed during the war in Foca, where the victims were underage girls.

The State Court and Prosecution offered significant assistance during the preparation of this publication, which we appreciate enormously. Once more, we emphasise how important it is to keep the public in-

formed, especially about those court proceedings that could eventually help create the conditions for a better future.

This is why the *BIRN-Justice Report* news agency reports on trials before the War Crimes Section of the BH Court. Reports on all trial sessions at that institution can be found on our website, [www.bim.ba](http://www.bim.ba).

*Aida Alic*

## ABBREVIATIONS

*Translator's note:* The abbreviations provided here are based on the English translation of their full wording. Where the Bosnian/Croatian/Serbian version of an abbreviation is commonly known, it has been provided in brackets.

- ABH** – Army of the Republic of Bosnia and Herzegovina (ARBiH)
- ARS** – Army of Republika Srpska (VRS)
- BH** – Bosnia and Herzegovina (BiH)
- CDC** – Croatian Defence Council (HVO)
- CLBH** – Criminal Law of Bosnia and Herzegovina
- CLSFYR** – Criminal Law of the Socialist Federal Republic of Yugoslavia
- CSS/CPS** – Centre for Security Services/ Centre for Public Security (CSB/CJB)
- ECHR** – European Convention on Human Rights
- CCHB** - Croatian Community of Herceg Bosna (HZHB)
- ICRC** – International Committee of the Red Cross
- ICTY** –International Criminal Tribunal for the former Yugoslavia
- LCPBH** –Law on Criminal Procedure of Bosnia and Herzegovina
- JCE** – Joint criminal enterprise
- MIA** – Ministry of Internal Affairs (MUP)
- OG** - Operational Group
- PCF** – Penal-Correctional Facility (KPD)
- PDFAPWB** – People's Defence Force of the Autonomous Province of Western Bosnia (NOAPZB)
- PSS** – Public Security Station (SJB)
- RS** – Republika Srpska
- SAR** – Serb Autonomous Region (SAO)
- SDP** – Serb Democratic Party (SDS)
- SIA** - Secretariat of Internal Affairs (SUP)
- TDF** – Territorial Defence Force (TO)
- TG** – Tactical Group
- YPA**- Yugoslav People's Army (JNA)

## GLOSSARY

**Appeals/Appellate Proceedings:** An appeal against a first instance verdict may be lodged within 15 days of its delivery in writing. This deadline may be extended for another 15 days in more complex cases. Appeals are considered by a chamber of the Appellate Division of the BH Court, which may refuse an appeal on the grounds of untimeliness or impermissibility, dismiss it as unwarranted, uphold and modify the verdict, or revoke it and, if necessary, order a retrial.

The Chamber will allow an appeal, revoke the first instance verdict and order a retrial if it finds that there has been an essential breach of provisions of criminal procedure, or that the facts have been established erroneously or incompletely.

**Main Hearing:** This is the central part of a criminal proceeding. Here, the prosecution and defence present their arguments, evidentiary procedures are conducted, the facts are established, and, if the proceedings are not interrupted, a verdict is rendered.

**First instance verdict:** The prosecution, the defence and the indictee may appeal against it. Injured parties may appeal against the parts of the verdict relating to the costs of the criminal proceeding and property claims.

A verdict may be contested on the grounds of an essential breach of criminal procedure or a violation of criminal law, erroneous or incomplete establishment of the facts, sentencing decisions, forfeiture of property gains, costs of the criminal proceeding, a property claim, and the decision to publish the verdict in the mass media. An appeal may be dismissed as untimely or inadmissible, or rejected as unfounded, while the first instance verdict may be confirmed or modified, or revoked and a retrial ordered.

**Cessation to Pursue Criminal Prosecution:** This may take place if the indictee dies, is held not responsible for his/her actions at the time the criminal act was committed, or is mentally ill.

The court may reject a charge if it is not competent to hear it, if the prosecutor ceases to pursue the indictment for the duration of the main hearing, if the indictment was not given the necessary approval or if the competent state authorities have revoked that approval, if the indictee has already received a binding conviction or acquittal for the same crime, or if a binding decision has been taken to suspend the proceedings against him/her.

**Second instance verdict:** There is no possibility of appeal against such a verdict unless it consists of a decision by the Appeals Chamber to change an earlier acquittal to a conviction, or vice versa. The Third Instance Chamber, before which trials may not be held, decides on appeals against binding verdicts.

**Plea Agreement:** The indictee enters a plea before a judge at a preliminary hearing, in the presence of a prosecutor and defence counsel. If the indictee pleads guilty, the case is referred to a trial chamber for consideration of his

plea. If the indictee does not plead guilty at the initial hearing, s/he has the opportunity to do so until the trial concludes before the Appeals Chamber. When negotiating a plea with a suspect or indictee and his/her defence counsel, a prosecutor may propose a milder sentence. The Court may accept or reject a proposed plea agreement.

When considering a plea agreement, the court verifies that it has been made voluntarily, knowingly and with understanding; that the indictee was aware that s/he waived the right to a trial; that there is sufficient evidence of his/her guilt; that s/he understood the potential consequences in terms of property claims, and that the injured parties were given an opportunity to make representations to the prosecutor in this regard; and that the indictee was aware of the possibility of compensation or relief from payment of the costs of the criminal proceedings, and the absence of the possibility of appeal against the length of the sentence handed down.

## FROM THE LAW

**Genocide** (Article 171 CLBH) – Whosoever orders the perpetration or perpetrates any of the following acts, with an aim to destroy, in whole or in part, a national, ethnic, racial or religious group, shall be punished: murder of members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group living conditions calculated to bring about its physical destruction in whole or in part; inflicting measures aimed at preventing childbirth within the group; forcibly transferring children of one group to another group.

*Punishment:* imprisonment for a term of no less than ten years or long-term imprisonment.

**Crimes against Humanity** (Article 172 CLBH) – Whosoever perpetrates any of the following acts, as part of, and in the knowledge of, a widespread or systematic attack directed against any civilian population, shall be punished: deprivation of the right to life (murder); extermination; enslavement; deportation or forcible transfer of a population; imprisonment or other forcible deprivation of physical liberty in violation of the fundamental rules of international law; torture; coercion of another person by use of force or threats to perform an attack upon his life or to injure himself, or to do the same to someone close to him; enforced sexual intercourse or an equivalent sexual act (rape), sexual slavery, enforced prostitution, enforced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity; persecution of any identifiable group or community of people on political, racial, national, ethnic, cultural, religious, sexual or other grounds; enforced disappearance of persons; the crime of apartheid; and other inhumane acts of a similar character intended to cause great suffering or serious injury of a physical or psychological nature, or destruction of health.

*Punishment:* imprisonment for a term of no less than ten years or long-term imprisonment.

**War Crimes against Civilians** (Article 173 CLBH) – Whosoever, in violation of the rules of international law applicable in times of war, armed conflict or occupation, orders or perpetrates any of the following acts shall be punished: attack on a civilian population, settlement, individual civilians or persons unable to fight, which results in their death or grievous bodily injury, or serious damage to their health; indiscriminate attack, by which civilian population is harmed; killings, intentional infliction of serious bodily or mental pain or suffering (torture), inhuman treatment, biological, medical or other scientific experiments, removal of tissue or organs for the purposes of transplantation, infliction of immense suffering or violation of bodily integrity or health; dislocation, displacement or forced conversion to another

nationality or religion; coercion of another person by use of force or threat of attack upon his life or person, or the life or person of someone close to him, to endure sexual intercourse, rape or forcible prostitution; application of measures of intimidation and terror, hostage-taking, imposition of collective punishment, unlawful deportation to concentration camps and other illegal arrests and detention, deprivation of rights to a fair and impartial trial, enforced service in the armed forces of an enemy power or in its intelligence service or administration; forced labour, starvation of population, seizure of property, looting, illegal and willful destruction and theft of property on a large scale unjustified by military needs, illegal appropriation of resources, devaluation of local currency or unlawful issuance of money.

*Punishment:* imprisonment for a term of no less than ten years or long-term imprisonment.

The same punishment will be imposed on whomsoever, in violation of the rules of international law applicable in times of war, armed conflict or occupation, orders or perpetrates any of the following acts: attack on facilities specifically protected by international law or with dangerous potential, such as dams, embankments and nuclear power stations; indiscriminate targeting of civilian facilities under the specific protection of international law, undefended places and of demilitarised zones; sustained, large-scale environmental damage, which may be detrimental to the health or survival of the population.

Whosoever, in violation of the rules of international law applicable in times of war, armed conflict or occupation, orders or carries out as an occupying force the resettlement into occupied territory of parts of the civilian population of his own affiliation, shall also be punished with imprisonment for a term of no less than ten years or long-term imprisonment.

**War Crimes against the Wounded and Sick** (Article 174 CLBH) - Whosoever, in violation of the rules of international law applicable in times of war or armed conflict, orders or perpetrates any of the following acts upon wounded, sick or shipwrecked persons, medical personnel or clergy, shall be punished: deprivation of the right to life (murder), intentional infliction of serious physical or mental pain or suffering (torture), inhumane treatment, including biological, medical or other scientific experiments, or removal of tissue or organs for the purposes of transplantation; causing great suffering or serious injury to bodily integrity or health; unlawful and arbitrary destruction or large-scale appropriation of materials or means of medical transportation, or other medical resources or facilities, unjustified by military needs.

*Punishment:* imprisonment for a term of no less than ten years or long-term imprisonment.

**War Crimes against Prisoners of War** (Article 175 CLBH) - Whosoever, in violation of the rules of international law, orders or perpetrates any of the following acts upon prisoners of war, shall be punished: deprivation of the right to life (murder), intentional infliction of serious physical or mental pain or suffering (torture), inhumane treatment, including biological, medical or other scientific experiments, or removal of tissue or organs for the purposes of transplantation; causing great suffering or serious injury to bodily integrity or health; enforced service in the armed forces of an enemy power; or deprivation of the right to a fair and impartial trial.

*Punishment:* imprisonment for a term of no less than ten years or long-term imprisonment.

**Organising a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes** (Article 176 CLBH) - Whosoever organises a group of people for the purposes of perpetrating any criminal offence stipulated under Articles 171, 172, 173, 174 and 175 shall be punished.

*Punishment:* imprisonment for a term of no less than ten years or long-term imprisonment. Whosoever becomes a member of a group of people as stipulated in this paragraph shall be punished with imprisonment for a term of 1 to 10 years. Should a member of such a group of people report it before s/he has perpetrated a criminal offence within its framework or on its account, s/he shall be punished with a fine or imprisonment for a term not exceeding three years, but may also be released from punishment. Whosoever encourages or instigates the perpetration of the aforementioned criminal offences shall be punished with imprisonment for a term of 1 to 10 years.

**Unlawful Killing or Wounding of the Enemy** (Article 177 CLBH) - Whosoever, in violation of the rules of international law applicable in times of war or armed conflict, kills or wounds an enemy who has laid down arms or unconditionally surrendered, or has no means of defence, shall be punished.

*Punishment:* imprisonment for a term of 1 to 10 years. If such murder is perpetrated in a cruel or insidious way, out of greed or for other low motives, or if a number of people are killed, the perpetrator shall be punished with imprisonment for a term of no less than ten years or long-term imprisonment. Whosoever, in violation of the rules of international law applicable in times of war or armed conflict, orders that no enemy soldiers should survive a battle, or whosoever fights an enemy on such a basis, shall be punished with imprisonment for a term of no less than ten years or long-term imprisonment.

**Unlawful Seizure of Belongings of those Killed and Wounded on the Battlefield** (Article 178 CLBH) - Whosoever orders the unlawful seizure of belongings from those killed or wounded on the battlefield, or who carries out such seizure, shall be punished.

*Punishment:* imprisonment for a term of 6 months to 5 years. If the criminal offence has been perpetrated in a cruel manner, the perpetrator shall be punished with imprisonment for a term of 1 to 10 years.

**Violations of the Laws and Customs of War** (Article 179 CLBH) – Whosoever, in times of war or armed conflict, violates or orders the violation of laws and customs of war shall be punished. Violations of the laws and customs of war include: use of poison gas or other lethal substances or agents with the aim of causing unnecessary suffering; ruthless demolition of towns, settlements or villages, or devastation or ruination unjustified by military needs; attack or bombardment by any means of undefended cities, villages, homes or buildings; seizure, destruction or deliberate damage of religious objects, or facilities devoted to educational, charitable, scientific and artistic purposes; destruction or damage of historical monuments and artistic works; looting of public and private property.

*Punishment:* imprisonment for a term of no less than ten years or long-term imprisonment.

**Violation of an Envoy:** (Article 181 CLBH) – Whosoever, in violation of the rules of international law applicable in times of war or armed conflict, insults, abuses or detains an envoy or his escort, or prevents their return, or in any other way violates their sanctity, shall be punished.

*Punishment:* imprisonment for a term of 6 months to 5 years.

**Unjustified Delay in the Repatriation of Prisoners of War** (Article 182 CLBH) - Whosoever, in violation of the rules of international law, after the cessation of a war or armed conflict, orders or imposes an unjustifiable delay in the repatriation of prisoners of war or civilians, shall be punished.

*Punishment:* imprisonment for a term of 6 months to 5 years.

**Destruction of Cultural, Historical and Religious Monuments** (Article 183 CLBH) - Whosoever, in violation of the rules of international law applicable in times of war or armed conflict, destroys cultural, historical or religious

monuments, or buildings or facilities devoted to science, art, education, or humanitarian or religious purposes, shall be punished.

*Punishment:* imprisonment for a term of 1 to 10 years. If a clearly distinguishable object that is under the special protection of international law because it forms part of a people's cultural and spiritual heritage is destroyed as a result of the criminal offence, the perpetrator shall be punished with imprisonment for a term of no less than five years.

**Misuse of International Emblems** (Article 184 CLBH) - Whosoever misuses or without authorisation carries the flag or emblem of the United Nations Organisation, or the emblems or flags of the Red Cross or their corresponding symbols, or any other recognised international symbols with which specific facilities are marked so as to protect them from military operations, shall be punished.

*Punishment:* a fine or imprisonment for a term not exceeding three years. Whosoever perpetrates this criminal offence during a state of war or imminent threat of war shall be punished with imprisonment for a term of 6 months to 5 years.

**Individual Criminal Responsibility** - A person who planned, initiated, ordered, perpetrated or otherwise assisted in the planning, preparation or commission of criminal offences stipulated under Articles 171, 172, 173, 174, 175, 177, 178 and 179 shall be considered personally responsible for that criminal offence. No official position, be it head of state or government, or another responsible government post, may relieve an indictee of criminal responsibility or mitigate punishment.

**Command Criminal Responsibility** - The fact that some of the criminal offences stipulated in Articles 171, 172, 173, 174, 175, 177, 178 and 179 were committed by a subordinate shall not relieve a superior of criminal responsibility inasmuch as he knew or had reason to believe that his/her subordinate intended to commit such an act, or had done so, and failed to take necessary and reasonable measures to prevent such an act or to punish the perpetrator thereof.

**Punishment of Long-term Imprisonment** - This is the most severe criminal sanction prescribed in Bosnian criminal law. It is a special form of imprisonment, the term of which can range from 20 to 45 years. In comparison to "ordinary" imprisonment, a slightly different regime applies to it (e.g. concerning punishment in conjunction, suspended sentence, pardon etc.). It is prescribed for the gravest forms of serious criminal offences perpetrated with intent, and always with an alternative punishment of prison; in other words, it may never be prescribed as the sole form of punishment. Under existing regulations, this punishment is prescribed for criminal offences against

the integrity of BH and for crimes against humanity and values protected by international law.

**Joinder of Proceedings** (Article 25 LCPBH) – Where an individual is charged with several crimes, or several persons have participated in their execution, the Court may decide to unite the proceedings and render a single verdict. Joint proceedings may also take place where there is a relationship between a number of persons charged with several offences. A joinder of proceedings can also take place when separate proceedings are underway before the same court against one person for multiple offences, or against a number of people for the same offence.

The parties may not appeal against a court's decision to join proceedings or to reject such a proposal.

**Separation of Proceedings:** (Article 26 LCPBH) The court may, until the conclusion of a trial, decide that, for important reasons or for reasons of expediency, proceedings for certain criminal offenses or against certain indictees should be separated and concluded separately. There is no possibility of appeal against a court decision on a proposal for separation.

## Plea Agreements

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## VEIZ, BJELIC (X-KR-07/430-1)

*Guard, "Stala" Prison, Rovasi; Member of Piskavica Territorial Defence Force (Vlasenica)*

<b>Born:</b>	12 September 1949, Vlasenica
<b>Detained:</b>	The Prosecution did not file a motion for pre-trial detention as Bjelic appeared each time he was summoned.
<b>Indictment raised:</b>	22 November 2007
<b>Indictment confirmed:</b>	29 November 2007 (Ferid Hodzic was charged under the same indictment.)
<b>Plea entered:</b>	8 January 2008 (not guilty)
<b>Trial commenced:</b>	12 March 2008
<b>Plea agreement:</b>	25 March 2008
On 28 March 2008, following the signature of a plea agreement, the proceedings against Bjelic and Hodzic were separated.	
<b>Verdict:</b>	28 March 2008
Guilty, on the basis of individual criminal responsibility, of <b>war crimes against civilian population</b> and <b>war crimes against prisoners of war</b> (murder, torture, rape, causing great suffering or serious injury), and sentenced to a total of <b>six years'</b> imprisonment.	

*Under the terms of his plea agreement, Bjelic could have received up to 5 years in prison for each crime he was charged with, and a total sentence in the range of 5 years and 1 month to 7 years in prison. During his appear-*

*ance in court in March 2008, Bjelic explained that he had admitted his guilt because "he wanted to put his mind at ease" and "stop the agony which kept him awake at night." "I did what I am charged with," he said.*

**CRIMINAL OFFENCES:**

Between June 1992 and the end of January 1993, Bjelic "repeatedly" raped a woman. He would take her out of the "Stala" [Barn] prison camp in the hamlet of Rovasi (Cerska village, Vlasenica), "concealing the rape from the other prisoners of war and the guards on the same shift." He threatened to kill her if she told anyone what had happened to her.

In addition, he helped other members of the BH TDF to inflict seven months of physical and mental abuse on prisoners kept in the "Stala" prison camp in Rovasi, causing the victims "serious physical pain and suffering," and fatally injuring one of them.

**REASONING:**

Bjelic was responsible for the safety of the prisoners and "helped other members of the ABH" to enter the prison and abuse civilians and soldiers of Serb ethnicity, both physically and mentally.

In determining sentence, the Court accepted as extenuating circumstances the indictee's cooperation with the Prosecution, his admission of guilt and his genuine remorse, "which could have a positive effect on the victims." Neither the Prosecution in considering the plea agreement, nor the Court in its judgment, found any aggravating circumstances.



## **CETIC, LJUBISA** (X-KR-08/549-3)

*Member, Intervention Squad, PSS Prijedor*

<b>Born:</b>	7 April 1969, Ilidza
<b>Detained:</b>	14 October 2008 – 11 November 2009 (currently serving a prison sentence for a different crime)
<b>Indictment raised:</b>	8 January 2009
<b>Indictment confirmed:</b>	12 January 2009
<b>Plea entered:</b>	13 February 2009 (not guilty, together with co-indictees Damir Ivankovic, Zoran Babic, Gordan Djuric, Milorad Radakovic, Milorad Skrbic, Dusan Jankovic and Zeljko Stojnic)
<b>Trial commenced:</b>	31 March 2009
<b>Plea agreement:</b>	9 March 2010 (On 15 March 2010, the Court separated the case against him; the trial of the other indictees is ongoing as <b>Zoran Babic and others (X-KR-08/549)</b> . Damir Ivankovic and Gordan Djuric also pleaded guilty.)
<b>First instance verdict:</b>	18 March 2010
<p>Guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (persecution, murder, deportation, detention and other inhumane acts), and sentenced to <b>13 years' imprisonment</b>. Cetic did not start serving this prison term following delivery of the verdict since he is currently serving a sentence for another criminal act; "his punishment shall be determined following the joinder of all sentences."</p>	

*The plea agreement foresaw a prison sentence of 11 to 13 years. Cetic agreed to help the BH Prosecution in solving the murder cases of "Koricanske*

*stijene" and to "share all information regarding other events of interest to the prosecutor" that occurred between 1992 and 1995 on the territory of BH. At a hearing on 16 March 2010, Cetic gave a statement against the other indictees and apologised to the victims of the crimes, stating: "I regret everything that I have done and the fact that I was a policeman at all, because that destroyed my life. I want to apologise to all of the victims who I harmed in any way as a member of the police in Prijedor."*

### **CRIMINAL OFFENCES:**

On 21 August 1992, Cetic took part in the escort of a convoy of at least 16 buses, lorries, trucks and trucks with trailers carrying more than 1,200 Bosniak and Croat civilians from Prijedor municipality. According to a pre-existing plan, they were to be taken to Travnik for exchange.

The convoy was stopped by the River Ugar (Vlasic Mountain), where Cetic, together with other members of the Intervention Squad of the Prijedor PSS, participated in selecting over 200 men who were subsequently taken in two buses to Koricanske stijene [Koricani Cliffs] and executed.

The civilians were ordered to kneel by the edge of the road, facing the abyss, upon which members of PSS Prijedor fired at them with automatic weapons. They then threw grenades onto the bodies of the killed and wounded that had fallen into the abyss, and shot at them using pistols and automatic weapons.

More than 200 civilian men were killed in this way, while at least 12 managed to survive the shooting.

### **REASONING:**

The Trial Chamber determined that Cetic was aware of the wide and systematic attack on the civilian population in Prijedor municipality, which featured many forms of abuse, such as the dismissal of Bosniaks and Croats from their jobs, the designation of their houses for demolition and the restriction of their movement. The civilian authorities of Prijedor municipality participated in this attack, as did "the companies from which Bosniaks and Croats were sacked."

Cetic participated knowingly and willingly in the JCE of the civilian and military authorities of Prijedor municipality, as well as in the shooting of civilians at Koricanske stijene, who were killed "exclusively for being of Muslim or Croat ethnicity." During his participation in these crimes, Cetic used a small calibre rifle, which, in comparison to automatic rifles, has lesser firepower.

In determining sentence, the Chamber found there to be mitigating circumstances, in that, by pleading guilty, Cetic was "facing the consequences of his acts," and had "certain health problems."



## **GORDAN, DJURIC (X-KR-08/549-2)**

*Member, Intervention Squad, PSS Prijedor*

<b>Born:</b>	15 May 1968, Ljubija (Prijedor)
<b>Detained:</b>	14 October 2008 – 10 September 2009
<b>Indictment raised:</b>	8 January 2009
<b>Indictment confirmed:</b>	12 January 2009
<b>Plea entered:</b>	13 February 2009 (not guilty, together with co-indictees Damir Ivankovic, Zoran Babic, Milorad Radakovic, Milorad Skrbic, Ljubisa Cetic, Dusan Jankovic and Zeljko Stojnic)
<b>Trial commenced:</b>	31 March 2009
<b>First plea agreement:</b>	26 June 2009
<b>First separation of case:</b>	6 July 2009
<p>On 7 July 2009, Djuric testified for the Prosecution against the other indictees, which was one of the conditions of the plea agreement by which he admitted guilt. The same day, after deliberation and voting, the Court refused to accept the plea agreement due to discrepancies between the facts described in the indictment and Djuric's statement. Djuric said in his testimony that he had left Koricanske stijene on his own initiative, while according to the indictment he had been ordered to leave the site. The Court immediately re-joined the case against Gordan Djuric to that of his co-indictees.</p>	
<b>Second plea agreement:</b>	26 August 2009
<b>Second separation of case:</b>	7 September 2009

On this date, Djuric testified against the other indictees once again, emphasising that he had been ordered to leave Koricanske stijene on 21 August 1992 and stand guard elsewhere. After his testimony, the Court accepted the second plea agreement.

**First instance verdict:**

10 September 2009

Guilty, on the basis of individual criminal responsibility, of **crimes against humanity** (persecution, murder, deportation, detention, other inhumane acts), and sentenced to **eight years' imprisonment**.

*Djuric struck a plea agreement in which he promised to testify in other trials related to the crime committed at Koricanske stijene. Before he was sentenced, the BH Prosecution and Djuric's Defence Counsel proposed a prison term in the range of 7 to 10 years. By order of the BH Court, Djuric was obliged to defray the costs of his criminal proceedings in an amount to be established at a later stage. "Your Honour, I know that a horrible crime happened. I am sorry and I sincerely repent. I have been carrying this burden for the last 17 years and I shall continue to carry it until I die... I sincerely repent," said Djuric.*

### **CRIMINAL OFFENCES:**

On 21 August 1992, Djuric escorted a convoy of buses and trucks, holding over 1,200 civilians from the area of Prijedor, to Travnik for an alleged prisoner exchange.

*En route to Travnik, the convoy was halted on Vlasic Mountain, by the River Ugar, where Djuric, together with other members of the squad, "aware and knowing that they were separating the prisoners with a view to killing them," selected over 200 men of military age and took them to the scene of the crime at Koricanske stijene [Koricani Cliffs].*

The Bosniaks and Croats were ordered to kneel down at the edge of the road overlooking the abyss below. They were then fired at with automatic weapons.

Djuric was then ordered to leave the site and go in the direction of Travnik to stand guard. He complied with the order. Hand grenades were thrown onto the bodies of the killed and wounded that had fallen into the abyss, resulting in more than 200 deaths.

### **REASONING:**

Although Djuric did not shoot at the civilians, by standing guard at Koricanske stijene on 21 August 1992, "he made his contribution, that is, he participated in taking the lives of the civilians."

Djuric knew that his actions formed part of a wide and systematic attack targeting Bosniak and Croat civilians from the Prijedor area. His role in, and knowledge of, the attack stemmed from his earlier participation in escorting the convoy of non-Serbs from the Prijedor area.



## FUSTAR, DUSAN (X-KR-06/200-1)

*Guard Shift Leader (1 of 3 Shifts), "Keraterm" Prison Camp*

<b>Born:</b>	29 June 1954, Backo Dobro Polje (Vojvodina, Republic of Serbia)
<b>Detained:</b>	31 January 2002 (surrendered voluntarily to the ICTY)
<b>Case referred:</b>	9 May 2006 (from the ICTY)
<b>Indictment raised:</b>	7 July 2006
<b>Indictment confirmed:</b>	14 July 2006
<b>Plea entered:</b>	28 July 2008 (not guilty, together with co-indictees Zeljko Mejakic, Momcilo Gruban and Dusko Knezevic)
<b>Trial commenced:</b>	20 December 2006
<b>Indictment amended:</b>	27 March 2008
<b>Plea agreement:</b>	27 March 2008
<b>Case separation:</b>	17 April 2008
<b>Verdict:</b>	21 April 2008
Guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (persecution), and sentenced to <b>nine years' imprisonment</b> .	

*The plea agreement was reached prior to the presentation of evidence by Dusan Fustar's Defence. He read his statement of remorse during the main hearing on 21 April 2008, in which he said, inter alia, the following: "Although I personally never assaulted or otherwise harassed anyone, my conscience forces me to express my deepest remorse to all those who feel*

*hurt in any way by having been detained in the camp, and those who suffered any form of mental or physical abuse, as well as to their families, for all the worry they went through. (...) I wish to emphasise in particular that I am convinced such events and human suffering should never happen again anywhere in the world, particularly in BH."*

### **CRIMINAL OFFENCES:**

From the middle or end of June until 5 August 1992, Fustar was engaged in a joint criminal enterprise to abuse and persecute non-Serbs detained in the "Keraterm" prison camp.

Fustar failed to prevent or stop the physical abuse of prisoners in the camp, over which he "had authority and influence," and by failing to do so, "contributed to and encouraged the system of abuse and persecution."

During that period, Fustar was involved in the arbitrary detention of prisoners who were abused by camp guards and "Keraterm" visitors. Seven detainees were beaten to death, and a further number killed at the end of July 1992.

Most of the prisoners of war were brought from the Prijedor area after 30 April 1992, the date on which members of the ARS, TDF and paramilitary formations ("Serb Forces"), along with armed civilians, launched an attack on the town "with the aim of realising a plan for the permanent relocation of Bosniaks and Croats from that area."

### **REASONING:**

The "Keraterm" prison camp was set up in what used to be a ceramic tile factory in Cirkin Polje, a suburb of Prijedor, by decision of the town's Crisis Staff. It existed from 24 May to 5 August 1992, during which period between 1,000 and 1,500 people were kept there under inhumane conditions, abused physically and psychologically, killed and tortured.

The "Keraterm" detainees were severely beaten by the camp guards (members of the reserve police force from Prijedor), acting alone or together with other guards, and by individuals visiting the camp, using "fists, feet, knives, bats and other objects."

The prisoners were also beaten during interrogations by inspectors who would come to the camp during morning hours. Some were beaten to death.

The Court held that Fustar "possessed particular discriminatory intent in relation to non-Serbs," but that he had neither harassed nor killed anyone, nor been "personally or indirectly" involved in the massacre in the camp.



## IVANKOVIC, DAMIR (X-KR-08/549-1)

*Member, Intervention Squad, PSS Prijedor*

<b>Born:</b>	26 June 1970, Prijedor
<b>Detained:</b>	14 January 2009 (given conditional release pending trial on 2 July 2009)
<b>Indictment raised:</b>	8 January 2009
<b>Indictment confirmed:</b>	12 January 2009
<b>Plea entered:</b>	13 February 2009 (not guilty, together with co-indictees Zoran Babic, Gordan Djuric, Milorad Radakovic, Milorad Skrbic, Ljubisa Cetic, Dusan Jankovic and Zeljko Stojnic)
<b>Trial commenced:</b>	31 March 2009
<b>Plea agreement:</b>	22 June 2009 (The Court separated his case on 29 June 2009.)
<b>First instance verdict:</b>	2 July 2009
Guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (persecution, murder, deportation, detention, other inhumane acts) and sentenced to <b>14 years' imprisonment</b> .	

*Damir Ivankovic had to testify against the remaining indictees before the BH Court would accept his plea agreement. Following his testimony, a mass grave with the remains of killed civilians was found at Koricanske stijene. "I want to express my sincerest regrets, and to say that I am sorry that it all happened. It was extremely difficult to be of a different ethnicity and live in Prijedor in 1992. I pledged to be peaceful and loyal so as to save the lives of my family. I am sincerely sorry for all the victims and for the families who lost their loved ones," Ivankovic said.*

## **CRIMINAL OFFENCES:**

Together with of a group of other members of the PSS Prijedor and Intervention Squad, Ivankovic participated and assisted in escorting a convoy of civilians who were supposed to be exchanged on Vlasic Mountain, near Travnik.

On 21 August 1992, on the way to the exchange point, the convoy was halted near the River Ugar. Ivankovic, "aware and knowing that they were separating the prisoners with a view to killing them," participated with other policemen in selecting over 200 men who were then loaded onto buses and transported to Koricanske stijene [Koricani Cliffs].

The men were all ordered to get out of the bus and stand at the edge of the road above the abyss below, and then to kneel down. The policemen then fired at them with automatic weapons and pistols. They threw hand grenades onto the bodies of the killed and wounded, and the men who had jumped into the abyss to escape death.

Of the total number of men taken away, 12 survived the shooting.

## **REASONING:**

Ivankovic "knowingly and willingly" took part in the joint criminal enterprise committed by "the civilian and military authorities of Prijedor municipality," on whose territory a wide and systematic attack on Bosniak and Croat civilians was carried out.

The facts that Ivankovic cooperated with ICTY investigators in 2002 and 2003, and reported himself to the BH Prosecution in 2006, were some of the mitigating circumstances taken into account when sentencing him.

In determining sentence, the Trial Chamber deemed Ivankovic's admission of guilt, which "not only contributes to the establishment of the truth, but also to reconciliation in this region," to be of particular importance.



## **LJUBICIC, PASKO (X-KR-06/241)**

*Commander, Fourth Battalion, CDC Military Police (January-July 1993)*

<b>Born:</b>	15 November 1965, Nezirovici village (Busovaca)
<b>Detained:</b>	9 November 2001 (surrendered voluntarily to the ICTY)
<b>Case referred:</b>	22 September 2006 (by the ICTY)
<b>Indictment raised:</b>	18 December 2006
<b>Indictment confirmed:</b>	21 December 2006
<b>Plea entered:</b>	9 January 2007 (The Court entered a plea of not guilty after he declined to plead to the charges.)
<b>Trial commenced:</b>	11 May 2007
<b>Indictment amended:</b>	24 April 2008
<b>Plea agreement:</b>	29 April 2008
<b>Verdict:</b>	29 April 2008
Guilty of <b>war crimes against civilian population</b> (attacks, wanton destruction of property) and sentenced to <b>10 years' imprisonment</b> .	

*The plea agreement was reached after the Prosecution amended the indictment, dropping allegations of responsibility for crimes against humanity, war crimes against civilian population and violations of the laws and customs of war.*

*The Prosecution sought a sentence of 9 years, while the Defence proposed 8 years. Pursuant to the terms of the plea agreement, Ljubicic undertook to disclose to either the BH or ICTY Prosecution everything he knew about the events that had taken place in the Lasva Valley from April 1993 onwards, and all other facts that might be of interest. "I waited 15 years for the moment to publicly express my sympathy for all victims, especially those who lost their lives on 16 April 1993," said Ljubicic, who "apologised for making a mistake, that is, for not having refused Tihomir Blaskic's order, which was illegal."*

*"I know that I am not going to bring anyone's lost loved ones back to life, but I want them to know that I regret their loss, which will probably help me find peace of mind," Ljubicic said, adding that he did not wish to minimise his responsibility, but felt compelled to say that "he had never hurt anyone, not even verbally."*

### **CRIMINAL OFFENCES:**

On 15 or 16 April 1993, Ljubicic, alias Toni Raic, conveyed to his subordinate troops, over whom he had "effective control," an order given by Tihomir Blaskic, Commander of the Central Bosnia Operative Zone, to launch an attack on the village of Ahmici in the Vitez area, murder men of military age, expel civilians and destroy their property.

More than 100 civilians were killed in the attack on Ahmici, and many houses and two local mosques in the village were destroyed. Ljubicic helped to plan the attack in the awareness that, "by conveying and issuing the order, he could cause, *inter alia*, the deaths of many people."

### **REASONING:**

The war between the CDC and the ABH began in the Lasva Valley area on 16 April 1993, although the first conflict between the two sides had broken out earlier in October 1992.

By his actions and omissions, Ljubicic "assisted and supported the planning and perpetration" of the crimes in Ahmici, for which he is also responsible as a superior officer, since he had "an important military role in the chain of command."

Ljubicic admitted that he knew he would cause death or serious injury of non-combatants and the destruction of their property by conveying the order.

During the attack on Ahmici, members of the Fourth Battalion of the Military Police (including the "Jokers", a counter-terrorist squad under Ljubicic's command) killed over 100 civilians, most of whom were men of military age, as well as women and children.

The Court concluded that Ljubicic's admission of guilt and "genuine regret" could have a positive impact on "the rehabilitation of the victims of the crimes, and acceptance of the facts of these brutal war crimes."



## MARIC, ZORAN (X-KR-05/96-3)

Member, ARS

<b>Born:</b>	15 April 1964, Ljoljci (Jajce)
<b>Custody:</b>	18 August 2008
<b>Indictment raised:</b>	10 July 2009
<b>Indictment confirmed:</b>	16 July 2009
<b>Plea entered:</b>	30 July 2009 (not guilty)
<b>Trial commenced:</b>	14 October 2009 (A <b>plea agreement</b> was signed on the same date.)
<b>First instance verdict:</b>	29 October 2009
Guilty of <b>war crimes against civilian population</b> (killing, intentionally inflicting serious physical or mental pain or suffering /torture), and sentenced to <b>15 years' imprisonment</b> .	

*The plea agreement foresaw a prison term of 14 to 16 years. During the trial, on 28 October 2009, Maric expressed his condolences to the families of the killed, and regret over his role in the crime. Mirko (son of Spiro) Pekez, Mirko (son of Mile) Pekez and Milorad Savic (see case number X-KRZ-05/96-1) were found guilty of the same crime in a final and binding verdict delivered by the BH Court. "I want to say that I regret what was done to the people who were killed and express my condolences to their families," said Maric.*

**CRIMINAL OFFENCES:**

Zoran Maric, alias Djole, together with the members of "an organised group of armed men," and according to a jointly agreed plan, was involved on 10 September 1992 in forcing Bosniak civilians from the villages of Ljoljici and Cerkazovici (Jajce municipality) to leave their homes and then arresting them.

Armed with automatic and semi-automatic guns, they arrested the civilians illegally, insulting and physically abusing them, and took them to a place known as "Draganovac," where Mirko (Mile) Pekez ordered them to surrender all their valuables to him, which they did.

After some time, the civilians were taken to a place called "Tisovac," where they were ordered to line up along the edge of an abyss and shot. Twenty-three people were killed and 4 wounded, while 1 person was unharmed.

**REASONING:**

Maric participated as a co-perpetrator in the forcible expulsion of Bosniak civilians from their homes and their removal to the place where they were shot, and so a 15-year prison term is "fully adequate and appropriate" for achieving the goal of punishment.

In determining sentence, the Trial Chamber deemed the indictee's "serious illness" a mitigating circumstance and found no aggravating circumstances.



## **PERKOVIC, STOJAN (X-KR-09/662)**

*Commander, Ladjevine Company, ARS*

<b>Born:</b>	3 October 1944, Ladjevine (Rogatica)
<b>Custody:</b>	16 January 2009
<b>Indictment raised:</b>	8 April 2009
<b>Indictment confirmed:</b>	20 April 2009
<b>Plea entered:</b>	21 May 2009 (not guilty)
<b>Trial commenced:</b>	26 June 2009
<b>Indictment amended:</b>	17 December 2009
<b>First instance verdict:</b>	24 December 2009
<p>Guilty, on the bases of individual and command responsibility, of <b>crimes against humanity</b> (persecution, murder, detention, torture, rape, forced disappearance, other inhumane acts of a similar nature), and sentenced to <b>12 years' imprisonment</b>.</p>	

*The plea agreement by which the indictee admitted his guilt foresaw a prison term of 10 to 14 years. "I never wanted the war to happen, and I lived with my neighbours regardless of their ethnic background. I know that evil occurred, and that bad things happened that I didn't wish for. I feel sincere sympathy for the pain and suffering of all victims as I myself had a similar experience. Once again, I want to express my sincere regret to all victims," Perkovic said.*

## **CRIMINAL OFFENCES:**

In June 1992, Perkovic went with a group of soldiers to the village of Surovi (Rogatica municipality) and captured a number of civilians.

On that occasion, Perkovic tortured two civilians and took three persons in the direction of Ladjevine village who have been missing ever since. The residents of Surovi, "fearing for their lives," left the village. The one person who stayed behind is missing.

Unidentified members of Perkovic's company killed two villagers on an undetermined date in 1992. Perkovic "must have known of that crime, but failed to take any action to prevent it or to punish the perpetrators."

In June 1992, Perkovic, together with several other members of the ARS, captured two civilians in the village of Mesici and imprisoned them in a hut in Ladjevine. Members of Perkovic's unit physically abused the civilians in his presence until he ordered them to stop.

On "or around" 14 August 2008, Perkovic, together with several other members of the ARS, took part in the detention of five civilians in a garage in the village of Kosova. He was also involved in abusing and humiliating three further civilians, one of whom was taken in an unknown direction and has been missing since.

Towards the end of summer 1992, Perkovic captured four civilians and imprisoned them in his old family house in the hamlet of Maljevici (Ladjevine), where they were last seen alive in September 1992. They have been missing since then.

Between the summer and the end of 1992, on several occasions, "by use of force and threats," Perkovic made a woman in the village of Varosiste have sexual intercourse with him, threatening that he would kill her close relative "unless she did what he wanted."

In mid-December 1992, unidentified members of the ARS under Perkovic's "effective control" killed an elderly woman in the same village. Perkovic must have known of that crime but "failed to take any action to prevent it or to punish the perpetrators."

Perkovic was acquitted on the charge that, in June 1992, he ordered the residents of the villages of Kukavice, Kujundzijeveci and Mesici to surrender their weapons, which they did, and that, on or around 9, 10 and 11 July 1992, an attack led by him was launched against those villages, killing a large number of civilians.

## **REASONING:**

Perkovic, together with his subordinate troops and other members of RS military and paramilitary forces, committed crimes within the Rogatica municipality that were not "indiscriminate, isolated acts." Rather, they represented "a typified pattern of violent behaviour" against non-Serb civilians.

The Trial Chamber established that the crimes had been committed in that area according to an established pattern, which included attacks on Bosniak

villages and violent behaviour against civilians, who were killed, taken in unknown directions and imprisoned.

Perkovic clearly had superiority over the lower-ranking soldiers, and the "actual power to control their actions." For these reasons, he is held responsible for the acts committed by his subordinate officers, of which "he knew, but whose perpetration he failed to prevent or punish."

In determining sentence, the Trial Chamber deemed the fact that Perkovic had established "an important level of cooperation with the BH Prosecution," which had led to the discovery of a mass grave, to be a mitigating factor. The "egregious brutality" employed by Perkovic during the commission of the crimes was deemed to be an aggravating circumstance.



## **SIPIC, IDHAN (X-KR-07/457)**

*Member, Reconnaissance-Commando Company, Fifth Corps, ABH*

<b>Born:</b>	9 April 1967, Banja Luka
<b>Detained:</b>	26 October 2007 (surrendered to police in Bihac and admitted to the crime in 1995)
<b>Indictment raised:</b>	23 November 2007
<b>Indictment confirmed:</b>	10 December 2007
<b>First plea agreement:</b>	23 November 2007
The BH Court rejected the proposed plea agreement on 17 December 2007, as Sipic did not agree with the description of the offences listed in the indictment. The Prosecution initially claimed that Sipic had killed a woman in Korjenovo Brdo (Kljuc municipality) and then "cut up her body and thrown it down a well, piece by piece."	
<b>Trial commenced:</b>	8 February 2008
<b>Indictment amended:</b>	22 February 2008
The BH Prosecution dropped the contested part of the factual description in the indictment.	
<b>Second plea agreement:</b>	22 February 2008
<b>Verdict:</b>	22 February 2008
Guilty, on the basis of individual criminal responsibility, of <b>war crimes against civilians</b> (murder) and sentenced to <b>eight years' imprisonment</b> .	

*Sipic was the first indictee to reach a plea agreement before the War Crimes Chamber of the BH Court. "I am guilty, and I am sorry for what I have done," said Sipic, during deliberations on the plea agreement in February 2008.*

### **CRIMINAL OFFENCES:**

On an unconfirmed date in mid-September 1995, during the "Sana '95" operation, Sipic killed an elderly woman, Andja Banjac, in the village of Korjenovo Brdo (Kljuc municipality) with a "military bayonet." Her body was taken out before another soldier of the same company set her bed ablaze. Her house caught fire and burned down.

### **REASONING:**

Sipic committed a crime "with direct intent, knowing that he was committing it and willing to commit it." During the commission of the crime, he was "intoxicated by alcohol and under the influence of narcotic drugs, although this is irrelevant to the case."

Sipic murdered an unprotected elderly woman in a brutal manner, aware of "his superior power" and for the sole reason of her different ethnic background. On 23 October 2007, on his own initiative, he reported the killing of the elderly woman to the police, "thereby preventing the crime from going unpunished."

The admission of guilt for this crime and milder sentence are "a clear sign to all war crimes perpetrators that their prosecution, which is unavoidable, may take some mitigating circumstances into account."



**SAKIC, SLAVKO (X-KR/05/41-1)**

*Member, "Garavi" Special Operations Unit, 104th "Eugen Kvaternik" Brigade, CDC*

<b>Born:</b>	18 November 1972, Zlavast (Bugojno)
<b>Detained:</b>	19 May 2008
<b>Indictment raised:</b>	25 July 2008
<b>Indictment confirmed:</b>	29 July 2008
<b>Plea hearing:</b>	6 August 2008 (not guilty)
<b>Plea agreement:</b>	5 September 2008
<b>First instance verdict:</b>	29 September 2008
Guilty, on the basis of individual criminal responsibility, of <b>war crimes against civilian population</b> (attacks, killing, illegal detention, torture, forced labour) and sentenced to <b>8 years and 6 months' imprisonment</b> .	

*The plea agreement was concluded prior to the trial. It envisaged a sentence of ten years' imprisonment. Neither the agreement nor the judgment indicates whether or not Sakic committed himself to some form of cooperation with the BH Prosecutor's Office.*

**CRIMINAL OFFENCES:**

In July 1993, Sakic was involved, together with other members of the Special Operations Unit, in the arrest, torture and detention of Bosniaks in the basement of the "Aquarium" motel, in the Vrbanja area of Bugojno.

Sakic, together with a number of other members of the CDC, "on 26 or 17 July 1993," beat and abused three prisoners of war. He then "used a cord to tie the hands and feet" of one of them – Selmir Sehic – and "cut him several times on his head with a knife." He told the other prisoners that he was taking Sehic away for slaughter. Sehic's body was found later that year with "multiple lethal injuries inflicted using a knife and firearms."

The Bosniak detainees, among them children and the elderly, were used as forced labour on the frontlines, during which one prisoner of war was wounded on 21 July 1992.

### **REASONING:**

"[A]n internal conflict between CDC units and the ABH" was waged in the Bugojno area from 17 to 28 July 1993.

Sakic was involved in seizing jewellery and money from the civilians he tortured and beat, his behaviour showing "an established pattern of abusing inferior victims."

He caused serious bodily injury to prisoners of war with "military boots, a rifle butt and truncheons," while members of the "Garavi" [Darkies] unit took them every day to the frontlines to carry out forced labour. There, they were forced to dig trenches and ditches, and used as a "human shield."



**TODOROVIC, VASO** (X-KR-06/180-1)

*Member, Second Detachment, Special Police, Sekovici, RS MIA*

<b>Born:</b>	2 March 1968, Zabokvica (Srebrenica)
<b>Detained:</b>	28 May 2007
Indictment raised:	27 May 2008
Indictment confirmed:	3 June 2008
<b>Plea entered:</b>	23 June 2008 (not guilty)
<b>Trial commenced:</b>	13 October 2008
Indictment amended:	13 October 2008
Plea hearing:	16 October 2008
<b>First instance verdict:</b>	22 October 2008
Guilty of <b>crimes against humanity</b> (assisting in killings, deportations and forced resettlement) and sentenced to <b>six years' imprisonment</b> .	

*Todorovic agreed in a plea agreement to a prison term of 5 to 10 years, in exchange for "providing assistance in other investigations and testifying at other trials when necessary." An amended indictment changed the initial charge of genocide to one of crimes against humanity. In court, Todorovic said he knew many Bosniaks who were killed in Kravica. "But I did not talk to them. I got myself well away from them as I knew about the plan. I sincerely regret that I was there. But it was wartime and, had I fled, I could have ended up just as those victims did," said Todorovic.*

## **CRIMINAL OFFENCES:**

On 12 July 1995, Todorovic was involved in searching villages in the Srebrenica area, expelling civilians and transporting them to Potocari, knowing that "they would be forcibly and permanently resettled."

That day, as on 13 July 1995, he was involved in guarding the Bratunac-Konjevic Polje road, by which civilians from Srebrenica were being transported on buses and trucks. Todorovic was also involved in taking several thousand males captive and leading a column of several hundred Bosniaks to the Kravica Farmers' Cooperative warehouse, "knowing that they were going to be killed."

As Todorovic was standing guard, other members of the same detachment "killed Bosniak prisoners with rifles, machine guns and bombs."

## **REASONING:**

The BH Court accepted facts earlier established in ICTY verdicts. Among these, it accepted that, between 11 July and 1 November 1995, "there was an armed conflict" in Eastern Bosnia, and that in July of that year, Bosnian Serb troops killed "several thousand men" following the fall of Srebrenica.

In his testimony, Todorovic said that the members of his unit were informed about this plan on 11 July 1995.

In determining Todorovic's sentence, the Court considered his admission of guilt to be a mitigating circumstance, along with the saving in trial costs and protection of witnesses from retraumatisation it allowed. The Court deemed Todorovic's testimony "a valuable contribution" to the Prosecution.



## VESELINOVIC, RADE (X-KR-05/46)

*Member, ARS Military Police, Hadzici*

<b>Born:</b>	1 February 1944, Cajnice
<b>Detained:</b>	29 November 2007
Indictment raised:	22 April 2008
Indictment confirmed:	25 April 2008
<b>Plea entered:</b>	8 May 2008 (not guilty)
Trial commenced:	18 July 2008
Indictment amended:	19 June 2009; 29 June 2009
Plea agreement:	29 June 2009
<b>First instance verdict:</b>	30 June 2009
Guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (persecution, murder, enslavement, detention, torture, forced disappearance, and other inhumane acts) and sentenced to <b>7 years and 6 months' imprisonment</b> .	

*Veselinovic and the BH Prosecution agreed that he should receive a sentence of 6 to 8 years in prison. Veselinovic was initially charged with war crimes against civilian population and crimes against humanity, but the Prosecution amended the indictment prior to the signature of the plea agreement. "I accept that I am guilty of what I am charged with," said Veselinovic.*

## **CRIMINAL OFFENCES:**

From early May 1992, Veselinovic was involved, along with other members of the ARS, in illegally detaining non-Serbs from the Hadzici area in the hall of the Cultural, Sports and Recreation Centre and the Cultural Centre.

The prisoners of war were beaten and abused, the men were forced "to commit obscene acts upon one another," and they were taken to the frontlines to perform forced labour.

On 16 May 1992, "with no reason whatsoever," Veselinovic shot one person of Croat ethnicity in front of the Cultural Centre, while, at the end of May or early June the same year, he physically tortured two prisoners of war on their return from forced labour.

On 4 July 1992, together with of a group of other military policemen, Veselinovic took a male from a building at Hadzici and drove him away "in an unknown direction, since when he has been missing." In June 1992, he took part in the murder of a woman in the village of Donji Hadzici, and at the end of the same year, mistreated a female near the village of Breza.

The charge that Veselinovic, together with other members of the ARS from Hadzici, participated in an attack on the settlement of Musici on 20 May 1992, during which three civilians were murdered and a greater number imprisoned in the Cultural-Sports and Recreation Centre, was rejected.

## **REASONING:**

In the course of 1992, in the area of Hadzici, a widespread and systematic attack against "a specific, clearly defined group (of non-Serb residents)" was "carried out by military, paramilitary and police formations," according to an established pattern.

The Hadzici municipality's leadership of that period "knew about the attack," one of the pieces of evidence pointing to this being the fact that civilians were detained in a garage near the municipal building. Representatives of the local authorities visited the Sports Centre hall after members of paramilitary units tortured those who were being held in the building, promising the civilians that such things would not happen again.

The places at which illegally detained civilians were kept were "selected and prepared in advance, and guards had already been deployed in and around the buildings."

## Final Verdicts

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## **ANDRUN, NIKOLA** (X-KRZ-05/42)

*Deputy Warden, "Gabela" Prison Camp*

<b>Born:</b>	22 November 1957, Domanovici (Capljina)
<b>Detained:</b>	30 November 2005
<b>Indictment raised:</b>	21 April 2006
<b>Indictment confirmed</b>	27 April 2006
<b>Plea entered:</b>	9 May 2006 (not guilty)
<b>Trial commenced:</b>	22 June 2006
<b>First instance verdict:</b>	14 December 2006
Sentenced to 13 years' imprisonment for war crimes against civilian population.	
<b>Appeals:</b> The Prosecution and Defence submitted appeals on the grounds of "essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the facts, and the decision on length of sentence." The Defence submitted an appeal on the grounds of incorrect application of the law. The Appeals Chamber partially allowed the appeal and ordered the verdict to be annulled. A retrial began on 26 March 2008.	
<b>Indictment amended:</b>	12 August 2008
<b>Second instance verdict:</b>	19 August 2008
Guilty of <b>war crimes against civilian population</b> (participation in murder, torture and participation in torture, and inhumane treatment) and sentenced to <b>18 years'</b> imprisonment.	

## **CRIMINAL OFFENCES:**

In August and September 1993, Andrun removed two prisoners from the hangar at "Gabela" prison camp. Their mortal remains were found in 1996. An autopsy confirmed that they were killed with "handguns."

On 30 September 1993, Andrun, together with two more persons, interrogated and tortured a prisoner in "Gabela" prison camp, beating him "with fists and feet on different parts of his body," after which he put a belt around his neck and "by lifting him up, strangled him until he could not breathe and became unconscious."

During summer 1993, Andrun participated in the torture of prisoners in "Gabela" and at Capljina Police Station. In August and September of the same year, "in order to prevent" ICRC representatives from making a list of prisoners and thus allowing their exchange, he participated in the transfer of a group of Bosniak men to the "Silos" prison camp near Capljina.

Due to a lack of evidence, he was found not guilty of participation in the inhumane treatment of a group of prisoners in the "Gabela" camp in July 1993.

## **REASONING:**

By decision of the Government of Herzeg-Bosnia, District Military Prison "Gabela" was established, and 500 or 600 civilians detained in each of its 4 hangars.

In some documents of the Croat Republic of Herzeg-Bosnia, "Gabela" was described as "accommodation for prisoners of war and a detention centre." The BH Court found that "Gabela" appeared, "in all its features, to be a prison camp" in which violence and "inhumane, cruel and unhealthy" conditions ruled.

The argument of the Defence that Andrun was "an ordinary guard" in the camp did not stand, despite the non-existence of official documents on his appointment to the position of deputy head. The Trial Chamber found that "in the given conditions, considering that it was wartime, such oversights were possible," and that he did in fact hold that position.

According to this verdict, the war between the CDC and ABH lasted "from the second half of 1993 until 24 February 1994."



## BOZIC, ZDRAVKO and others (X-KRZ-06/236)

*Zdravko Bozic, Mladen Blagojevic, Zeljko Zaric and Zoran Zivanovic, Members, Military Police, Bratunac Light Infantry Brigade, ARS*

	<b>Zdravko Bozic</b>	<b>Mladen Blagojevic</b>	<b>Zeljko Zaric</b>	<b>Zoran Zivanovic</b>
<b>Born:</b>	3 May 1964, Lasva (Zenica)	22 March 1971, Bratunac	3 October 1973, Slapasnica (Bratunac)	29 August 1972, Ljubovija
<b>Detained:</b>	30 June 2006 – 6 November 2008	15 November 2006	5 December 2006 – 6 November 2008	8 December 2006 – 6 November 2008
<b>Indictment raised:</b>	13 December 2006			
<b>Indictment confirmed</b>	21 December 2006			
<b>Plea entered:</b>	24 January 2007 (The Court entered not guilty pleas for all four indictees after they failed to appear at the plea hearing.)			
<b>Trial commenced:</b>	20 April 2007			
<b>Indictment amended :</b>	18 September 2008			
<b>First instance verdict:</b>	6 November 2008			
Blagojevic was found guilty of <b>crimes against humanity</b> (persecution, other inhumane acts) and sentenced to <b>seven years'</b> imprisonment. Bozic, Zivanovic and Zaric, together with Blagojevic, were acquitted on certain charges of <b>crimes against humanity</b> (persecution, murder, deportation, imprisonment, other inhumane acts). All four were charged on the basis of individual criminal responsibility.				

<b>Appeals:</b> The BH Prosecution and Blagojevic Defence appealed on the grounds of essential violations of criminal procedure, violations of criminal law and erroneous and incomplete determination of the facts. The BH Prosecution appealed against the sentencing decision. The Appeals Chamber refused the appeals of the Prosecution and Defence as "unfounded."	
<b>Second instance verdict:</b>	5 October 2009
<b>First instance verdict confirmed.</b>	

## CRIMINAL OFFENCES:

Mladen Blagojevic participated in the persecution of the Bosniak civilian population within the UN safe area of Srebrenica from 11 to 18 July 1995.

During the night of 13-14 July 1995, Blagojevic aimed a *Browing* machine gun at a window of "Vuk Karadzic" Primary School in Bratunac in which a Bosniak man had appeared and started shooting in his direction. The bullets hit the school wall and window; several hundred men were imprisoned inside the building at the time.

The Chamber did not find Bozic, Zaric and Zivanovic guilty of assisting in the commission of the crimes of which Blagojevic was convicted.

Zdravko Bozic, Mladen Blagojevic, Zeljko Zaric and Zoran Zivanovic did not, as the indictment claimed, participate during the night of 13-14 July 1995 in securing the detained men in the Bratunac school, nor in their mistreatment, beating, cruel treatment and "actions which could cause fear." While securing the school and the detained men, unidentified members of the MIA and ARS killed several Bosniaks who tried to escape.

All four were found not guilty of participating in the enforced transfer of prisoners on 14 July 1995 and, on the same day, after escorting the Bosniaks to the "Grbavci" School in Orahovac (Zvornik municipality), of controlling and securing between 1,000 and 2,000 unarmed civilians and participating in their physical and psychological abuse.

Bozic and Blagojevic were found not guilty on charges that they participated in the execution of five unidentified civilians in "Vuk Karadzic" Primary School during the night of 13-14 July 1995.

Blagojevic and Zaric were found not guilty of wounding one person on 14 July 1995 in "Grbavci" School in Orahovac, and Zaric and Zivanovic on charges that they entered the school building in Bratunac between 13 and 14 July 1995 and fired automatic weapons at the detainees.

For Zaric and Zivanovic, there was insufficient evidence to prove the charges of murder using automatic weapons of three civilians in "Grbavci" School on 14 July 1995.

Zivanovic was acquitted on charges that he took part in the "organised, inhumane and aggressive" action to separate men from women and children in Potocari on 12 and 13 July 1995, and, by use of force and threats of force,

made women and children get into buses, knowing that they would be transferred out of the Srebrenica enclave.

The Prosecution failed to prove their participation in a joint criminal enterprise.

## **REASONING:**

The Chamber concluded that the attack on the Srebrenica area was wide and far-reaching, as proven by evidence of the humanitarian crisis which followed the enclave's fall, the enforced displacement of civilians from Potocari, the capture and torture of Bosniak men in Bratunac, and their execution.

Considering the fact that he was a military policeman in the Bratunac brigade, Blagojevic must have known of the widespread and systematic attack on the civilian population in Srebrenica, and that all of his actions supported that attack.

It was proven that Blagojevic shot a *Browing* in the direction of a window of a school in which a large number of Bosniak men were detained, and that the latter were "unlawfully detained and faced with fear and uncertainty over their fate."

The Appeals Chamber concluded that Blagojevic had a "dominating position and power" in relation to the prisoners, and that he wanted to cause "fear and mental suffering" by shooting at them.

Bozic, Blagojevic, Zaric and Zivanovic were acquitted on charges that they participated in the enforced displacement of the population due, as the Chamber concluded, to the "Prosecution's failure to make sufficient efforts to present solid evidence in relation to the indictees." They were also acquitted on other charges after the Prosecution failed to prove them.

The Chamber concluded that the Prosecution made "very little or almost no" effort to prove the existence of a JCE, having "simply assumed that, considering the scale of the crime, it must have existed."

The Chamber concluded that the participation of the indictees in the JCE was not precisely defined, while the Prosecution claimed that a large number of soldiers and policemen participated in it from 11-18 July 1995. Thus, as stated in the final verdict, "the alleged JCE grows into a gigantic octopus, consuming and assuming every person, from the highest ranking officer to the lowest-ranking, ordinary soldiers in the ARS or RS MIA," and the crime is attributed to the group as whole.

"The alleged JCE undoubtedly calls for the criminal accountability of the organisers of the mass crime in Srebrenica. They designed the criminal plan and organised the crimes, even if they did not personally participate in committing them, or were distanced from their direct commission. Responsibility for the JCE should not include ordinary soldiers, such as the indictees in this case, if there is no proof of their knowledge of the criminal plan designed within the echelons of the command structures, nor of their intention to be a part of that plan," the final verdict states.



## DAMJANOVIC, DRAGAN (X-KRZ-05/51)

Member, ARS, Vogosca

<b>Born:</b>	23 November 1961, Sarajevo
<b>Detained:</b>	6 December 2005
<b>Indictment raised:</b>	29 March 2006
<b>Indictment confirmed</b>	29 March 2006
<b>Plea entered:</b>	14 April 2006 (not guilty)
<b>Trial commenced:</b>	9 June 2006
<b>First instance verdict:</b>	15 December 2006
Sentenced to 20 years' imprisonment for crimes against humanity.	
<p><b>Appeals:</b> Both the Defence and the Prosecution lodged appeals on the grounds of erroneous and incomplete determination of the facts, while the Defence alone appealed on essential breaches of provisions of criminal procedure and erroneous application of material law. The Prosecution also submitted an appeal on the grounds of breaches of criminal law and the length of the sentence. The Appeals Chamber rejected the Defence's appeal, finding it without basis, and partially allowed the Prosecution's appeal in relation to criminal punishment.</p>	
<b>Second instance verdict:</b>	13 June 2007
Guilty of <b>crimes against humanity</b> (murder, torture, rape, deportation, forced disappearance and other inhumane acts) and sentenced to <b>20 years' long-term imprisonment</b> .	

## **CRIMINAL OFFENCES:**

On 23 June 1992, Damjanovic separated five men from a group of prisoners from "Bunker" prison camp, Vogosca, who were in Reljevo performing forced labour, and took them towards the frontline at Zuc. Their bodies have not been found to this day.

In July 1992, Damjanovic removed two persons from a building in Vogosca, since when they have been missing. In September of the same year, he participated in the beating of a married couple Kodzaga and the rape of one woman.

From August 1992 until February 1993, Damjanovic participated in the torture and beating of prisoners held at the "Planjina kuca" [Planja's House] prison camp, Semizovac (Vogosca Municipality), and their removal for use as forced labour and human shields.

In Ravne, on 30 August 1992, Damjanovic abused a prisoner who had been brought from the "Planjina kuca" prison camp as forced labour, cutting a cross into his face with a knife and then forcing him to drink his own blood.

In January 1993, he took three prisoners from the same camp for the purposes of forced labour. Using his bayonet, Damjanovic engraved a cross on the forehead of one prisoner who had been beaten badly, killing him soon after.

He was acquitted on the charge that, in July 1992, he used firearms to kill the Hodzic couple in Svrake (Vogosca Municipality).

## **REASONING:**

The armed attack on the Vogosca area, in which "local Serbs from predominantly Serb settlements, with the help of paramilitary formations from Serbia" and members of the JNA, participated, started during the period of May-June 1992.

The Court found that the attacks on the Bosniak civilians imprisoned in different locations were part of a plan that was "evidently not made by individuals, but was rather the political creation of the authorities in power at that time."



## DAMJANOVIC, GORAN AND ZORAN (X-KRZ-05/107)

*Members of the Army of the Serb Republic of BH*

	<b>Goran Damjanovic</b>	<b>Zoran Damjanovic</b>
<b>Born:</b>	12 July 1966, Sarajevo	4 September 1967, Sarajevo
<b>Detained:</b>	Arrested on 26 April 2006 (Zoran Damjanovic was released pending trial on 22 June 2006, and Goran Damjanovic on 18 January 2007.)	
<b>Indictment raised:</b>	2 June 2006	
<b>Indictment confirmed</b>	9 June 2006	
<b>Plea entered:</b>	22 June 2006 (both: not guilty)	
<b>Trial commenced:</b>	21 September 2006	
<b>First instance verdict:</b>	18 June 2007	
Goran Damjanovic was sentenced to 12 years' imprisonment for war crimes against civilian population and illegal manufacture and trafficking of weapons or explosive materials. In the same verdict, Zoran Damjanovic was found guilty of participation in war crimes against civilian population and sentenced to 10 years and 6 months' imprisonment.		
<b>Appeals:</b> The Defence Counsels and indictees appealed on the grounds of "essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the facts, sentencing decision and breaches of criminal law." The BH Prosecution did not appeal. The Chamber allowed the appeal made by Goran Damjanovic's Defence in relation to the verdict on the illegal manufacture and trafficking of weapons.		
<b>Second instance verdict:</b>	19 November 2007	
Guilty, on the basis of individual criminal responsibility, of <b>war crimes against civilian population</b> (torture) and unified sentenced of <b>12 years' and 10 years and 6 months' imprisonment</b> .		

*On 28 April 2008, the Appeals Department suspended proceedings against Goran Damjanovic for the crime, under the criminal law of Republika Srpska, of illegal manufacture and trafficking of weapons or explosive materials, after the BH Prosecution dropped that charge from the indictment. The length of Goran Damjanovic's sentence remains the same.*

**CRIMINAL OFFENCES:**

On 2 June 1992 in the settlement of Bojnik (Novi Grad Municipality, Sarajevo), Goran and Zoran Damjanovic, "armed and in uniform," together with other soldiers and members of paramilitary formations, participated in the beating of a group of 20-30 men who were later taken to the prison camp in Rajlovac.

**REASONING:**

The attack on Ahatovic lasted from 28 May to 2 June 1992. The Damjanovic brothers, fully conscious of their acts, caused, together with other soldiers, "serious physical and psychological pain to the victims." Both knew that the prisoners were Bosniaks, and considered and treated them as "of lesser worth."

## DJOKIC, DRAGAN (X-KRZ-09/668)

*Member, Armed Formations of the so-called Republic of Serb Krajina*

<b>Born:</b>	<b>16 January 1953</b> , Sombor (Republic of Serbia)
<b>Detained:</b>	17 September 2005
<b>First instance verdict of the BH Court:</b>	5 November 2009
The BH Court confirmed the verdict rendered by Sisak County Court (Republic of Croatia) on 26 September 2007, sentencing him to <b>12 years'</b> imprisonment for <b>war crimes against civilian population</b> (attack on civilian population resulting in death, serious bodily injury or severe damage to health). Djokic requested, as a BH citizen, to have his sentence transferred to BH "to be closer to his family," which lives in the Novi Grad area. The BH Prosecution did not oppose Djokic's appeal, and the BH Court accepted and then confirmed the verdict of the Sisak court.	
<b>Appeals:</b> The Defence appealed against the sentencing decision, but this was rejected by the Appeals Chamber of the BH Court as unfounded.	
<b>Second instance verdict of the BH Court:</b>	22 February 2010
<b>First instance verdict confirmed.</b>	

### CRIMINAL OFFENCES:

In Ravno Rasce (Drenovac Banski, Republic of Croatia), on 9 September 1991, Dragan Djokic, alias "Popizdeo" [Enraged], together with Zoran Arbutin, Zeljko Sladovic and another unknown person, shot at the exterior of Djuro Vucicevic's house.

Soon after, Djokic entered the Vucicevic house and fired above the heads of the members of the household whom he had lined up. Together with Sladovic and another unknown person, he took Vucicevic, a civilian, to the area of Bare, near Drenovac Banski, and killed him by "firing a shot to the head from a firearm."

### REASONING:

The BH Court accepted Djokic's request to have his sentence transferred to BH, in accordance with the Law on International Legal Assistance in Penal Matters and in accordance with the Agreement on Mutual Enforcement of Court Decisions in Criminal Matters between Bosnia and Herzegovina and Republic of Croatia.



## **GOLUBOVIC, BLAGOJE (X-KR-08/494-1)**

*Member, RS Armed Forces*

<b>Born:</b>	<b>18 April 1965</b> , Strganci (Foca)
<b>Detained:</b>	20 January – 6 July 2009 (Golubovic was arrested in Serbia in April 2008 on the basis of an international warrant and then extradited to BH.)
<b>Indictment raised:</b>	10 February 2009
<b>Indictment confirmed</b>	13 February 2009
<b>Plea entered:</b>	17 March 2009 (not guilty)
<b>Trial commenced:</b>	6 April 2009
On 10 July 2009, after the BH Prosecution ceased criminal prosecution, the BH Court decided to <b>reject the indictment</b> .	

*The BH Prosecution ceased criminal prosecution of Blagoje Golubovic on 6 July 2009, after the Appeals Chamber of the BH Court found Rajko and Ranko Vukovic not guilty of participation in the same crime (see case X-KRZ-07/40). Following this decision, Golubovic was released from detention.*

### **CHARGES:**

The charges brought against Golubovic were that in May 1992, he, together with a group of 20 members of the Armed Forces of Republika Srpska, arrived in the vicinity of the village of Podkolum (Foca municipality), which he then entered together with Ranko and Rajko Vukovic and Ranko Golubovic.

All four were accused of going to the house of Avdija Hukara, "armed with automatic weapons," where "one or more of them" shot him, and then soon after shot Mejra Bekrija, who was in a nearby field. According to the indictment, both persons were fatally injured on that occasion, and the indictees left in an unknown direction.



## JANKOVIC, GOJKO (X-KRZ-05/161)

*Unit Commander, Foca Tactical Brigade, ARS*

<b>Born:</b>	31 October 1954, Trbusce village (Foca)
<b>Detained:</b>	14 March 2005 (surrendered voluntarily to the ICTY)
<b>Case referred:</b>	8 December 2005
<b>Indictment raised:</b>	14 February 2006
<b>Indictment confirmed</b>	20 February 2006
<b>Plea entered:</b>	16 March 2006 (not guilty)
<b>Additional indictment:</b>	4 July 2006
Jankovic was further charged with participation in the rape of one female between April 1992 and May 1993. On 18 July 2006, the indictee pleaded not guilty to this charge also, and proceedings continue under both indictments.	
<b>Trial commenced:</b>	21 April 2006
<b>First instance verdict:</b>	16 February 2007
Guilty of crimes against humanity and sentenced to 34 years' long-term imprisonment.	
<b>Appeals:</b> The Defence appealed on the grounds of "essential breaches of provisions of criminal procedure, criminal law, erroneous or incomplete determination of the facts, and length of sentence." The Appeals Chamber partially allowed the Defence's appeal.	
<b>Second instance verdict:</b>	23 October 2007
Guilty, on the basis of individual responsibility, for <b>crimes against humanity</b> (rape, sexual enslavement, murder, detention and torture) and sentenced to <b>34 years' long-term imprisonment.</b>	

## **CRIMINAL OFFENCES:**

On 14 April 1992, Jankovic commanded a group of soldiers that attacked and arrested inhabitants of the hamlet of Brezine/ Zubovici (Foca municipality). All those captured were taken to the detention centre in Brod, and then to PCF Foca.

Jankovic also commanded the group of soldiers that attacked Bosniaks hiding on Kremenik Hill on 3 June 1992. On that occasion, 30 women and children were captured, along with 7 men who were interrogated, beaten and then killed.

On the same day, the women and children were taken to the Buk Bijela hydroelectric power station, in which a detention centre had been temporarily set up. There, they were interrogated, and Jankovic "enabled" one soldier "to separate a girl [from the group]," who was then raped by "at least 10 unidentified soldiers."

On several occasions from July to August 1992, Jankovic took part in removing and raping girls and women imprisoned in the Secondary School Centre and "Partizan" Sports Hall.

On an unconfirmed date around the end of July or beginning of August 1992, Jankovic, together with Beban Vasiljevic, took two female prisoners from the "Partizan" hall to a house in Trnovaca village, where they raped them. On Jankovic's order, Vasiljevic returned the prisoners to "Partizan" the next day.

From August 1992 until November 1993, in that house and at other locations, Jankovic, together with several other persons, held three young girls in captivity whom they "used as sex slaves and slaves for other purposes, treating them as objects and personal belongings, exerting full control over their lives."

Around the end of October or beginning of November 1992, Jankovic participated in removing three female prisoners from the female-only "Karamanova kuca" [Karaman's House] detention centre, one of whom was only 12 years old, and taking them to an apartment in Foca where they were repeatedly raped.

He was found not guilty on charges that, on 3 July 1992, soldiers under his command participated in the capture of Redzo Pekaz, whom they bated and murdered by the River Drina, and that from April to May 1992, he, together with several persons, participated in the multiple rape of one female.

## **REASONING:**

From 8 April 1992 until February 1993, an "armed conflict" raged in the Foca area, during which non-Serb inhabitants were murdered, raped and abused in other ways.

Bosniak females were one of the targets of the attack, and they were imprisoned in schools in Kalinovik and Foca, as well as in the "Partizan" Sports Hall, where they were "abused in many ways, including repeated rape." The Sports Hall served as a detention centre in which many girls and women were forced to stay.

Jankovic "consciously participated in the selection of girls" who were kept in slavery. Girls, including the very young, were forced to obey "soldiers orders, satisfy their sexual demands and conduct housework."



## **JANKOVIC, ZORAN (X-KRZ-06/234)**

*Member, Army of the Serb Republic of BH*

<b>Born:</b>	20 March 1960, Dubnica (Kalesija)
<b>Detained:</b>	7 November 2006 (On 29 November the same year, detention was cancelled and replaced with conditional release pending trial.)
<b>Indictment raised:</b>	10 October 2006
<b>Indictment confirmed:</b>	6 November 2006
<b>Plea entered:</b>	24 November 2006 (not guilty)
<b>Trial commenced:</b>	26 March 2007
<b>Indictment amended:</b>	11 June 2007
<b>First instance verdict:</b>	19 June 2007
Acquitted on charges of participation in crimes against humanity.	
<b>Appeals:</b> The BH Prosecution appealed on the grounds of essential breaches of provisions of criminal procedure and erroneous determination of the facts.	
<b>Second instance verdict:</b>	23 October 2007
<b>Acquitted.</b>	

### **CHARGES:**

The Prosecution sought to prove that Jankovic participated in capturing a group of civilians from the area of Snagovo village on 29 April 1992. All 36 civilians were murdered and their bodies burned.

The indictment also stated that, on 27 May 1992, in the area of Seher and Like villages (Kalesija municipality), he participated in the abuse of civilians and gave orders for men to be separated from women and children. The men were imprisoned in various facilities and several were killed, while the women and children were forcibly expelled from the area.

**REASONING:**

Due to lack of evidence, the Chamber could not determine beyond reasonable doubt that Jankovic was the person who participated in, and was present during, the commission of the crimes. The Prosecution did not offer a single piece of evidence that could point to Jankovic's "command function."



## KOVACEVIC, NIKOLA (X-KRZ-05/40)

*Member, Local Unit, Serb Defence Forces, Sanski Most*

<b>Born:</b>	19 April 1968, Kruhari (Sanski Most)
<b>Detained:</b>	10 October 2005 (voluntary surrender)
<b>Indictment raised:</b>	28 December 2005
<b>Indictment confirmed:</b>	5 January 2006
<b>Plea entered:</b>	20 January 2006 (not guilty)
<b>Trial Commenced:</b>	20 April 2006
<b>First instance verdict:</b>	3 November 2006
Sentenced to 12 years' imprisonment for crimes against humanity.	
<b>Appeals:</b> The Prosecution and Kovacevic appealed in relation to the length of the sentence. The Defence appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous application of criminal law, and erroneous determination of the facts. The appeals were rejected as unfounded.	
<b>Second instance verdict:</b>	22 June 2007
Guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (persecution, murder, detention, torture and other inhumane acts) and sentenced to <b>12 years' imprisonment</b> .	

## **CRIMINAL OFFENCES:**

On 6 and 11 June 1992, Kovacevic, whose former alias was Kajtez Danilusko, participated in beating civilians in "an especially cruel way" during their transfer to the "Manjaca" prison camp. Some civilians died as a result of the beating, and their bodies were taken away in an unknown direction.

On 7 July 1992, Kovacevic participated in transferring around 60 civilians from the "Betonirka" garages to "Manjaca" by lorry, during which at least 19 suffocated because of overcrowding, heat, injury and exhaustion. The same day, he participated in taking around 6 men from that group of civilians in an unknown direction, since when they have been missing.

Between May and August 1992, Kovacevic detained and tortured civilians in those garages.

## **REASONING:**

Civilians from the Sanski Most area, who were the "target of the attack," were imprisoned in the police station, "Hasan Kikic" Primary School, "Betonirka" garages and the sports hall of the high school centre, where they were physically and psychologically abused, and from where a number were transferred to the "Manjaca" prison camp.

By a decision of the Crisis Staff of the Serb Municipality of Sanski Most dated 22 April 1992, the Serb defence force was transformed into a special unit of the Serb territorial defence of that municipality.

The attack on Sanski Most began on 19 April 1992, and was led by the ARS, TDF and members of the police and paramilitary formations. The attack continued on 25 May 1992 with arrests of intellectuals, policemen and politically active Bosniaks and Croats, and their imprisonment in the police station in Sanski Most.



## KURTOVIC, ZIJAD (X-KRZ-06/299)

Member, Independent "Dreznica" Battalion, Fourth Corps, ABH

<b>Born:</b>	30 January 1967, Donja Dreznica (Mostar)
<b>Detained:</b>	Released pending trial
<b>Indictment raised:</b>	10 May 2007
<b>Indictment confirmed</b>	16 May 2007
<b>Plea entered:</b>	28 May 2007 (not guilty)
<b>Trial commenced:</b>	27 August 2007
<b>First instance verdict:</b>	30 April 2008
Guilty of war crimes against civilian population, war crimes against prisoners of war, and breaches of the laws or customs of war, and sentenced to 11 years' imprisonment.	
<b>Appeals:</b> The Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, and erroneous and incomplete determination of the facts. The Prosecution appealed in relation to the length of the sentence. The Appeals Chamber partially allowed the Defence's appeal and rejected that of the Prosecution.	
<b>Second instance verdict:</b>	25 March 2009
Guilty, on the basis of individual criminal responsibility, of <b>war crimes against civilian population</b> and sentenced to <b>nine years'</b> imprisonment, and of participation in the <b>destruction of cultural and historical monuments</b> , for which he was sentenced to <b>three years'</b> imprisonment.	

## **CRIMINAL OFFENCES:**

During September and October 1993, Kurtovic participated in the torture and abuse of Croat civilians and prisoners of war detained in the All Saints Catholic church in Donja Dreznica (Mostar municipality).

Among other things, Kurtovic, together with other members of the ABH, beat civilians on several occasions with "police truncheons, crosses, candlesticks and statues of saints," and forced them to "eat pages from the Bible and other religious books."

During October 1993, Kurtovic physically abused a detainee in the church by extinguishing cigarettes on his neck and shoulders, and forcing him to perform oral sex on another prisoner. In the same period, he forced prisoners to "catch hold of live electrical wire with their bare hands and then join their hands to form a circle," while pouring water at their feet so that "the electricity would be conducted better."

In October 1993, after beating a prisoner, he "pulled out several of his teeth with his bare hands." He then gave orders to members of the Dreznica Civil Defence to take civilians and prisoners of war to the frontline between the CDC and ABH, where they were "forced to dig trenches, make fortifications, and carry ammunition, food, water and the dead."

In October 1993, Kurtovic, together with other members of the ABH, destroyed and smashed many items used for religious ceremonies in the Catholic church in Donja Dreznica.

## **REASONING:**

Twenty civilians and prisoners of war were imprisoned in the All Saints church in Donja Dreznica, where they were humiliated and abused in cruel ways. The church in Donja Dreznica left a "permanent mark" on the former prisoners because, "instead of a place of worship, it became a place of suffering."

Kurtovic came to the church together with other members of the ABH, and was not a guard, which indicates that he was "conscious of his acts and wanted to commit them."

The Prosecution asserted that Kurtovic was a Military Police platoon commander in the Independent "Dreznica" Battalion, but during the main hearing the Trial Chamber found that the evidence presented was insufficient "to uphold allegations as to the indictee's position and the existence of the Military Police."



## **LELEK, ZELJKO** (X-KRZ-06/202)

*Member, Reserve Forces, PSS Visegrad*

Born:	9 February 1962, Gorazde
Detained:	5 May 2006
Indictment raised:	16 November 2006
Indictment confirmed	20 November 2006
Plea entered:	5 December 2006 (not guilty)
Trial commenced:	2 March 2007
Indictment amended:	31 March 2008
<p>The Prosecution dropped the charges that Lelek had participated in the murder of five Bosniaks by the River Drina at the beginning of May 1992, and in the cruel murder of a group of civilians, including one baby, on the "Mehmed Pasha Sokolovic" bridge in Visegrad in June 1992.</p>	
<b>First instance verdict:</b>	23 May 2008
<p>Lelek was found guilty of crimes against humanity and sentenced to 13 years' imprisonment.</p>	
<p><b>Appeals:</b> The BH Prosecution, Defence and Lelek appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the facts, and length of sentence. The Prosecution appealed on the grounds of breaches of the criminal law, and the Defence and indictee on the grounds of erroneous application of criminal law. The Chamber allowed the appeal in relation to the length of the sentence.</p>	

<b>Second instance verdict:</b>	12 January 2009
Guilty, on the basis of individual responsibility, of <i>crimes against humanity</i> (imprisonment, torture, rape, other forms of sexual violence) and sentenced to <b>16 years'</b> imprisonment.	

**CRIMINAL OFFENCES:**

In June 1992, Lelek, together with a group of other members of the army and police, participated in the arrest and abuse of civilians from the settlement of Crnca, and in the forcible removal of women and children from Visegrad.

During the same month, Lelek raped one woman in the "Vilina vlas" [Fairy's Hair] spa, who was "under threat and by force brought out and raped on a daily basis." In May "or June" the same year, he participated in the sexual abuse of a woman in a Visegrad house.

In May 1992, Lelek participated in the imprisonment of men in the Visegrad police station.

He was found not guilty of participating in the murder in summer 1992 of four Bosniak men near the River Drina, as well as of participating in the rape of two women in the "Vilina vlas" spa in April and June the same year.

**REASONING:**

Lelek's activities during the incriminating period fit into "an elaborate criminal pattern," while all of the crimes were committed with discriminatory intent, since the victims were of non-Serb ethnicity.

In Visegrad, the police participated in the enforced removal of the population, and in arresting and taking men to the police station, where they were interrogated and tortured. The "Vilina vlas" spa was "under the complete control of Serb formations," and was where they brought Bosniak women by force to be "subjects of sexual and physical abuse."

Lelek committed all of the acts with "full consciousness of the gravity of their consequences," and although he did not give orders, he could, "if not refuse to commit the acts, than at least distance himself from them."

The Court accepted facts established in other verdicts, such as April 1992 being the date when non-Serbs started to disappear in Visegrad, and that these acts "reached their peak in June and July the same year." Murdered Visegrad inhabitants were thrown into the River Drina and "many corpses were found floating in the river."

The Court rejected the charges that Lelek murdered nine people and one baby in May and June 1992 near the River Drina.



## **LUCIC, KRESO (X-KRZ-06/298)**

*Commander, Military Police, CDC, Kresevo*

<b>Born:</b>	19 March 1969, Kresevo
<b>Detained:</b>	27 April 2006 (given conditional release pending trial on 19 January 2007 under bond of at least 200,000 KM)
<b>Indictment raised:</b>	23 October 2006
<b>Indictment confirmed</b>	26 October 2006
<b>Plea entered:</b>	3 November 2006 (not guilty)
<b>Trial commenced:</b>	14 February 2007
<b>First instance verdict:</b>	19 September 2007
Guilty of crimes against humanity and sentenced to six years' imprisonment.	
<b>Appeals:</b> The BH Prosecution and Defence appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the facts, and breaches of criminal law. The Prosecution appealed against the length of the sentence. The Appeals Chamber annulled the first instance verdict and ordered a retrial.	
<b>Second instance verdict:</b>	16 December 2008
<b>Acquitted.</b>	

**CHARGES:**

Lucic was accused of participating in and ordering the arrests of Bosniak civilians and their imprisonment in "Ivo Lola Ribar" Primary School and "Sunje" hangar during June and July 1993, together with other members of the Military Police, and within the framework of the wide and systematic attack by the CDC on the Kresevo area.

He was also accused of ordering and participating in the torture of a group of prisoners in the same period, after they were brought from the hangar to the "Elektroprivreda" [Electricity Company] building where the Military Police headquarters were situated, and of participating in the torture of two persons in the "Ivo Lola Ribar" School and headquarters building.

**REASONING:**

The Trial Chamber found that, based upon "the statements of the witnesses for the Prosecution, as well as for the Defence," and considering the material evidence, as well as the testimony of the indictee, the ABH "after a few incidents" started the attack on Kresevo and the border areas of the municipality on 17 June 1993. The attack began with the shelling of the town itself, in which several civilians were wounded. It also found that the CDC in Kresevo never participated in a planned wide and systematic attack on Bosniaks in that part of Bosnia.

Based on witness testimony, it determined that the CDC numbered around 900 members and the ABH "around 5,000-6,000" members.

Nevertheless, the Court found it indisputable that Bosniak civilians had suffered and been detained in "Sunje" hall after the ABH launched its attack on the Kresevo municipality area. The Prosecution failed, however, to prove the existence of a wide and systematic attack by the CDC, or that Lucic knew about such an attack and, in accordance with it, committed the act of which he was accused.

Lucic was directly linked to the CDC Kresevo Command, but could not be considered a person that had a serious role in planning the conduct of attacks.

The facts that Lucic commanded the Military Police and participated in arrests of civilians are not in doubt, but the Prosecution did not offer a single piece of evidence to show that he ordered the arrests, or that would expose his role in the detention of civilians and operation of detention centres.



## LJUBINAC, RADISAV (X-KRZ-05/154)

*Member, Army of the Serb Republic of BH*

<b>Born:</b>	12 January 1958, Cemanovici (Rogatica)
<b>Detained:</b>	20 December 2005
<b>Indictment raised:</b>	8 May 2006
<b>Indictment confirmed</b>	15 May 2006
<b>Plea entered:</b>	5 June 2006 (not guilty)
<b>Trial commenced:</b>	7 September 2006
<b>Indictment amended:</b>	31 January 2007
The Prosecution dropped the part of the indictment that initially accused Ljubinac of having seized gold and valuables from civilians detained in "Veljko Vlahovic" Secondary School Centre in Rogatica.	
<b>First instance verdict:</b>	8 March 2007
Sentenced to 10 years' imprisonment for crimes against humanity	
<b>Appeals:</b> The BH Prosecution and Defence appealed on the grounds of erroneous and incomplete determination of the facts, and length of sentence. The Prosecution appealed against the decision to absolve the indictee from having to pay the costs of the proceedings, and the Defence on the grounds of breaches of criminal law and length of sentence. The Appeals Chamber rejected all appeals.	
<b>Second instance verdict:</b>	23 October 2007
The Appeals Chamber made partial amendments to the first instance verdict by rejecting the part of the indictment dropped by the Prosecution during the main hearing, which the First Instance Chamber had failed to do. Guilty, on the basis of individual responsibility, for <b>crimes against humanity</b> (forced deportation, persecution, other inhumane acts) and sentenced to <b>10 years'</b> imprisonment.	

## **CRIMINAL OFFENCES:**

Ljubinac, alias Pjano, was the driver of the bus used on 3, 4 and 5 August 1992 to transport civilians from Seljani to "Veljko Vlahovic" Secondary School Centre, and detained women and children to Hresa near Sarajevo.

From the end of June until October 1992, Ljubinac physically abused 4 civilians in the "Rasadnik" prison camp, and on 15 August the same year took 27 civilians from Rogatica to Duvljevaca village, where they were used as a human shield during combat on the Jacen heights. Four juveniles were among the civilians.

He was found not guilty of participating on 3 June 1992 in the removal from Seljani of 15 civilians who were later murdered, and of interrogating a villager who was brought to him on 26 May, who has been missing since. He was also found not guilty of removing a prisoner from the "Veselin Vlahovic" centre on 28 July 1992, whose fate is still unknown.

## **REASONING:**

The SDP Rogatica branch, the SDP Crisis Staff in that town and the Army of the Serb Republic of BH participated in a wide and far-reaching attack on civilian population, conducted in accordance with "state or organisational politics."

Ljubinac, beyond reasonable doubt, participated in the forcible transport of civilians, violence towards prisoners and removal of people to the frontlines, where they were used as human shields. All of these actions were "obviously part of the wide and far-reaching attack" on Bosniaks.

At the beginning of August 1992, during the forced deportation of civilians from Seljani, Ljubinac was "less accountable, but not significantly." The "Rasadnik" [Nursery] facility in Rogatica had all the characteristics of a prison camp.



## Maktouf, Abduladhim (KPZ 32/05 (K-127/04))

Member, "El Mudzahid" Unit, part of the forces of the then-BH Republic in Travnik

<b>Born:</b>	3 January 1959, Basra (Iraq)
<b>Detained:</b>	12 June 2004
<b>Indictment raised:</b>	10 September 2004
<b>Indictment confirmed</b>	16 September 2004
<b>Plea entered:</b>	23 September 2004 (not guilty)
<b>Indictment amended:</b>	23 June 2005
Maktouf was charged with aiding the commission of war crimes against civilian population.	
<b>Trial commenced:</b>	20 September 2004
<b>First instance verdict:</b>	1 July 2005
Guilty of war crimes against civilian population and sentenced to five years' imprisonment.	
<b>Appeals:</b> The Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, erroneous and incomplete determination of the facts, length of sentence and decisions on property claims. The BH Prosecution appealed against the length of the sentence. The Appeals Chamber partially allowed the Defence appeal and ordered a retrial.	
<b>Second instance verdict:</b>	4 April 2006
Guilty, on the basis of individual responsibility, of <b>war crimes against civilian population</b> (assisting unlawful deportation to concentration camps and other unlawful detention) and sentenced to <b>five years'</b> imprisonment.	

**CRIMINAL OFFENCES:**

In the evening hours of 19 October 1993, Maktouf drove his own van to the front of the "Amerikanka" [American Woman] building in Travnik, from where Abu Dzafer and other members of the "El Mudzahid" unit brought out two civilians of Croat ethnicity.

The civilians were put in the luggage compartment of the van and driven by Maktouf to the "El Mudzahid" unit's camp in Orasac in order to exchange them for members of a unit that had been earlier captured by the CDC. The civilians were freed during October and November 1993.

**REASONING:**

The precursor to the "El Mudzahid" squad was a Muslim unit that formed part of the armed forces of BH, and the majority of whose soldiers were of Arab origin.

In committing the criminal act, Maktouf participated with "direct premeditation and until the planned activity was completed," and helped a certain Abu Dzafer and other members of "El Mudzahid" to carry out their plan to capture Croat civilians.

The Chamber did not connect Maktouf with participation in the abuse or murder of civilians in the "Orasac" camp.



## MANDIC, MOMCILO (X-KRZ-05/58)

*Minister of Justice, Government of the Serb Republic of BH*

<b>Born:</b>	1 May 1954, Kalinovik
<b>Detained:</b>	19 August 2005
<b>Indictment raised:</b>	4 July 2006
<b>Indictment confirmed:</b>	17 July 2006
<b>Plea entered:</b>	25 July 2006 (not guilty)
<b>Trial commenced:</b>	6 November 2006
<b>First instance verdict:</b>	18 July 2007
<b>Acquitted on charges</b> , on the bases of individual and command responsibility, of <b>crimes against humanity</b> (persecution, murder, detention, torture, enforced disappearance, other inhumane acts) <b>and war crimes against civilian population</b> (murder, torture, unlawful detention in concentration camps and other unlawful detention).	
<b>Appeals:</b> The BH Prosecution appealed on the grounds of essential violations of criminal procedure, erroneous and incomplete determination of the facts, and the sentencing decision. The Appeals Chamber rejected the Prosecution's appeals and confirmed the first instance verdict.	
<b>Second instance verdict:</b>	1 September 2009
<b>Acquitted on charges</b> , on the bases of individual and command responsibility, of <b>crimes against humanity</b> (persecution, murder, detention, torture, enforced disappearance, other inhumane acts) <b>and war crimes against civilian population</b> (murder, torture, unlawful detention in concentration camps and other unlawful detention).	

## **CHARGES:**

The Trial Chamber did not find sufficient evidence to support the Prosecution's claim that Momcilo Mandic, as RS Deputy Minister of Internal Affairs, directed the 5 April 1992 attack on the BH MIA Staff Training Centre in Vraca, Sarajevo.

The indictment alleged that, after the Centre's command and training personnel surrendered, Mandic physically attacked one person with intent to kill. Shortly after, the command and training personnel were transferred to the Vraca Community Hall and interrogated; a group of them was removed and transported to Pale police station. After repeated interrogation, they were transferred to a sports hall in the same neighbourhood, where they were physically abused and mistreated until their exchange on 10 April 1992.

He was acquitted on charges that, from May to December 1992, as Minister of Justice of the Serb Republic of BH, he was responsible for the functioning of all penal-correctional facilities operating in that republic, and was directly superior to command and other staff.

One of these facilities was "Butmir" in Ilidza, where prisoners were physically abused, mistreated and used as forced labour, during which a number of men were killed or wounded, and some went missing.

There was no evidence that Mandic was responsible for the operation of a department of the "Butmir" penal-correctional facility in "Planjina kuca" [Planja's House] in Svrake (Vogosca). Prisoners there were physically abused, murdered and made to perform forced labour, during which they were also used as a human shield, and some were taken away in an unknown direction.

He was also found not guilty for the functioning of the "Foca" penal-correctional facility, where prisoners were physically abused, used as forced labour in a furniture factory and metal workshop there, and made to carry out agricultural work and other jobs in the "Miljevina" mine. Some of the prisoners were taken away in an unknown direction, since when they have been missing.

## **REASONING:**

In its decision, the Appeals Chamber found that the Trial Chamber had concluded correctly that the armed incident at the BH MIA Staff Training Centre in Vraca, Sarajevo did not meet the standard for armed conflict, meaning that it could not be concluded beyond reasonable doubt that Mandic had come to the Centre as RS Deputy Minister of Internal Affairs. The Chamber could not conclude whether Mandic had gone there in his capacity as deputy minister, that is, as a person with a command role over the police forces in the Centre.

The BH Prosecution, according to the findings of the Appeals Council, failed to prove Mandic's responsibility for events in PCF Foca, Butmir and Planjina kuca.

The Chamber concluded that the Ministry of Justice and Administration of the Serb Republic of BH "did not explicitly demonstrate its authority over imprisoned persons," because of which "there can be no definitive conclusion" that Mandic, as Minister of Justice, had effective control over arrests, imprisonment or treatment of prisoners, or their removal or release.



## MEJAKIC, ZELJKO and others (X-KRZ-06/200)

*Zeljko Mejakic, Head of Security, "Omarska" Prison Camp; Momcilo Gruban, leader of one of three guard shifts, "Omarska" Prison Camp; and Dusko Knezevic, no official position held at the "Omarska" or "Keraterm" Prison Camps*

	<b>Zeljko Mejakic</b>	<b>Momcilo Gruban alias Ckalja</b>	<b>Dusko Knezevic alias Duca</b>
<b>Born:</b>	2 August 1964, Petrov Gaj (Prijedor)	19 June 1961, Maricka (Prijedor)	17 June 1967, Orlovci (Prijedor)
<b>Case referred:</b>	9 May 2006		
<b>Detained:</b>	1 July 2003	18 May 2002	2 May–20 July 2002 9–11 December 2002 18 July 2005–8 May 2006
<b>Indictment raised:</b>	7 July 2006		
<b>Indictment confirmed</b>	14 July 2006		
<b>Plea entered:</b>	28 July 2006 (All three indictees, together with Dusan Fustar, pleaded not guilty.)		
<b>Trial commenced:</b>	20 December 2006		
<b>Case separation:</b>	17 April 2008. The BH Court decided to separate the proceedings against Fustar from the case <i>Zeljko Mejakic and others (X-KR-06/200)</i> after he pleaded guilty to charges that he committed crimes in camps in Prijedor. Fustar was found <b>guilty and sentenced to nine years' imprisonment.</b>		
<b>First instance verdict:</b>	30 May 2008		

All three were found guilty of crimes against humanity. Mejakic and Gruban were convicted on the bases of individual and command responsibility, and Knezevic on the basis of individual responsibility. Mejakic was sentenced to 21 years' long-term imprisonment, Gruban to 11 years' and Knezevic to 31 years' long-term imprisonment.

**Appeals:** The Defence Counsels submitted appeals on the grounds of essential breaches of provisions of criminal procedure, breaches of criminal law, and erroneous and incomplete determination of the facts. The Defence Counsels for Mejakic and Gruban appealed against the sentences. Mejakic's Defence complained of breaches of the BH Constitution and ECHR.

**Second instance verdict:**

16 February 2009

Mejakic, Gruban and Knezevic were found guilty, on the basis of individual criminal responsibility, of **crimes against humanity** (persecution, murder, imprisonment, torture, sexual violence, and other inhumane acts). Mejakic was sentenced to **21 years' long-term imprisonment**, and Knezevic to **31 years' long-term imprisonment. Gruban's sentence was reduced to seven years.**

## CRIMINAL OFFENCES:

Zeljko Mejakic, Momcilo Gruban, alias Ckalja, and Dusko Knezevic, alias Duga, participated in a systematic joint criminal enterprise in the "Omarska" and "Keraterm" prison camps. Beating and other forms of physical violence, as well as rape and sexual violence, were committed in these camps in order to strengthen the system of abuse and persecution.

Dusko Knezevic participated in certain crimes committed in these camps, as did others who were subordinate to Zeljko Mejakic and Momcilo Gruban. Guards and/or visitors (including Knezevic) physically abused detainees on a daily basis, after which a number died, some were killed and some went missing.

During June and July 1992, Knezevic participated in "cruel beatings" of prisoners in the "Omarska" and "Keraterm" camps, which caused the deaths of some of them.

Among other things, on 4 June 1992, guards in the "Omarska" camp severely beat one of the prisoners using "thick cables and a whip with iron balls on the end." On the same day or soon after, the guards beat around 120 of the prisoners who had been brought to "Omarska" from "Keraterm".

In June 1992, the guards or a group of Serb soldiers that came to "Omarska" camp beat "around 12 men" with the surname Garibovic, after which they went missing. In mid-July, the guards beat prisoners severely and forced them to walk around a fire they had earlier started.

During July 1992, at least 15 men went missing from "Omarska" camp, while by the end of that month, a large number of unidentified prisoners (of whom at least 50 were villagers from Hambarine) were killed using firearms.

Around 20 men from "Keraterm" camp were taken away on or around 25 July 1992, after which they were shot.

### **REASONING:**

The first groups of detainees were brought to "Omarska" camp during the night of 27-28 May 1992, and the last detainees "around 21 August 1992." The functional period of the "Keraterm" camp, which was based in a former ceramic factory in Cirkin Polje near Prijedor, was 24 May to 30 September 1992.

In these camps, prisoners were interrogated, beaten, humiliated and psychologically and sexually abused. Around 3,000 civilians, of whom 36 to 38 were women, were imprisoned in the "Omarska" camp, where the conditions were "cruel and degrading."

There is no official document on Mejakic's appointment as camp commander or chief of security, but the Appeals Chamber found the evidence showed that he had held the position of leader of the police section of security within the "Omarska" camp.

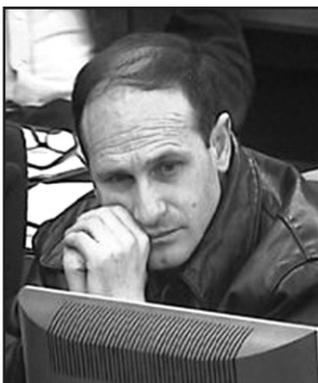
Mejakic did not have real control over TDF members, interrogators, soldiers or camp employees, but he did have control over the regular and reserve policemen who were the guards at the "Omarska" camp. As head of police security, Mejakic "certainly had authorisation and authority" to prevent or punish subordinates for crimes committed against the prisoners in the camp.

In the "Omarska" camp, Gruban was in a "position of power in relation to police guards," which he did not use to fully prevent abuse, that is, he did nothing that would have been "decisive to urgently stop and destroy the camp system," nor did he exclude himself in order to show that he did not want the aim to be achieved.

Mejakic's participation in the JCE in the "Omarska" camp was "significant" and his contribution "decisive," while Gruban contributed by implementing the system of abuse and playing an "important role in the functioning of the camp."

The consequences of Knezevic's actions remained within the camp, which represented one of the ways in which he supported the system of abuse.

Even though he did not have an official position in the camps, Knezevic's responsibility for the crimes committed was not diminished as he proved his desire to commit the crimes "in an extremely cruel way."



## MITROVIC, PETAR (X-KRZ-05/24-1)

*Member, 3<sup>rd</sup> "Skelani" Platoon, 2<sup>nd</sup> Detachment, Special Police, Sekovici*

<b>Born:</b>	7 February 1967, Brezani (Srebrenica)
<b>Detained:</b>	21 June 2005
<b>Indictment raised:</b>	12 December 2005
<b>Indictment confirmed</b>	19 December 2005
<b>Plea entered:</b>	3 February 2006 (Refused to enter a plea, together with co-indictees Milos Stupar, Milenko Trifunovic, Aleksandar Radovanovic, Slobodan Jakovljevic, Miladin Stevanovic and Dragisa Zivanovic. The Court concluded they had pleaded not guilty. On the same day, Velibor Maksimovic, Brane Dzinic, Branislav Medan and Milovan Matic pleaded not guilty.)
<b>Trial commenced:</b>	9 May 2006
<b>Case separation:</b>	22 May 2008
<b>Indictment amended:</b>	24 June 2008
<b>First instance verdict:</b>	29 July 2008
Mitrovic was convicted of genocide and sentenced to 38 years' long-term imprisonment.	
<b>Appeals:</b> The Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, erroneous and incomplete determination of the facts, and the sentencing decision. The Appeals Chamber partially allowed the Defence's appeal.	
<b>Second instance verdict:</b>	7 September 2009
Guilty, on the basis of individual criminal responsibility, of assisting <b>genocide</b> (murder), and sentenced to <b>28 years' long-term imprisonment</b> .	

*At the request of the BH Prosecution, the proceedings against the 11 indictees were separated in order to allow their Defence Counsels to cross-examine Petar Mitrovic and Miladin Stevanovic. Both gave statements to the Prosecution in June 2005 on their participation and that of the other indictees in crimes committed in Kravica, which they entered into evidence.*

*The Court allowed the case separation, stressing that it was the only way in which to protect the rights of all the indictees in these proceedings, after which the Defence Counsels cross-examined Mitrovic and Stevanovic.*

## **CRIMINAL OFFENCES:**

Petar Mitrovic, together with other members of the ARS, the Second Detachment of the Special Police to which he belonged, and the RS MIA, participated in the capture of Bosniak males from Srebrenica and their shooting in the "Kravica" Agricultural Cooperative.

On 13 July 1995, he participated in escorting captured Bosniaks to the Agricultural Cooperative's warehouse, where he, together with Milenko Trifunovic, commander of the Third "Skelani" Platoon, and Aleksandar Radovanovic, a policeman from that platoon, "fired an automatic rifle" at them.

Mitrovic then stood guard with Slobodan Jakovljevic and Branislav Medan, policemen from the Third Platoon, in order to prevent prisoners escaping through the windows.

Over 1,000 men were killed that day.

## **REASONING:**

Petar Mitrovic participated in the crime as an accomplice who, fully aware of "the existence of the genocide plans of others," carried out acts by which he "contributed significantly" to the accomplishment of that criminal act.

Mitrovic was made aware of the existence of the plan for annihilation before 13 July 1995, and knew then that the captured Bosniak men would be murdered. The ARS had a military plan, "Krivaja '95", the aim of which was to narrow the Srebrenica enclave and isolate it from Zepa. This was the task of the Drina Corps.

On 8 March 1995, the Supreme Command of the RS Armed Forces issued the document, "Directive for Further Actions no.7", in which the Drina Corps was tasked with "effecting the complete physical division of Srebrenica from Zepa" and, through battle activities planned and designed daily, creating conditions of "total insecurity, unbearable and hopelessness of further survival and life among the inhabitants of these two towns."

The military capture of Srebrenica started on 6 July 1995 and lasted until 10 July 1995. The ARS took over the town on 11 July 1995, allowing Bosniaks to escape and around 25,000 women, children and elderly to gather at the UN base in Potocari.

On 12 and 13 July 1995, the ARS organised the transport of civilians from Potocari, while the men surrendered or were captured in various locations.

Around 15,000 Bosniaks, largely men, managed to flee the area through the forests.

On 13 July 1995, a section of the men captured was taken to the Cerska site, and another to the Agriculture Cooperative warehouse in Kravica. Men were held and later murdered in schools in Orahovac, Petkovci and Pilica, in the Cultural Centre in Pilica, on the Branjevo Military Farm, and in Kozluk.

In July 1995, 7,000 to 8,000 men and boys were killed at different locations.



## **PALIJA, JADRANKO (X-KRZ-06/290)**

*Member, Sixth Krajina Brigade, ARS, Sanski Most*

<b>Born:</b>	6 January 1961, Hrvatska Kostajnica (Croatia)
<b>Detained:</b>	26 October 2006 (given conditional release pending trial on 2 November 2006)
<b>Indictment raised:</b>	28 December 2006
<b>Indictment confirmed</b>	5 January 2007
<b>Plea entered:</b>	19 January 2007 (not guilty)
<b>Trial commenced:</b>	28 March 2007
<b>First instance verdict:</b>	28 November 2007
Found guilty and sentenced to 28 years' long-term imprisonment for crimes against humanity, and to 10 years for participation in war crimes against civilian population. The BH Court gave him a unified sentence of 28 years.	
<b>Appeals:</b> The Defence appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the acts, breaches of criminal law and length of sentence. The Appeals Chamber dismissed the appeal as unfounded.	
<b>Second instance verdict:</b>	24 April 2008
Guilty of <b>war crimes against civilian population</b> and <b>crimes against humanity</b> (persecution, murder, imprisonment, rape, attack, torture and other inhumane acts) and sentenced to <b>28 years' long-term imprisonment</b> .	

**CRIMINAL OFFENCES:**

Together with other members of the ARS, Palija participated in an attack on the hamlet of Begici on 31 May 1992, and on the same day in the separation of men from women and children. The men were then escorted across fields known as "Vinogradine" where, on the way to Vrhpolje bridge, Palija murdered five people.

He later participated, with other members of the ARS, in the murder of another 14 men, one person surviving the shooting.

In summer 1992 in the village of Muhici, Palija raped one female, threatening her with his pistol. From 1993 until October 1995, he participated in intimidating, stopping and beating Bosniak civilians in the Sanski Most area.

**REASONING:**

Palija caused his victims "serious physical and mental pain." Through beatings, insults and degradation, he acted with discriminatory intent towards Bosniaks, considering them of lesser worth.

In determining sentence, the Court took particular account of Palija's brutality toward the unprotected inhabitants of Begici, as well as the obstinacy and disregard he displayed towards civilians from 1993 to 1995.



## PAUNOVIC, DRAGOJE (X-KRZ-05/16)

*Commander, smaller military unit, Rogatica Battalion*

<b>Born:</b>	19 June 1954, Mojkovac (Montenegro)
<b>Detained:</b>	18 March 2005
<b>Indictment raised:</b>	9 September 2005
<b>Indictment confirmed</b>	14 June 2005
<b>Plea entered:</b>	28 September 2005
<b>Trial commenced:</b>	31 October 2005
<b>First instance verdict:</b>	26 May 2006
Found guilty of crimes against humanity and sentenced to 20 years' long-term imprisonment.	
<b>Appeals:</b> The Prosecution appealed against the decisions on the length of the sentence and costs of the criminal proceedings. The Defence and Paunovic appealed on the grounds of essential breaches of provisions of criminal procedure, and erroneous and incomplete determination of the facts. The Defence appealed on the grounds of breaches of criminal law and length of sentence, while Paunovic appealed on the grounds of breaches of the BH Constitution and European Convention on Human Rights and Fundamental Freedoms. The appeals were rejected as unfounded.	
<b>Second instance verdict:</b>	27 October 2006
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (persecution, murder, other inhumane acts) and sentenced to <b>20 years' long-term imprisonment</b> .	

**CRIMINAL OFFENCES:**

On 15 August 1992 near the village of Duljevac, Paunovic, alias Spiro, ordered soldiers to bind the hands of 27 civilians who had been brought by Radisav Ljubinac from the "Rasadnik" [Nursery] prison camp in Rogatica, and then to take them as a "human shield" towards the positions of the ABH, where two of them were wounded.

The same day, Paunovic ordered other soldiers, himself participating, to shoot the group. Twenty-four people were killed and 3 men survived.

**REASONING:**

The Trial Chamber found that Paunovic was aware of the attack on Bosniaks from the Rogatica area, and that he committed the crimes he participated in with "direct premeditation."



## PEKEZ, MIRKO and others (X-KRZ-05/96-1)

*Mirko (son of Spiro) Pekez and Milorad Savic, Members of Reserve Police Forces, and Mirko (son of Mile) Pekez, Member of the ARS in the Jajce area*

	<b>Mirko (Spiro) Pekez</b>	<b>Mirko (Mile) Pekez</b>	<b>Milorad Savic</b>
<b>Rodeni:</b>	28 October 1966	31 May 1965	25 October 1970
	All three born in the village of Cerkazovici (Jajce)		
<b>Detained:</b>	1 November 2007		
<b>Indictment raised:</b>	22 November 2007		
<b>Indictment confirmed</b>	28 November 2007		
<b>Plea entered:</b>	11 December 2007 (not guilty)		
<b>Trial commenced:</b>	8 February 2008		
<b>First instance verdict:</b>	22 April 2008		
Mirko (Spiro) Pekez, Mirko (Mile) Pekez and Milorad Savic were found guilty of war crimes against civilian population. Mirko (Mile) Pekez was sentenced to 29 years' long-term imprisonment, while Mirko (Spiro) Pekez and Milorad Savic were each given 21 years' long-term imprisonment.			
<b>Appeals:</b> The first and third indictee appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the facts and breaches of criminal law. The second indictee appealed on the grounds of erroneous and incomplete determination of the facts, erroneous application of material law and length of sentence.			
<b>Second instance verdict:</b>	29 September 2008; 5 May 2009		

Mirko (Mile) Pekez was found guilty of **war crimes against civilian population** and sentenced to **29 years' long-term imprisonment**. The part of the verdict that related to Mirko (Spiro) Pekez and Milorad Savic was annulled and a retrial ordered. The retrial of those two indictees commenced before the Appeals Chamber on 10 March 2009.

By the second decision of the Appeals Chamber, Mirko (Spiro) Pekez and Milorad Savic were found guilty of **war crimes against civilian population**. According to this verdict, Pekez was sentenced to **14 years** and Savic to **21 years' long-term imprisonment**. All three were convicted on the basis of individual responsibility for assisting in, and Savic alone for committing, murder, intentional infliction of serious physical and mental pain or suffering (torture), and looting of the population's property.

### **CRIMINAL OFFENCES:**

Mirko (Spiro) Pekez, Mirko (Mile) Pekez and Milorad Savic, as members of an "organised group of armed men" formed by a certain Jovo Jandric, participated on 10 September 1992 in the forced expulsion from their homes of Bosniak civilians from Ljojici and Cerkazovici villages (Jajce municipality), and their arrest.

The civilians were escorted to a place called "Osoje", where Mirko (Spiro) Pekez left the group. The remaining two convicted men, together with the other members of the group, physically abused and insulted the civilians all the way to a place called "Draganovac".

Jovo Jandric then ordered the civilians to surrender all valuable items they had with them and, together with Mirko (Mile) Pekez, seized them. In accordance with a "jointly agreed plan," the civilians were taken to a place called "Tisovac", where Jandric ordered them to stand at the edge of the cliff and they were shot.

Mirko (Mile) Pekez and Milorad Savic, together with the majority of members of that group, participated in the "shooting of 23 persons. Of that number, 4 people were wounded and one was unharmed."

### **REASONING:**

The Chamber found that all three convicted men were aware of the existence of a joint plan and the intention to murder the remaining Bosniaks from Cerkazovici and Ljojici villages, and that the author of that plan was Jovo Jandric.

Mirko (Spiro) Pekez, Mirko (Mile) Pekez and Milorad Savic made a decisive contribution to the realisation of the criminal plan. It was established beyond reasonable doubt that Mirko (Spiro) Pekez "actively participated" by assisting in rounding up and forcibly deporting civilians, knowing that their execution was the final aim, while Milorad Savic, as an accomplice, participated in the rounding up, deportation and looting of civilians, and was "at least present during the killing of civilians, if not himself participating in the shooting."

Mirko (Mile) Pekez participated in the killing of a group of helpless civilians, whom he led to "a certain and unavoidable death," and knew about the final outcome and consequence of that plan since an earlier phase of its realisation. He stood out especially for his cruelty during the realisation of the criminal plan.

Mirko (Spiro) Pekez was a member of the reserve police force from 1992 to 1995, while Savic was a member until the end of September 1992. By virtue of their status, they were in a position to "create fear among the civilian population." Mirko (Mile) Pekez was a member of the ARS.



**PRCIC, FARUK (X-KR-07/362-1)**

*Commander, Engineering Unit, Second Corps, ABH*

<b>Born:</b>	25 December 1938, Tuzla
<b>Detained:</b>	Released pending trial
<b>Indictment raised:</b>	2 February 2009
<b>Indictment confirmed</b>	10 February 2009
<b>Plea entered:</b>	12 March 2009 (not guilty)
<b>Trial commenced:</b>	Did not begin due to the death of the indictee.
Died 17 November 2009, after which the Court decided to <b>suspend</b> the criminal proceedings.	

**CHARGES:**

Prcic was charged with crimes committed in Tuzla against civilians of Serb ethnicity between June and October 1992. According to the indictment, he participated in the imprisonment, torture and inhumane treatment of two persons on the premises of the Mining Institute, and the abuse of another person that summer in the "Energoinvest" building.

Prcic allegedly asked them to write on a piece of paper the names of "Serbs that are Cetniks [Serbian nationalist paramilitaries]" and, "when he was not satisfied with what was written," took part, alone or together with other members of the same unit, in beating them.

According to the indictment, on 21 December 1992, Prcic ordered three members of his unit to abuse a civilian who had been arrested and brought

to the premises of the Mining Institute. Among other things, he was ordered to strip naked, and other soldiers to continue beating him. He forced the same person to fight with other detainees imprisoned in the Mining Institute.

Prcic did not prevent members of his unit from, nor punish them for, physically and psychologically abusing another four detainees in the Mining Institute during the months of June and July 1992. One of the prisoners committed suicide by hanging on 22 June 1992.



## **RAMIC, NISET (X-KRZ-06/197)**

*Member, Commando Company, Second Detachment, Municipality TDF Headquarters, Visoko*

<b>Born:</b>	18 October 1970, Gornja Seoca (Visoko)
<b>Detained:</b>	16 October 2006 (already serving an earlier sentence handed down by Zenica Cantonal Court)
<b>Indictment raised:</b>	10 October 2006
<b>Indictment confirmed:</b>	12 October 2006
<b>Plea entered:</b>	27 October 2006 (not guilty)
<b>Trial commenced:</b>	18 December 2006
<b>First instance verdict:</b>	17 July 2007
Ramic was found guilty of war crimes against civilian population and given a unified sentenced of 30 years' long-term imprisonment.	
<b>Appeals:</b> The Prosecution appealed against the length of the sentence, while the Defence appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the facts, material law and length of sentence. The appeals were rejected as "unfounded."	
<b>Second instance verdict:</b>	21 November 2007
Guilty, on the basis of individual responsibility, of <b>war crimes against civilian population</b> (murder), and given a <b>unified sentence of 30 years' long-term imprisonment</b> .	

**CRIMINAL OFFENCES:**

On 20 June 1992 in Hlapcevidi (Visoko municipality), Ramic ordered eight other members of the same company to surround and search the Damjanovic, Masal and Ristic family homes with a view to taking them to the detainee collection centre set up in the Cultural Centre of that place.

Slavko, Danica and Zoran Damjanovic, Sretko Masal, and Dusanka and Zeljko Ristic were then taken from their homes, after which Ramic ordered the other soldiers to bind their hands. Shortly after, Ramic opened fire in bursts on Zeljko Ristic and then on the other civilians.

Ramic left the place together with the other soldiers. Only Zoran Damjanovic and Sretko Masal survived the shooting.

**REASONING:**

The Chamber concluded, based on expert findings, that Ramic was "partially, but not essentially, unaccountable" during the commission of the criminal act due to his use of alcohol and narcotics.

On several occasions, Ramic admitted having committed the criminal act, and during the trial apologised for the crimes to one of the victims. An agreement on admittance of guilt was nevertheless not reached.



## RASEVIC, MITAR AND TODOVIC, SAVO (X-KRZ-06/275)

*Mitar Rasevic, Guard Commander, and Savo Todovic, Deputy Warden, Penal-Correctional Facility Foca*

	<b>Mitar Rasevic</b>	<b>Savo Todovic</b>
<b>Born:</b>	15 November 1949, Cagosta (Foca)	11 December 1952, Rijeka (Celebici)
<b>Detained:</b>	15 August 2003	15 January 2005
<b>Case referred:</b>	3 October 2006 (from the ICTY)	
<b>Indictment raised:</b>	22 December 2006	
<b>Indictment confirmed:</b>	29 December 2006	
<b>Plea entered:</b>	15 January 2007 (not guilty pleas entered after they failed to appear at the plea hearing)	
<b>Trial commenced:</b>	6 April 2007	
<b>First instance verdict:</b>	28 February 2008	
Rasevic and Todovic were found guilty, on the bases of individual and command responsibility, of crimes against humanity. Rasevic was sentenced to 8 years and 6 months, and Todovic to 12 years and 6 months.		
<b>Appeals:</b> The BH Prosecution, Defence Counsels and Todovic appealed on the grounds of erroneous and incomplete determination of the facts, and length of sentence. Both Defence Counsels appealed on the grounds of essential breaches of provisions of criminal procedure and criminal law. Todovic appealed on the grounds of breaches of criminal law. The Appeals Chamber rejected the Prosecution's appeals and partially allowed the Defences' appeals.		
<b>Second instance verdict:</b>	6 November 2008	
Guilty, on the basis of individual responsibility, of participation in <b>crimes against humanity</b> (torture, murder, imprisonment, enslavement, deportation, forced disappearance, other inhumane acts). Rasevic was sentenced to <b>seven years'</b> imprisonment and Todovic to <b>12 years and 6 months</b> .		

## **CRIMINAL OFFENCES:**

From April 1992 until October 1994, both men, together with the facility's warden, guards and other persons, participated in a systematic, joint criminal enterprise with the aim of capturing the non-Serb population of Foca and detaining it in the PCF.

Both indictees participated in maintaining a system of forced labour, punishment and abuse of prisoners, which resulted in the death of a number of people. A number of civilian and military policemen and soldiers, "with Rasevic's and Todovic's knowledge," would enter PCF Foca and cruelly abuse detainees, as a result of which a certain number were beaten to death, while others were shot and some died in solitary confinement.

In July 1993, Todovic, together with other guards, *inter alia*, "beat a prisoner all over his body with chains and fists" after he was captured during an escape attempt, and told the other prisoners that they would be "collectively punished."

During 1992, 1993 and 1994, Rasevic and Todovic participated in the transportation of many of the prisoners to other locations. Some were taken in an unknown direction, since when they have been missing.

Both were found not guilty of command responsibility for the guards that participated in beating and interrogating several prisoners during the months of April and May 1992.

## **REASONING:**

Rasevic and Todovic contributed significantly to the creation and maintenance of a system of crime in PCF Foca, and their acts and behaviour formed part of an "established pattern, which was not hidden."

Events in PCF Foca represented part of the "detailed planning, organisation and coordination," and an "authentic reproduction of a wider pattern of criminal acts." The difficult living conditions in that facility were "purposely created" in order to inflict physical and psychological suffering on prisoners.

At least 700 civilians were imprisoned "arbitrarily and without any legal grounds" in the PCF during the incriminating period. That prison facility had an "integral role" in the attack on the non-Serb population, and was "primarily" used as a "permanent detention unit" for civilians who were illegally arrested.

Prisoners from the PCF were forcibly displaced with the intention of removing the entire non-Serb population from that area, after which Foca would be "efficiently ethnically cleansed." From June 1992 to March 1993, at least 200 prisoners went missing, and their fate is still unknown.

PCF Foca was used from April 1992 until October 1994 as a "concentration camp," in which Todovic and Rasevic had "significant" roles, whose ultimate goal was the persecution of the non-Serb population.

The system of persecution in that town was imposed by civilian and military police, paramilitary formations, local Crisis Staff and the Foca Tactical Group, while PCF personnel played a "decisive role."



## **SAMARDZIC, NEDJO (X-KRZ-05/49)**

*Member, Army of the Serb Republic of BH*

<b>Born:</b>	7 April 1968, Bileca
<b>Detained:</b>	9 October 2005
<b>Indictment raised:</b>	26 December 2005 (The BH Prosecution raised an indictment, but the BH Court decided to join it with an indictment raised by the District Prosecution of Trebinje on 17 April 2005.)
<b>Indictment confirmed</b>	28 December 2005
<b>Plea entered:</b>	12 January 2006 (not guilty)
<b>Trial commenced:</b>	20 February 2006
<b>First instance verdict:</b>	7 April 2006
Found guilty of crimes against humanity and given a unified sentence of 13 years and 4 months, taking into consideration the prison time he had not yet served for his earlier murder conviction from 1990.	
<b>Appeals:</b> The Prosecution and Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, erroneous and incomplete determination of the facts and the sentencing decision. The Appeals Chamber allowed the appeals and ordered a retrial.	
<b>Indictment amended:</b>	30 March 2006
<b>Second instance verdict:</b>	13 December 2006
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (persecution, forced deportation, imprisonment or other severe deprivation of physical liberty, enforced sexual slavery, rape and other inhumane acts) and sentenced to <b>24 years' long-term imprisonment</b> .	

## **CRIMINAL OFFENCES:**

On several occasions during the months of May, June and August 1992, Samardzic raped and cruelly abused many women and girls, some of them very young, in Miljevina and Stovici (Foca municipality). In September of the same year, he participated in the forcible detention of Bosniaks in the "Partizan" hall, from where individual women were taken away and raped, and then sent away.

In the "women's camp" known as "Karamanova kuca" [Karaman's House], he, together with Nikola Brcic and Radovan Stankovic, kept several Bosniak females, among them young girls aged 12 and 15, in sexual slavery from June to September, raping them on a daily basis along with other soldiers who came to the place.

In November 1992, he took one woman from an apartment in Miljevina to "Karamanova kuca" and kept her, together with another two girls, in sexual slavery until March 1993, when they were exchanged.

In June 1992, he participated in the physical abuse of four men from Rataje village.

Samardzic was acquitted on the charges that he, together with his brother Zoran and other members of the army, participated in August 1992 in the physical abuse of a group of civilians, and their transportation to, and murder at, the location of "Sljivovica" in Miljevina.

## **REASONING:**

From April 1992 to March 1993 in the Foca, Gacko and Kalinovik areas, the army and police of the so-called Serb Republic of BH committed a series of crimes that were carried out according to a predetermined pattern, and produced a large number of victims.

In the "Partizan" hall, women, children and the elderly were physically and psychologically tortured and robbed. Some girls and women were taken to nearby apartments and raped.

"Karamanova kuca" in Miljevina, in all its features, constituted a "women's camp" formed with the aim of committing the mass rape of young women. The camp was formed in order to subject girls, young girls and women to "severe humiliation and mental and physical suffering, and to achieve the general and long-term goal of ethnic cleansing."

The women detained in "Karamanova kuca" were "brutally raped" on a daily basis by different men, and forced to clean and cook for the soldiers who came there and treated them as "legitimate war booty, personal property."



## **SAMARDZIJA, MARKO** (X-KRZ-05/07)

*Commander, 3<sup>rd</sup> Company, Sana Battalion, 17<sup>th</sup> Light Infantry Brigade, ARS*

<b>Born:</b>	1 December 1936, Gornja Prisjeka (Kljuc)
<b>Detained:</b>	21 March 2005 (given conditional release pending trial on 1 October 2007)
<b>Indictment raised:</b>	8 September 2005
<b>Indictment confirmed</b>	13 September 2005
<b>Plea entered:</b>	30 September 2005 (not guilty)
<b>Trial commenced:</b>	1 February 2006
<b>Indictment amended:</b>	17 October 2006
<b>First instance verdict:</b>	3 November 2006
Found guilty of crimes against humanity and given a sentence of 26 years.	
<b>Appeals:</b> The BH Prosecution and Defence appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous or incomplete determination of the facts and the sentencing decision. The Defence appealed on the grounds of breaches of criminal law, and Samardzija on the grounds of erroneous and incomplete determination of the facts. The Appeals Chamber partially allowed the Defence's and Samardzija's appeals, while refusing that of the Prosecution.	
<b>Second instance verdict:</b>	23 October 2008
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (imprisonment or severe deprivation of liberty) and sentenced to <b>seven years' imprisonment</b> .	
<b>Deceased:</b>	25 December 2009

## **CRIMINAL OFFENCES:**

On 10 July 1992, Samardzija ordered the civilian men from the hamlets of Brkici and Balagica Brdo to come to the Jezerine meadow, where he awaited them with his armed, subordinate soldiers and told them they were to be taken to the school in Biljani for interrogation.

The men who were older than 18 and younger than 60 were then led in a column to Biljani Primary School where they were handed over, along with around 50 inhabitants of other villages, to an unknown police sergeant. All the men were imprisoned within the school premises, and then murdered at the location of Laniste.

The order to blockade and search the villages of the Donji Biljani area and "cleanse the terrain" was given by Drago Samardzija, Commander of the 17th Light Infantry Brigade, on 9 July 1992. Members of his brigade, alongside active and reserve policemen from the Sonica Civil Police Department and Military Police Department, participated in carrying out the order.

## **REASONING:**

These crimes committed against civilians cannot be viewed as isolated excesses, but rather as "a sequence of strategic moves" and acts "carefully instructed and led" by Samardzija, which formed part of an existing "criminal pattern."

Samardzija knew that his company's task was to conduct a search and bring the civilians from Brkici and Balagica Brdo hamlets to the school for interrogation, and not to issue them with movement permits. His commanding position gave him a "free hand" to round up the civilians in the manner he found best, and so, since he knew the villagers, he did not search the houses.

The Court was convinced that Samardzija did not encourage the murder of detainees, while the term "cleansing the terrain" used in the order of 9 July was understood as the detention of Bosniaks of military age and seizure of weapons and ammunition.

The indictment did not describe the acts, and it was not proven during the proceedings that Samardzija "initiated, encouraged or helped" other persons in the beating and murder of victims.



## STANKOVIC, RADOVAN (X-KRZ-05/70)

*Member, Miljevina Battalion, Foca Tactical Brigade*

<b>Born:</b>	10 March 1969, Trebicina (Foca)
<b>Detained:</b>	9 July 2002 (ICTY)
<b>Case referred:</b>	1 September 2005
<b>Indictment raised:</b>	28 November 2005
<b>Indictment confirmed:</b>	7 December 2005
<b>Plea entered:</b>	23 December 2005
<b>Trial commenced:</b>	22 May 2006
<b>First instance verdict:</b>	<b>14 November 2006</b>
Found guilty of crimes against humanity and sentenced to 16 years' imprisonment.	
<b>Appeals:</b> The Defence and Stankovic appealed against the verdict's convictions, on the grounds of essential breaches of provisions of criminal procedure, criminal law, erroneous or incomplete determination of the facts, and length of sentence. The Prosecution appealed against the verdict's acquittals, on the grounds of erroneous or incomplete determination of the facts and breaches of criminal law, as well as sentencing in relation to the convictions. The Appeals Chamber only allowed the Prosecution's appeal in relation to the length of the sentence ordered in the first instance verdict.	
<b>Second instance verdict:</b>	<b>17 April 2007</b>
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (enslavement, torture, rape and imprisonment) and sentenced to <b>20 years' long-term imprisonment</b> .	

*Stankovic escaped from PCF Foca, where he was to serve his sentence, on 25 May 2007. Ten persons were charged with helping him to escape.*

### **CRIMINAL OFFENCES:**

Stankovic, together with others and on the order of Miljevina Battalion Commander Pero Elez, formed the "Karamanova kuca" [Karaman's House] detention centre for women in the Miljevina home of Nusret Karaman. At least 10 girls were imprisoned there, mostly minors, of which 2 were 12 years old. One is still missing.

From August to October 1992, Stankovic committed, and "encouraged" other soldiers visiting that house to commit, the "rape and abuse of the prisoners, having full control over their lives and bodies."

During that period, Stankovic selected one prisoner whom he raped every night, "except on the few days he was wounded," often in the presence of other people, and on several occasions forced her younger sister to have sexual intercourse with him, even though she "begged him not to do that."

In October 1992, he took a girl he had selected for himself to an apartment in Miljevina and later to Foca, where he continued to force her to have sexual intercourse with him until 1 November that year, when he freed her.

Stankovic made the girls and young girls detained in "Karamanova kuca" perform forced labour, which meant "preparing food for the soldiers, cleaning the house, laundering military clothing and bathing soldiers," as well as various jobs in different apartments in Miljevina, including his own.

The charge that he raped a woman in May 1992 in the detention centre set up in a Miljevina motel was removed from the indictment after the Prosecution ceased to pursue it during the trial. Stankovic was also freed of the charges that, from June to December 1992, he took another woman from Foca hospital and brought her to his apartment, where he raped her before returning her to the hospital.

### **REASONING:**

The BH Court accepted the facts determined before the ICTY that the ARS and paramilitary formations attacked Bosniaks in the Kalinovik, Gacko and Foca areas. The aim of the attack was the "ethnic cleansing" of the non-Serb population, targeting in particular the women detained in Kalinovik Primary School, Foca Secondary School and the "Partizan" sports hall in Foca.

Stankovic, together with another three soldiers, formed the "Karamanova kuca" detention centre, which they called a "brothel". Before they were taken to the house, the girls and young girls were raped at other locations, and physically and mentally abused.

Stankovic treated the girl he selected for himself as his "personal property." He allowed other soldiers to enter "Karamanova kuca", while some were brought to the house by him personally, where he designated detainees for them to rape.



## STEVANOVIC, MILADIN (X-KRZ-05/24-2)

*Policeman, 3<sup>rd</sup> "Skelani" Platoon, 2<sup>nd</sup> Detachment, Special Police, Sekovici*

<b>Born:</b>	5 August 1966, Brezani (Srebrenica)
<b>Detained:</b>	24 June 2005
<b>Indictment raised:</b>	12 December 2005
<b>Indictment confirmed:</b>	19 December 2005
<b>Plea entered:</b>	3 February 2006 (The BH Court assumed a plea of not guilty, after he refused, along with Milos Stupar, Milenko Trifunovic, Aleksandar Radovanovic, Slobodan Jakovljevic, Petar Mitrovic and Dragisa Zivanovic, to enter a plea. On the same day, Velibor Maksimovic, Brano Dzinic, Branislav Medan and Milovan Matic pleaded not guilty.)
<b>Trial commenced:</b>	9 May 2006
<b>Case separation:</b>	22 May 2008
<p>The cases were separated after the BH Prosecution decided to enter into evidence statements made earlier by Mitrovic and Stevanovic, in which they talked about their own participation and that of the other indictees in genocide in Kravica. Separation of the cases allowed the other Defence Counsels and indictees to cross-examine Mitrovic and Stevanovic. By decision of the Trial Chamber, the proceedings were separated into the following cases: <b>Petar Mitrovic (X-KR-05/24-1)</b>, <b>Miladin Stevanovic (X-KR-05/24-2)</b> and <b>Milos Stupar and others (X-KR-05/24)</b>.</p>	
<b>Indictment amended:</b>	24 June 2008
<b>First instance verdict:</b>	29 July 2008

Found not guilty of genocide.	
<b>Appeals:</b> The BH Prosecution appealed on the grounds of breaches of criminal law, the determination of the facts and the application of release orders. The Appeals Chamber rejected the claims made in the appeal.	
<b>Second instance verdict:</b>	9 November 2009
<i>Acquitted.</i>	

## CHARGES:

Stevanovic was charged with having participated from 10 to 19 July 1995 in an attack on Bosniaks in the Srebrenica Safe Haven, with the aim and plan to expel women and children from that area and "summarily" execute the men.

The indictment stated that, on 12 and 13 July 1995, together with other members of the police and ARS, he participated in securing the Bratunac-Milici road, by which 25,000 Bosniak women, children and elderly were forcibly expelled from the area of the Safe Haven.

He was considered to have participated on 13 July 1995 in gathering reconnaissance and making armed attacks, forcing men who had been trying to escape through the woods to territory controlled by the ABH to surrender .

According to the allegations contained in the indictment, Stevanovic participated the same day in holding several thousand captured men in a meadow in Sandici (Bratunac municipality). From that group, between 20 and 30 Bosniaks were separated and handed over to unknown ARS members, since when they have been missing.

Other prisoners were then taken to various locations where they were executed. Among these was the Agricultural Cooperative "Kravica", where that day around 1,000 men were murdered.

## REASONING:

The Trial Chamber found that Stevanovic's guilt of participation in the Srebrenica genocide was not proven "beyond reasonable doubt," and that there was no evidence that he participated in the separation of prisoners and their handover to unknown ARS members at the meadow in Sandici. There was also no evidence that he participated in the transport of prisoners to the locations at which they were detained and later executed.

After the execution of prisoners in "Kravica" on 13 and 14 July 1995, "the warehouse was cleaned and the bodies transported to mass graves." The Trial Chamber concluded that the expulsion of Bosniaks from areas by the River Drina had been a "publicly announced aim" of the RS since the beginning of the war, and that the plan to execute the men of Srebrenica was "forged before the morning of 12 July."



## STUPAR, MILOS and others (X-KR-05/24)

*Milos Stupar, Commander, 2<sup>nd</sup> Detachment, Special Police, Sekovici; Milenko Trifunovic, Commander, 3<sup>rd</sup> "Skelani" Platoon, 2<sup>nd</sup> Detachment, Special Police, Sekovici; Brano Dzinic, Special Policeman, 2<sup>nd</sup> Detachment, Special Police; Aleksandar Radovanovic, Slobodan Jakovljevic and Branislav Medan, Special Policemen, 3<sup>rd</sup> "Skelani" Platoon; and Milovan Matic, Member, ARS*

	<b>Born:</b>	<b>Detained:</b>	<b>Indictment raised:</b>	<b>Indictment confirmed:</b>
<b>Milos Stupar</b>	7 December 1963, Tisca (Sekovici)	23 June 2005	12 December 2005	19 December 2005
<b>Milenko Trifunovic</b>	7 January 1968, Kostolomci (Srebrenica)	22 June 2005		
<b>Brano Dzinic</b>	28 June 1974, Jelacici (Kladanj)			
<b>Aleksandar Radovanovic</b>	20 June 1973, Bujakovici (Skelani)			
<b>Slobodan Jakovljevic</b>	9 January 1964, Kusici (Srebrenica)	21 June 2005		
<b>Branislav Medan</b>	24 March 1965, Dubrovnik (Croatia)	23 August 2005		
<b>Milovan Matic</b>	20 May 1960, Kajici (Bratunac)	19 December 2005 – 29 July 2008		
<b>Dragisa Zivanovic</b>	4 October 1974, Bajina Basta (Serbia)	24 June 2005 – 29 July 2008		
<b>Velibor Maksimovic</b>	15 December 1966, Skelani (Srebrenica)			

<b>Plea entered: 3 February 2006</b> (Dzinic, Medan, Maksimovic and Matic pleaded not guilty. Stupar, Trifunovic, Radovanovic and Jakovljevic, together with Petar Mitrovic, Miladin Stevanovic and Dragisa Zivanovic, entered no plea. The Court assumed a plea of not guilty on their behalf.)	
<b>Trial commenced:</b>	9 May 2006
<b>Case separation:</b>	22 May 2008
The Court decided to separate the case against the 11 indictees into 3 parts, after the BH Prosecution entered into evidence statements made by Mitrovic and Stevanovic during the investigation, in which they directly or indirectly accused the other indictees. Thus, the Court allowed the other indictees and their Defence Counsels to cross-examine Mitrovic and Stevanovic.	
<b>Indictment amended:</b>	24 June 2008
<b>First instance verdict:</b>	29 July 2008
Stupar was given a sentence of 40 years, Trifunovic, Dzinic and Radovanovic each of 42 years, and Jakovljevic and Medan each of 40 years. Matic, Maksimovic and Zivanovic were acquitted.	
<b>Appeals:</b> The BH Prosecution appealed against the acquittal of Matic on the grounds of erroneous and incomplete determination of the facts and essential breaches of provisions of criminal procedure. The Prosecution did not appeal against the verdicts relating to Zivanovic and Maksimovic. The Defence Counsels of the six indictees who were convicted appealed on the grounds of essential breaches of provisions of criminal procedure, breaches of criminal law, and erroneous and incomplete determination of the facts. The Defence Counsels of Stupar, Radovanovic and Medan, as well as Stupar himself, appealed against the sentencing decision.	
<b>Second instance verdict:</b>	9 September 2009
Trifunovic was found guilty and sentenced to <b>33 years' long-term imprisonment</b> , Radovanovic and Dzinic to <b>32 years' long-term imprisonment</b> , and Jakovljevic and Medan to <b>28 years' long-term imprisonment</b> . All five were convicted, on the basis of individual responsibility, of <b>genocide</b> (murder). Matic, Zivanovic and Maksimovic were at second instance <b>acquitted of genocide</b> . A retrial was ordered for Stupar.	

## CRIMINAL OFFENCES/ CHARGES:

Milenko Trifunovic, Brano Dzinic, Aleksandar Radovanovic, Slobodan Jakovljevic and Branislav Medan, together with other members of the ARS and RS MIA, participated in imprisoning a large number of Bosniak men who were trying to leave Srebrenica after its fall and complete occupation.

On 13 July 1995, Trifunovic encouraged and invited the men to surrender, stressing that they would be interrogated and then exchanged. After many had surrendered, their personal documents were seized and they were taken to the "Kravica" Agricultural Cooperative warehouse.

More than 1,000 men were imprisoned in that building. They were murdered the same day when Trifunovic and Radovanovic "opened fire on the prisoners with automatic weapons" and Dzinic "threw a hand grenade at them." In the meantime, Jakovljevic and Medan guarded the rear of the warehouse so as to prevent prisoners from escaping through the windows.

Milovan Matic, Dragisa Zivanovic and Velibor Maksimovic were found not guilty of participating in those crimes.

### **REASONING:**

The Trial Chamber could not, beyond reasonable doubt, find that Matic had seized valuables from the prisoners at the "Kravica" Agricultural Cooperative, and there was no "reliable evidence" that he had been filling magazines with ammunition. The Prosecution did not manage to prove the criminal responsibility of Velibor Maksimovic and Dragisa Zivanovic.

By decision of the Appeals Chamber, Stupar is to undergo retrial for genocide in Srebrenica due to "essential breaches of provisions of criminal procedure."

The murder of prisoners at the "Kravica" Agricultural Cooperative "were not incidents," but rather the realisation of a "systematic and organised event." The situation in the hangar was "chaotic" because the prisoners were afraid for their lives, while the executioners decided to carry out the "task to the very end."

Radovanovic, Medan, Dzinic, Jakovljevic and Trifunovic made a "decisive contribution" to the killing of the prisoners, which was conducted in an "exceptionally cruel and inhumane way," and in which they participated as accomplices.

The accused were introduced to the existence of the genocidal plan to completely or partially eliminate the Bosniak people, and they "conducted their task zealously." Participation in, and knowledge of, the plan by Trifunovic, Dzinic, Radovanovic and Jakovljevic "does not prove that they shared its genocidal intent."

The Appeals Chamber affirmed that the lawlessness that ruled in Potocari gave the executioners a "sense of superiority, inviolability and invincibility, and of being above the law."



## **SIMSIC, BOBAN (X-KRZ-05/04)**

*Member, Reserve Police, RS MIA*

<b>Born:</b>	17 December 1967, Visegrad
<b>Detained:</b>	24 January 2005 (surrendered voluntarily)
<b>Indictment raised:</b>	28 June 2005,
<b>Indictment confirmed</b>	8 July 2005
<b>Plea entered:</b>	14 July 2005 (not guilty)
<b>Trial commenced:</b>	14 September 2005
<b>Indictment amended:</b>	19 June 2006
<b>First instance verdict:</b>	11 July 2006
Found guilty of crimes against humanity and sentenced to five years' imprisonment.	
<b>Appeals:</b> The BH Prosecution and Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, and erroneous or incomplete determination of the facts. The Prosecution also appealed against the sentence. The Appeals Chamber allowed all of the appeals.	
<b>Second instance verdict:</b>	14 August 2007
Guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (persecution, murder, detention, torture, rape and forced disappearance) and sentenced to <b>14 years' imprisonment</b> .	

**CRIMINAL OFFENCES:**

On 18 June and 25 July 1992, Simsic participated in an attack on the villages of Kuka and Velji Lug (Visegrad municipality), during which Bosniaks were arrested and detained in "Hasan Veletovac" Primary School. During the attack on Velji Lug, 7 civilians were murdered, and another 2 taken from Kuka village went missing.

During the second half of June 1992, Simsic, a guard at "Hasan Veletovac" School, participated in the murder, forced disappearance and torture of prisoners, as well as "assisting in forcing girls and women to have sexual intercourse." On several occasions, Simsic separated younger women and girls at the school and took them to soldiers who "repeatedly raped, beat and humiliated them."

During June 1992, Simsic enabled Milan Lukic to take a civilian out and "cut his throat with a knife, and then throw his decapitated head among the imprisoned civilians," as well as participate in beating and torturing them.

Simsic was freed of the allegations in the indictment that he participated on 17 June 1992 in an attack on the village of Zlijeb, and the arrest and detention of civilians in the Fire Station in Visegrad. He was found not guilty of taking ten women and girls from that house and then, together with other soldiers, physically abusing and raping them.

There was not enough evidence that on 18 June 1992, together with Milan Lukic, he took men out of the Fire Station who were later killed, and that he participated in beating several men in a Visegrad school, as well as seizing money and gold jewellery from prisoners.

**REASONING:**

Simsic was a part of a "dominating army-police formation" which attacked Bosniaks, and he participated in "terrorising" civilians in various villages and in the "Hasan Veletovac" School. As a reserve policeman, Simsic was involved in daily events in the Visegrad area, since these were not "sporadic and isolated incidents."



## SKROBIC, MARKO (X-KRZ-07/480)

*Member, Kotor-Varos Unit, CDC*

<b>Born:</b>	20 July 1971, Duratovci (Kotor-Varos)
<b>Detained:</b>	19 December 2007 (given conditional release pending trial under bond on 6 February 2008)
<b>Indictment raised:</b>	14 January 2008
<b>Indictment confirmed</b>	16 January 2008
<b>Plea entered:</b>	28 January 2008 (not guilty)
<b>Trial commenced:</b>	9 May 2008
<b>First instance verdict:</b>	22 October 2008
Found guilty of war crimes against civilian population and sentenced 10 years' imprisonment.	
<b>Appeals:</b> The Prosecution and Defence appealed against the length of the sentence, and the Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, and erroneous or incomplete determination of the facts. The Appeal Chamber rejected the Prosecution's appeal and partially allowed the Defence appeal.	
<b>Second instance verdict:</b>	22 April 2009
Guilty, on the basis of individual responsibility, of <b>war crimes against civilian population</b> (murder) and sentenced to <b>nine years'</b> imprisonment.	

### CRIMINAL OFFENCES:

On 31 July 1992, Skrobic, as a part of group of four armed men, expelled members of the Glamocak family from their home in the village of Novo Selo

(Kotor Varos municipality); they were then taken in the direction of the village of Ravne. On the way to that village, Skrobic murdered Stojko Glamocak with a pistol.

**REASONING:**

All the persons taken from their homes by Skrobic and the other armed men were civilians and unarmed.

A conflict was ongoing in the Kotor Varos area between the ARS on one side, and the ABH and CDC on the other. The general attack on the town began on 25 July 1992.



## TANASKOVIC, NENAD (X-KRZ-05/165)

*Member, Reserve Police Forces*

<b>Born:</b>	20 November 1961, Donja Lijeska (Visegrad)
<b>Detained:</b>	11 July 2006
<b>Indictment raised:</b>	29 September 2006
<b>Indictment confirmed</b>	6 October 2006
<b>Plea entered:</b>	25 October 2006 (not guilty)
<b>Trial commenced:</b>	2 February 2007
<b>First instance verdict:</b>	24 August 2007
Found guilty of crimes against humanity and sentenced to 12 years' imprisonment.	
<b>Appeals:</b> The Defence appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous and incomplete determination of the facts, breaches of criminal law and the ECHR, and length of sentence, which the Appeals Chamber allowed in part.	
<b>Second instance verdict:</b>	26 March 2008
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (persecution deportations, imprisonment, torture, rape) and sentenced to <b>eight years'</b> imprisonment.	

### CRIMINAL OFFENCES:

During May 1992, Tanaskovic participated in the arrest of two persons, who were then escorted to Visegrad police station, where the man was detained

with other prisoners and the woman interrogated by Drago Samardzic, and then raped by two soldiers.

On 23 May 1992, together with other persons, Tanaskovic arrested two civilians for interrogation, after which they were escorted to the community centre in the village of Donja Lijseka, where they were severely beaten, and then taken to the PSS in Visegrad and kept there for four days.

Around 31 May 1992, Tanaskovic participated in attacks on villages inhabited by Bosniaks, in which civilian men were captured and then imprisoned in a primary school in Orahovci. Together with other soldiers, Tanaskovic beat two prisoners severely.

On 14 June 1992, he participated in the expulsion of a group of civilians from Visegrad. They were taken to Isevica Hill, where the men under 65 were ordered to stay in the vehicles and the women, children and men over 65 to leave them.

He was found not guilty on charges that, on 16 June 1992, as soldiers were taking prisoners out of trucks at the Old Bridge in Visegrad, killing them and throwing them into the River Drina, he forced two civilians to clean up the blood and remove the bodies from the bridge, and then beat one person and forced him to lick blood from the ground.

#### **REASONING:**

From April to June 1992, a wide and systematic attack was carried out on Bosniak civilians in the Visegrad area by the ARS, police and paramilitary formations, especially the "Beli orlovi" [White Eagles], of which Tanaskovic knew.

On 14 June 1992, members of the ARS, along with "local Serb paramilitary formations," forced several hundred Bosniaks to leave the Visegrad area, in line with a previously arranged plan.

The civilians left the town in convoys due to an "unbearable atmosphere of violence and fear," and because they were "targeted because of their different ethnicity."

The sentence handed down was below the statutory minimum of ten years due to the existence of a severe health condition, in this case, Tanaskovic's invalid status.



## **TODOROVIC, MIRKO and RADIC, MILOS (X-KRZ-07/382)**

*Members, Army of the Serb Republic of BH, later Members of the ARS Military Police*

	<b>Mirko Todorovic</b>	<b>Milos Radic</b>
<b>Born:</b>	15 May 1954, Bratunac	5 June 1959, Srebrenica
<b>Detained:</b>	24 May 2007	
<b>Indictment raised:</b>	15 June 2007	
<b>Indictment confirmed</b>	21 June 2007	
<b>Plea entered:</b>	6 July 2007 (not guilty)	12 July 2007 (not guilty)
<b>Trial commenced:</b>	1 October 2007	
<b>First instance verdict:</b>	29 April 2008	
Found guilty of crimes against humanity and each sentenced to 17 years' imprisonment.		
<b>Appeals:</b> The Defence Counsels for Todorovic and Radic appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, and erroneous or incomplete determination of the facts. The Prosecution appealed against the sentencing decision, as did both Defence Counsels. The Appeals Chamber rejected the Prosecution's appeal and partially allowed the Defences' appeals.		
<b>Second instance verdict:</b>	17 February 2009	
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (aiding and abetting persecution, torture and murder) and sentenced to <b>13</b> and <b>12 years' imprisonment</b> .		

*The detention of Radic and Todorovic was ended under "force of law" on 29 January 2009 because the decision on the appeals against the first instance verdict was not made within the limit of nine months of its announcement. Radic is serving his sentence, while Todorovic is still at large.*

### **CRIMINAL OFFENCES:**

On 20 May 1992 in the village of Borkovac (Bratunac municipality), Mirko Todorovic helped 4 members of the ARS to find and arrest 14 Bosniak civilians who were hiding in a quarry in "fear of attack by the RS army and police."

Together with other soldiers, Todorovic took the captured civilians to the house of Abdulah Sulejmanovic, where Milos Radic was waiting for them. On the way there, one of the group of soldiers killed a civilian.

That day, Todorovic and Radic, rifles at the ready, "secured the terrain and prevented the captured civilians from escaping," while the other soldiers assaulted them "all over their bodies with their fists and boots, and seized their money and valuables."

They then took the group of civilians to the slopes of the nearby creek, where they were shot. Six civilians survived.

### **REASONING:**

Mirko Todorovic and Milos Radic assisted other soldiers by providing information useful to the location and capture of the civilians, and participated in escorting and guarding them while they were tortured and then killed.

Both participated in the abuse of the civilians, contributing thus to "breaches of basic humanity, and of the human rights of Bosniak civilians in particular."

Todorovic and Radic knew about the widespread and systematic attack on the Bosniak civilian population in Bratunac municipality. The soldiers that participated in the crime did so with "discriminatory intent."

The immediate victims of the crime were the 14 civilians who were tortured, 8 of whom were killed. Their suffering was "exceptionally great" because of their exposure to physical violence and shooting. The indirect victim is "all humankind," because crimes against humanity represent a threat to, and violation of, human dignity.



## VRDOLJAK, IVICA (X-KRZ-08/488)

*Member, 103<sup>rd</sup> Derventa Brigade, CDC*

<b>Born:</b>	1 August 1968, Derventa
<b>Detained:</b>	29 November 2007
<b>Indictment raised:</b>	20 February 2008
<b>Indictment confirmed</b>	21 February 2008
<b>Plea entered:</b>	4 March 2008 (not guilty)
<b>Trial commenced:</b>	6 May 2008
<b>First instance verdict:</b>	10 July 2008
Found guilty of war crimes against civilian population and sentenced to five years' imprisonment.	
<b>Appeals:</b> The Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law, and erroneous and incomplete determination of the facts. The Appeals Chamber refused the appeals as unfounded.	
<b>Second instance verdict:</b>	29 January 2009
Guilty, on the basis of individual responsibility, of <b>war crimes against civilian population</b> (torture) and sentenced to <b>five years'</b> imprisonment.	

### CRIMINAL OFFENCES:

Around the end of June 1992, Vrdoljak, alias Geza, ordered all prisoners held in the "Silos" building in Polje (Derventa municipality) to stand and hold the-

ir arms above their heads, putting those who would not do so into another room. On an unconfirmed date in June 1992, he took four prisoners of Serb ethnicity out of the room in which they were detained and, together with other persons, participated in beating them with "fists, military boots and bats."

During July 1992, in the evening hours, Vrdoljak would take prisoners from the warehouse of the "Beograd" [Belgrade] department store in the Tulek neighbourhood of Bosanski Brod to an unlit room where, together with other persons, he would beat them under the cover of darkness.

**REASONING:**

"Camps for Serb civilians" existed from the end of June and during July 1992 in the "Silos" building in Polje and the "Beograd" department store in Bosanski Brod.

In these buildings, Vrdoljak and other CDC members abused prisoners physically and mentally.



## VUKOVIC, RADMILO (X-KRZ-06/217)

*Member, Armed Forces of the Serb Republic of BH*

<b>Born:</b>	28 July 1952, Rataja (Foca)
<b>Detained:</b>	18 April 2006 – 14 February 2007 (given temporary release); 7 May – 31 August 2007 (given conditional release pending trial)
<b>Indictment raised:</b>	12 October 2006
<b>Indictment confirmed:</b>	13 October 2006
<b>Plea entered:</b>	31 October 2006 (not guilty)
<b>Trial commenced:</b>	19 January 2007
<b>First instance verdict:</b>	17 April 2007
Found guilty of war crimes against civilian population and sentenced to 5 years and 6 months' imprisonment.	
<b>Appeals:</b> The Prosecution appealed on the grounds of erroneous determination of the facts and length of sentence. Vukovic and his Defence appealed on the grounds of essential breaches of provisions of criminal procedure, criminal law and erroneous and incomplete determination of the facts. The Defence appealed against the length of the sentence. The Appeals Chamber allowed the appeals by Vukovic and his Defence.	
<b>Second instance verdict:</b>	13 August 2008
<b>Acquitted.</b>	

### CHARGES:

The Prosecution attempted to prove that, on 10 June 1992, Vukovic took one female by force from an apartment in Miljevina, alleging that she had been

summoned to army headquarters, after which he took her to another flat, where he abused and raped her. He ordered her not to speak about the act to anyone, and to come to the same apartment whenever he asked, which she did until the end of August 1992.

After being expelled from Miljevina on 20 February 1992, she delivered a child in Gorazde hospital.

### **REASONING:**

During 1992 in the Foca area, women were often taken to detainee collection centres where they were "repeatedly raped by unknown persons and in many cases imprisoned," indicating that the *Radmilo Vukovic* case was one of an "atypical rape."

The Chamber could not determine beyond reasonable doubt that Vukovic was raping the injured party. It found that the indictee and the injured party had had intimate relations before the war. It concluded that "inconsistencies and illogical factors" were found in her testimony during the trial. The Chamber found as relevant the fact that, before the war, they had had an "extramarital relationship," "among other reasons, as a test of the credibility of her statement," considering that she denied this relationship throughout the proceedings.

During the proceedings, Vukovic acknowledged his paternity of the child. The Court of First Instance reached a decision forbidding him any contact with the child, and ordering that, should the child want to know its father identity, then this must be revealed and the child itself should decide on any possible contact.



## VUKOVIC, RANKO and RAJKO (X-KRZ-07/405)

*Members, Armed Forces of the RS*

	<b>Ranko Vukovic</b>	<b>Rajko Vukovic</b>
<b>Born:</b>	7 September 1969, Kozija Luka (Foca)	20 November 1972, Foca
<b>Detained:</b>	18 September 2007 – 5 December 2008	12 July – 19 September 2007; 27 November 2007 – 5 December 2008
<b>Indictment raised:</b>	28 August 2007	
<b>Indictment confirmed</b>	31 August 2007	
<b>Plea entered:</b>	13 September 2007 (not guilty)	(The Court assumed a plea of not guilty after he failed to appear at two plea hearings.)
<b>Trial commenced:</b>	8 November 2007	
<b>Indictment amended:</b>	17 January 2008	
<b>First instance verdict:</b>	4 February 2008	
Found guilty of crimes against humanity and sentenced to 12 years each.		
<b>Appeals:</b> The Prosecution appealed on the grounds of essential breaches of provisions of criminal procedure, erroneous determination of the facts and length of sentence. The Defence appealed on the grounds of breaches of the ECHR, essential breaches of provisions of criminal procedure, criminal law and erroneous and incomplete determination of the facts. The Appeals Chamber allowed the Defence's appeal and rejected the Prosecution's claims.		
<b>Second instance verdict:</b>	30 June 2009	
<b>Acquitted.</b>		

**CHARGES:**

The Prosecution claimed that brothers Ranko and Rajko Vukovic, together with Blagoje and Ranko Golubovic, went to the village of Potkolum at the end of May 1992, armed with automatic rifles, and killed two older persons.

Ranko Vukovic was charged with having raped a woman in Miljevina in July 1992.

**REASONING:**

The Chamber found that the key witness statement on which the Prosecution had based the indictment contained numerous "inconsistencies and illogical elements." They concluded the same for the statements of other Prosecution witnesses.

The Vukovic brothers were charged with having participated in a "joint plan and goal to murder civilians" in Potkolum village, but this was not proven beyond reasonable doubt during the main trial, nor were the names of the soldiers that committed that crime.

## First Instance Verdicts

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## **BASTAH, PREDRAG and VISKOVIC, GORAN (X-KR-05/122)**

*Predrag Bastah, Member, Reserve Forces, PSS Vlasenica; and Goran Viskovic, Member, Army of the Serb Republic of BH*

	<b>Veljko Basic</b>	<b>Predrag Bastah</b>	<b>Goran Viskovic</b>
<b>Born:</b>	3 November 1926, Basici, Sekovici	18 October 1953, Podkozlovaca, Han Pijesak	25 November 1954, Biljevici, Vlasenica
<b>Detained:</b>	Released pending trial	29 January 2008	29 January – 22 July 2008; placed on remand for nine months on 8 February 2010
<b>Indictment raised:</b>	17 April 2008		
<b>Indictment confirmed:</b>	23 April 2008		
<b>Plea entered:</b>	30 April 2008 (not guilty)	13 May 2008 (BH Court entered a not guilty plea)	30 April 2008 (not guilty)
<b>Trial commenced:</b>	<b>3 July 2008</b>		
<b>Case separation:</b>	On 3 July 2008, the BH Court reached a decision to separate the case of Veljko Basic from that of <b>Predrag Bastah and others (X-KR-05/122)</b> . The trial of Predrag Bastah and Goran Viskovic continued as <b>X-KR-05/122</b> , and that of Veljko Basic as <b>X-KR-05/122-1</b> .		
<b>Indictment amended:</b>	16 November 2009		
<b>First instance verdict:</b>	5 February 2010		

Guilty, on the basis of individual criminal responsibility, of **crimes against humanity** (jointly for: persecution, murder, deportation or severe deprivation of liberty, torture, rape, enforced disappearance and other inhumane acts) and sentenced to **22 years' long-term imprisonment** and **18 years' imprisonment**. **Acquitted** on certain charges (persecution, deportation, imprisonment, enforced disappearance and other inhumane acts).

*In July 2008, based on the findings of a court-appointed medical expert, the BH Court concluded that Veljko Basic (84) was "permanently incapable" of undergoing trial due to his poor state of health, upon which the proceedings against him and the other two indictees were separated.*

### **FIRST INSTANCE VERDICT:**

From April to September 1992, Predrag Bastah and Goran Viskovic participated in the persecution of the non-Serb population from the Vlasenica area.

Bastah was found guilty because, during June 1992, he participated in the arrest, physical abuse and imprisonment of four civilians in Vlasenica Police Station. He was found guilty of having arrested one person on 2 June 1992 "or close to that date," whom he and another police officer took to the location of Toplik and murdered.

He was also found guilty of taking part during the night of 12-13 September 1992 in the murder of several people in the centre of Vlasenica, "together with five or more unidentified soldiers with stockings over their heads." On that occasion, he took two Bosniak camp prisoners and stood with them in front of houses entered by the soldiers, from where "heavy bursts of fire" were heard. After the soldiers exited the houses, he ordered the camp prisoners to remove bodies from them and load them onto a tractor.

Bastah was found guilty on charges that, during June and July 1992, he, acting alone and with a group of unidentified soldiers, removed 13 Bosniak civilians from the "Susica" prison camp, since when they have been missing, and that, at the end of August the same year, he forced several persons to leave their homes and the Vlasenica area.

On 23 April 1992, Viskovic, acting alone, arrested and detained one person in Vlasenica police station, and in May the same year, tortured several prisoners in the prison behind the Court building in that town.

He was also found guilty because, on 11 July 1992, he physically abused three people in the centre of the town, and in June the same year, "abused several people" in the settlement of Panorama. He was also found guilty of removing several civilians from the "Susica" prison camp and abusing them psychologically when taking them to perform forced labour. The same month, he removed three prisoners from that camp who have been missing since.

He was also found guilty because, during the second half of June 1992, he removed 13 prisoners from the "Susica" camp on the pretext of forced labour, and then kept them locked in a refrigerator truck for a period of time.

They were "saved from certain death by a Serb soldier."

Viskovic was found guilty of the rape of two women in June and July 1992.

Both were found guilty because, on an undetermined date in May 1992, they participated in the arrest and imprisonment of one person in Vlasenica police station, and later in "Susica" camp. That man was removed from the camp, together with his two sons who were also prisoners there, in the second half of July. Their fate is still unknown.

In June 1992, both men took part in the arrest of one person in Jarovlje village, Vlasenica municipality, and after some time removed him from "Susica" camp, since when he has been missing.

Bastah was found not guilty of participating in the arrest and physical abuse of one person in Vlasenica police station on 23 April 1992, and of participating in the arrest and beating of six prisoners during May and June the same year.

He was found not guilty of removing three people who went missing in May 1992, and not guilty of the persecution of one person.

Viskovic was found not guilty on charges that in May 1992 he physically and mentally abused prisoners in Vlasenica police station, and one woman in her house, after she "declined to say where her husband was."

His guilt of the abuse of one person on 11 July 1992 was not proven, nor was it proven for the removal of a group of civilians from "Susica" camp in June the same year. All are missing.

Viskovic was found not guilty of beating a prisoner in "Susica" camp several times and making him perform forced labour between 18 and 30 July 1992, and, together with guards, participating in the rape and sexual abuse of one woman from 2 June to 2 July 1992.

Bastah and Viskovic were found not guilty on charges that, at the end of April 1992, they participated, armed with automatic rifles, in the arrest and beating of two men and their imprisonment in Vlasenica Police Station.

Both were found not guilty on charges that, from 13 to 19 July 1992, in Luke, Vlasenica municipality, they participated in holding up a bus and a truck full of civilians, women and children who were being transported from "Susica" camp to territory under ABH control. The Prosecution claimed that Bastah and Viskovic participated in the enforced removal and separation of women and girls who subsequently went missing. Both were found not guilty of taking part in these crimes by signalling to unidentified soldiers to take them away.



## **BUNDALO, RATKO and others (X-KR-07/419)**

*Ratko Bundalo, Commander, TG Kalinovik; Nedjo Zeljaja, Commander, PSS Kalinovik; and Djordjislav Askraba, Guard Commander, "Barutni magacin" Prison Camp*

	<b><i>Ratko Bundalo</i></b>	<b><i>Nedjo Zeljaja</i></b>	<b><i>Djordjislav Askraba</i></b>
<b>Born:</b>	30 September 1944, Kriskovci village (Laktasi)	21 August 1947, Grab village (Trnovo)	18 May 1951, Jelasca village (Kalinovik)
<b>Detained:</b>	01 September 2007	29 November 2007 – 12 June 2008	31 August 2007 – 12 June 2008
<b>Indictment raised:</b>	23 November 2007		
<b>Indictment confirmed</b>	28 November 2007		
<b>Plea entered:</b>	13 December 2007 (not guilty)		
<b>Trial commenced:</b>	26 February 2008		
<b>Indictment amended:</b>	13 October 2009		
<b>First instance verdict:</b>	21 December 2009		
<p>Ratko Bundalo and Nedjo Zeljaja were found guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (persecution, murder, deportation, detention, rape, enforced disappearance and other inhumane acts), in connection with <b>crimes against civilians</b> (unlawful removal to concentration camps and other unlawful detention, forced labour) and <b>war crimes against prisoners of war</b> (murder, torture). Djordjislav Askraba was found <b>not guilty</b>, while Bundalo was sentenced to <b>19 years'</b> and Zeljaja <b>15 years'</b> imprisonment.</p>			

## **FIRST INSTANCE VERDICT:**

Ratko Bundalo and Nedjo Zeljaja, from May 1992 until March 1993, participated in a joint criminal enterprise with the aim of expelling Bosniaks from the area of Kalinovik municipality.

Both participated from June to September 1992 in forming and ensuring the functioning of a prison in "Miladin Radojevic" Primary School in Kalinovik, where 300 civilians from that municipality, as well as the Gacko, Nevesinje, Foca and Trnovo municipalities, were detained. Zeljaja was the immediate superior of the police officers who guarded the school, while Bundalo "could have known about the rape, murder, torture..." of detainees.

At the beginning of May 1992, members of the army "under Bundalo's command" and members of the "Kalinovik police station under Zeljaja's command" captured around 280 civilians from Jelec (Foca municipality). Civilians were arrested in the Jazici area of Kalinovik, following which the males were detained in "Miladin Radojevic" Primary School, and women, children and the elderly transported by "units under the command of Bundalo and the civilian authorities," to territory under the control of the ABH. After a certain time, the men were transferred from the school to PCF Foca, where the majority of them were murdered or went missing.

On 25 June 1992, together with members of PSS Kalinovik, Zeljaja participated in the arrest of men from the municipality, following which 60 were detained in "Miladin Radojevic" School. From there, on 7 July or around that date, they were transported to "Barutni magacin" [Gunpowder Warehouse] prison camp, which was under "Bundalo's command."

At the beginning of July 1992, members of the military and police forces in Kalinovik municipality captured around 200 civilians from the Gacko area and detained them in "Miladin Radojevic" School.

Civilians from Jelasca village were also detained in that school, after their capture by members of the police and army during an attack on 1 August 1992, in which older women were killed and a young girl wounded. Members of the Serb armed forces murdered several civilians on 4 and 5 August 1992, or around that date, in the villages of Jelasca, Jezero and Mjehovina.

From June to 18 September 1992, a detainee was taken from PSS Kalinovik and used as a "mine-detection driver." In the same manner, from September 1992 until March 1993, several prisoners were taken from those premises to conduct similar tasks.

During July or August 1992, Zeljaja, on Bundalo's orders, participated in burning Bosniak villages in the Kalinovik area. By the end of the August 1992, Bundalo approved the exchange of the detained women from Kalinovik School for the bodies of Serb soldiers killed in Jakomislje.

Members of the Seventh Battalion of TG Foca from Miljevina, with the guard's permission, physically and psychologically abused, tortured, murdered and raped civilians in that school. In August 1992, they took seven mainly underage girls from the school and kept them in sexual slavery in Foca and Miljevina. In the same month, unknown soldiers took several women to a house in Mjehovina where they were repeatedly raped, after which policemen or soldiers returned them to the school.

In July and August 1992, Bundalo and Zeljaja "actively participated" in forming and operating the "Barutni magacin" prison camp in Kalinovik, where Bosniak men from that area, as well as from Trnovo and Foca, were detained.

Soldiers and policemen from PSS Kalinovik, "with the knowledge and approval of Nedjo Zeljaja," would take prisoners to different locations where they were killed, as well as to the frontline to perform various tasks.

On 5 August 1992, detainees from "Barutni magacin" camp were, with "the approval of Bundalo and Bosko Govedarica, chief of PSS Kalinovik," handed over to a group of soldiers from the Serb armed forces, allegedly for transport to PCF Foca. The soldiers killed the civilians at different locations; one person managed to survive.

The Trial Chamber did not find sufficient evidence to sentence Djordjislav Askraba for managing, as guard commander in the facility and immediate subordinate of the TG command, the "Barutni magacin" camp from 7 July to 5 August 1992, the period in which the majority of the detainees were taken in groups and shot at different locations.

Askraba was also acquitted on charges that, on 30 June 1992, he threatened a prisoner in PSS Kalinovik that he would "cut off his arms and legs," while Bundalo and Zeljaja were found not guilty of depriving civilians detained in "Miladin Radojevic" School of food for four days at the beginning of August 1992, while soldiers, in the presence of policemen, abused them on a daily basis.

They were also acquitted of responsibility for the participation of members of the Seventh Battalion of TG Foca from Miljevina in the physical abuse of a woman on 8 August 1992, as well as for the participation of unknown soldiers in taking a group of women from "Miladin Radojevic" School to the "Pavlovac" farm, where they were raped.



## DJUKIC, NOVAK (X-KR-07/394)

*Commander, TG Ozren, ARS*

<b>Born:</b>	10 April 1955, Donja Kola (Banja Luka)
<b>Detained:</b>	8 November 2007
<b>Indictment raised:</b>	27 December 2007
<b>Indictment confirmed</b>	4 January 2008
<b>Plea entered:</b>	14 January 2008 (not guilty)
<b>Trial commenced:</b>	11 March 2008
<b>Indictment amended:</b>	31 March 2008
<b>First instance verdict:</b>	12 June 2009
<p>Guilty, on the basis of individual criminal responsibility, of <b>war crimes against civilians</b> (attack on civilian population), and sentenced to <b>25 years' long-term imprisonment</b>.</p>	

### FIRST INSTANCE VERDICT:

On 25 May 1995, Novak Djukic ordered the artillery platoon positioned on Ozren Mountain to shell the city of Tuzla, then a UN safe haven, with 130 mm calibre M46 guns.

Members of that platoon, "who were subordinate to him," carried out the order, firing a number of artillery projectiles toward Tuzla, one of which,

projectile type OF- 482, hit the Kapija neighbourhood, where a large group of youths were gathered, at 20:55. Seventy-one people were fatally injured and over 150 wounded.

Djukic was found not guilty of ordering the platoon to shell Tuzla on 28 May 1995, when nine projectiles were fired. That day, several buildings were damaged, three people were injured and one person was killed.



## **HODZIC, FERID (X-KR-07/430)**

*Commander, TDF, Vlasenica municipality, BH TDF*

<b>Born:</b>	2 December 1959, Vlasenica
<b>Detained:</b>	Released pending trial.
<b>Indictment raised:</b>	22 November 2007
<b>Indictment confirmed</b>	29 November 2007 (joint indictment with Veiz Bjelic)
<b>Plea entered:</b>	8 January 2008 (pleaded not guilty, together with Bjelic)
<b>Trial commenced:</b>	12 March 2008
<b>Separation of cases:</b>	28 March 2008 (Bjelic signed a plea agreement with the BH Prosecution.)
<b>First instance verdict:</b>	29 June 2009
Guilty of <b>war crimes against civilian population</b> (murder, torture, inhumane treatment) and <b>war crimes against prisoners of war</b> (murder, torture, inflicting great suffering).	

### **FIRST INSTANCE VERDICT:**

The Trial Chamber found that the Prosecution had failed to provide sufficient evidence that Hodzic, from May 1992 to 26 January 1993, ordered the illegal arrest and detention of civilians and prisoners of war - members the Army of the Serb Republic of BH - in the "Stala" [Barn] prison in the hamlet of Rovasi (Vlasenica municipality).

Prisoners of Serb ethnicity were held at that facility for seven months under inhuman conditions, physically and psychologically abused, and insulted. One prisoner died as a result of being beaten.



## KOVAC, ANTE (X-KRZ-08/489)

*Commander, Military Police, Vitez Brigade, CDC*

<b>Born:</b>	5 January 1957, Vitez
<b>Detained:</b>	1 January 2008
<b>Indictment raised:</b>	24 March 2008
<b>Indictment confirmed:</b>	25 March 2008
<b>Plea entered:</b>	7 April 2008 (not guilty)
<b>Trial commenced:</b>	13 August 2008
<b>First instance verdict:</b>	10 July 2009
Guilty, on the basis of individual responsibility, of <b>war crimes against civilian population</b> (rape, forced labour, looting property), and sentenced to <b>13 years'</b> imprisonment.	
<b>Žalbe:</b> Odbrana Kovača je uložila žalbe zbog bitnih povreda odredaba krivičnog postupka, povreda krivičnog zakona, pogrešno i nepotpuno utvrđenog činjeničnog stanja, te kršenja prava na odbranu. Tužilaštvo BiH smatra da su navodi za žalbu "neosnovani". Čeka se odluka Apelacionog vijeća.	

### FIRST INSTANCE VERDICT:

During April and May 1993, Ante Kovac participated in, and ordered subordinate military policeman to carry out, the arrest and detention of Bosniak civilians in the premises of the Workers University, the cinema and the facilities of the SDK in Vitez.

More than 250 civilians were imprisoned in inhumane conditions, without sufficient food, and made to conduct forced labour on the frontline between the CDC and ABH. Four people were killed during the digging of trenches.

Members of the Military Police would take prisoners from the Workers University to the Chess Club and "Kaonik" prison camp in Busovaca.

On 18 April 1993, Kovac took one woman from the SDK building to an apartment in Vitez, where he raped her and soon after returned her to the detention centre.

On 21 August 1993, the indictee ordered a military policeman to stop a vehicle with ICRC emblems, detain the sick civilians it was carrying and unlawfully imprison them in the Workers University – Cultural Centre. The Bosniak civilians' valuables were seized, and they were then interrogated. After several days, Kovac raped one woman in the Cultural Centre office, threatening to kill her if she told anyone what had happened.



## KUJUNDZIC, PREDRAG (X-KR-07/442)

Commander, "Predini vukovi" Unit, Doboј

<b>Born:</b>	30 January 1961, Suho Polje (Doboј)
<b>Detained:</b>	10 October 2007
<b>Indictment raised:</b>	26 December 2007
<b>Indictment confirmed</b>	03 January 2008
<b>Plea entered:</b>	11 January 2008 (not guilty)
<b>Trial commenced:</b>	16 April 2008
<b>Indictment amended:</b>	29 May 2009
<b>First instance verdict:</b>	30 October 2009
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (persecution, murder, deportation, imprisonment, rape and other inhumane acts) and sentenced to <b>22 years' long-term imprisonment</b> .	

### FIRST INSTANCE VERDICT:

From spring 1992 to autumn 1993, Predrag Kujundzic participated in the persecution of the non-Serb population of the Doboј area and failed to prevent acts committed by persons subordinate to him.

On 10 May 1992, Kujundzic, by leading members of his unit [Preda's Wolves], participated in an infantry attack on the village of Grapska. The surviving civilians who were unable to escape were forcibly removed to territory under ABH control, and the men of military age imprisoned in the "Bare" barracks.

On 12 June 1992, Kujundzic, commanding his unit, together with units of the Armed Forces of the Serb Republic of BH, participated in an attack on Bukovacke Civcije village, during which 160 men were arrested, physically abused and then transported to a detention centre called "Percin disko" [Perco's Discotheque].

On 12 July 1992, Kujundzic, commanding his troops, participated in the inhumane treatment of 50 Bosniak and Croat civilians detained at "Percin disko". That day, members of his unit and the Crveni beretki [Red Berets] took detainees to the neighbourhood of Makljenovac, where they used them as a "human shield." At least 17 civilians were killed on that occasion. Kujundzic failed to take "necessary and reasonable measures" to prevent this from happening.

On an unconfirmed date in June 1992, Kujundzic, followed by 4 to 5 members of his unit, raped a young girl and "encouraged a soldier" to rape her mother. The same day, he threatened the girl that she would "have to do everything he asked her to, or he would kill her mother and younger sister." Between June and December 1992, Kujundzic forced her into sexual slavery and, by "use of force and threats, established exclusive access to her, control over her movements, psychological control and control over her sexuality."

During that period, Kujundzic forced her to read an announcement on Radio Doboj, stating that the Bosniaks were guilty for the war and had killed her brother, and calling on them to have themselves "baptised." He ordered her to wear a crucifix necklace, camouflage uniform of the Serb army and red beret. Kujundzic, without her or her parents' permission, changed the girl's name to a Serb one, demanded she introduce herself that way and obtained new identification documents for her.

During 1992, Kujundzic treated one prisoner in Doboj Central Prison inhumanely; during 1993, together with five unidentified persons, he physically abused one person in his apartment.

Kujundzic was acquitted on charges that he wounded and killed one underage person during the flight of civilians from Grapska village on 10 May 1992. He was also acquitted on charges that, on 19 July 1992, members of his unit spent several hours in the "Percin disko" camp torturing and beating prisoners, and forcing them to eat soup and fight one another.



## NIKACEVIC, MIODRAG (X-KR-08/500)

Member, ARS

<b>Born:</b>	23 July 1964, Cajnice
<b>Detained:</b>	14 February 2008 – 20 January 2009
<b>Indictment raised:</b>	14 March 2008
<b>Indictment confirmed</b>	17 March 2008
<b>Plea entered:</b>	27 March 2008 (not guilty)
<b>Trial commenced:</b>	29 April 2008
<b>Indictment amended:</b>	13 January 2009
<b>First instance verdict:</b>	19 February 2009
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (rape, imprisonment), and sentenced to <b>eight years' imprisonment</b> .	

### FIRST INSTANCE VERDICT:

By mid-April 1992, Miodrag Nikacevic, "armed and in uniform," raped one female in her apartment in Foca.

In mid-July 1992, Nikacevic raped a girl he had brought to his apartment to clean it, threatening her that she would not see her brother again if she did not go with him.

On 2 August 1992, Nikacevic, armed with an automatic weapon, together with two other members of the RS armed forces, participated in the removal of civilian Rasim Klapuh and his detention in Penal-Correctional Facility "Foca". On an undetermined day, Klapuh was taken away to an unknown location and murdered. It is not known who killed him.



**PINCIC, ZRINKO (X-KRZ-08/502)**

*Secretary, CDC Hrasnica, "Herceg Stjepan" Brigade, Konjic*

<b>Born:</b>	12 September 1948, Sarajevo
<b>Detained:</b>	29 May – 26 June 2008 (thereafter released)
<b>Indictment raised:</b>	25 June 2008
<b>Indictment confirmed</b>	26 June 2008
<b>Plea entered:</b>	11 July 2008 (not guilty)
<b>Trial commenced:</b>	8 September 2008
<b>First instance verdict:</b>	28 November 2008
Found guilty, on the basis of individual responsibility, of <b>war crimes against civilians</b> (rape) and sentenced to <b>nine years'</b> imprisonment.	
<b>Appeals:</b> The BH Prosecution appealed against the length of the sentence, while the Defence lodged an appeal on the grounds of essential breaches of provisions of criminal procedure and criminal law, and erroneous or incomplete determination of the facts. The decision of the Appeals Chamber is pending.	

**FIRST INSTANCE VERDICT:**

From November 1992 to March 1993, Zrinko Pincic repeatedly came armed to a house in Donje Selo village (Konjic municipality) in which ethnic Serb civilians (women and children) were held, and on several occasions raped one female.

During that period, he would take "A" out of the house under threat that he would "bring 15 soldiers and then she will see what happens," and on several occasions forced her to have sexual intercourse.



### **RADIC, MARKO and others (X-KRZ-05/139)**

*Marko Radic, Dragan Sunjic, Damir Brekalo and Mirko Vracevic, Members, 1<sup>st</sup> Bijelo Polje Battalion, 2<sup>nd</sup> Brigade, CDC*

	<b>Marko Radic</b>	<b>Dragan Sunjic</b>	<b>Damir Brekalo</b>	<b>Mirko Vracevic</b>
<b>Born:</b>	13 August 1959, Livac (Mostar)	11 July 1971, Bucici	20 March 1964, Livac (Mostar)	15 March 1945, Donji Smrtici
<b>Detained:</b>	2 June 2006			
<b>Indictment raised:</b>	1 December 2006			
<b>Indictment confirmed</b>	1 December 2006			
<b>Plea entered:</b>	26 December 2006 (Sunjic and Brekalo pleaded not guilty, while Radic refused to enter a plea, leading the Court to assume a plea of not guilty.); 26 January 2007 (Vracevic pleaded not guilty.)			
<b>Trial commenced:</b>	26 March 2007			
<b>Indictment amended:</b>	15 May 2008			
<b>First instance verdict:</b>	20 February 2009			
<p>All four indictees were found guilty of <b>crimes against humanity</b> (murder, detention, rape and other forms of sexual violence, torture and inhumane acts). In addition, Brekalo and Vracevic were convicted of persecution. All were found guilty on the basis of individual criminal responsibility. Radic was sentenced to <b>20 years'</b> imprisonment, Sunjic to <b>21 years</b>, Brekalo to <b>20 years</b> and Vracevic to <b>14 years</b>.</p>				

**Appeals:** The BH Prosecution appealed against length of sentence. The Defence Counsel for the indictees appealed on the grounds of essential violations of criminal procedure, violation of criminal law, erroneous and incomplete determination of the facts and length of sentence. The decision of the Appeals Chamber is pending.

## **FIRST INSTANCE VERDICT:**

Between July 1993 and March 1994, Marko Radic, Dragan Sunjic, Damir Brekalo and Mirko Vracevic participated in the imprisonment of more than 70 Bosniak women, children and elderly in the Vojno prison camp (Mostar municipality), and their physical, psychological and sexual abuse. Detainees from Heliodrom, brought to that area for forced labour, were held in the same camp.

Marko Radic, commander of the "Ivan Stanic Cico" commando unit and later the First Bijelo Polje Battalion, participated in the establishment of the camp in Vojno, ordered the illegal arrest and detention of civilians, and participated in the imprisonment of the detainees from Heliodrom.

Radic is responsible for the murder, beating and sexual abuse of detainees committed in Vojno by his subordinates. He was superior to Dragan Sunjic and Mirko Vracevic, as well as to the other guards and soldiers at that camp.

Dragan Sunjic, deputy camp commander in Vojno, participated in the arrest and unlawful detention of civilians in the facility, where he had "power and control" over the conditions that prevailed there, and contributed "to the functioning of the system of abuse and persecution."

Sunjic is responsible for the physical and physiological abuse, beating, torture and murder of prisoners committed by his subordinates, in some of which he participated personally.

Damir Brekalo, a member of the battalion, participated in the arrest and detention of civilians in the Vojno camp, and in removing men from Heliodrom for the purposes of forced labour. Brekalo made a "significant contribution" to strengthening the system in Vojno, whereby prisoners were beaten with "police truncheons, wooden tool handles, hit with boots and guns, and subjected to electric shocks..."

Mirko Vracevic, a guard in Vojno, aided and abetted the attack on Bosniak civilians, while having a duty to prevent the mistreatment of prisoners. He personally made a "significant contribution to the functioning and strengthening of the system of abuse and persecution," and assisted the commission of different forms of abuse, through which an "atmosphere of fear was created."

All four participated in murder, physical and psychological abuse, rape and sexual abuse of prisoners, and supported abuses committed by other soldiers and guards.

In Vojno, Radic, Sunjic and Vracevic had "control over the lives and bodies of prisoners." All four participated in a joint criminal enterprise.



## SAVIC, MOMIR (X-KR-07/478)

*Commander, Third Company, Visegrad Brigade, ARS*

<b>Born:</b>	21 January 1951, Drinsko (Visegrad)
<b>Detained:</b>	14 December 2007
<b>Indictment raised:</b>	4 March 2008
<b>Indictment confirmed</b>	10 March 2008.
<b>Plea entered:</b>	19 March 2008 (not guilty)
<b>Trial commenced:</b>	12 August 2008
<b>First instance verdict:</b>	3 July 2009
Guilty, on the basis of individual responsibility, of <b>crimes against humanity</b> (persecution, murder, deportation, imprisonment, rape and other inhumane acts) and sentenced to <b>18 years'</b> imprisonment.	

### FIRST INSTANCE VERDICT:

Between 17 and 22 April 1992, Momir Savic insulted and physically abused one detainee in the SIA building in Visegrad, and on 29 April the same year, together with other soldiers, participated in the interrogation and beating of several Bosniak civilians in the village of Mermislje, followed by the looting and burning of Memedalija Topalovic's house.

Around 23 May, Savic gave an ultimatum, under threat of death, to civilians from Drinsko to leave their homes, which they then did. In the same period, Savic, with a group of Serb soldiers, took a group of Bosniaks from that area to the "Pusin do" forest and shot them.

In the village of Donja Strmica (Rudo municipality), on 25 May 1992, Savic physically abused and then killed one person. On 13 June the same year, he ordered the members of his unit to expel Bosniaks from the settlement of Dusce (Visegrad municipality), and himself participated in this. Five men were separated from the group of civilians and taken to a barn, where they were shot.

In Visegrad, from 7 June until the end of September 1992, Savic, "armed and in uniform," visited the home of a woman, where he raped and humiliated her. He told her that she "had given birth to enough Muslim children and from now on should produce Serb children," physically abusing her and threatening her not to say anything to anyone.

On 30 June 1992, on the "Limski most" [Tin Bridge] near the settlement of Medjedja, Savic commanded group of armed soldiers who captured around 30 civilians and transported them to the Drinsko settlement for interrogation, before imprisoning them in "Hasan Veletovac" Primary School for four days .



### SAVIC, KRSTO and MUCIBABIC, MILE (X-KRZ-07/400)

*Krsto Savic, Chief, CSS Trebinje; and Milko Mucibabic, Policeman, PSS Nevesinje*

	<i>Krsto Savic</i>	<i>Mile Mucibabic</i>
<b>Born:</b>	10 October 1959, Slat (Nevesinje)	31 March 1951, Ljeskov Dub (Gacko)
<b>Detained:</b>	6 September 2007 – 23 January 2009; 24 March – 31 March 2009	6 September 2007 – 17 October 2008
<b>Indictment raised:</b>	20 February 2008	
<b>Indictment confirmed</b>	29 February 2008	
<b>Plea entered:</b>	7 March 2008 (not guilty)	
<b>Trial commenced:</b>	8 May 2008	
<b>Indictment amended:</b>	26 February 2009	
<b>First instance verdict:</b>	24 March 2009	
<p>Guilty, on the basis of individual criminal responsibility, of <b>crimes against humanity</b> (both for persecution, imprisonment, deportation and other inhumane acts, and Savic alone for: killings, torture, rape). Mucibabic was convicted of the <b>illegal manufacture and distribution of weapons or explosive materials</b>. The Court sentenced Savic to <b>20 years' long-term imprisonment</b> and Mucibabic to a total of <b>5 years and 3 months</b>.</p>		

## **FIRST INSTANCE VERDICT:**

From May until the end of 1992, Krsto Savic participated in the persecution of the non-Serb population of Gacko, Kalinovik and Bileca municipalities, and together with Mucibabic, from June until the end of that year, participated in the persecution of civilians from the area of Nevesinje.

Savic participated in a joint criminal enterprise in these municipalities, conducting the duties of Chief of CSS Trebinje, Minister of the Interior of SAR Herzegovina and member of the MIA Staff of the Serb Republic of BH. The CSSs in Gacko, Bileca, Nevesinje and Kalinovik came under the jurisdiction of PSS Trebinje.

Savic was found guilty because, from June until the end of 1992, members of PSS Gacko and PSS Bileca participated in the imprisonment of men of military age from these areas in prison camps set up in police premises, "Samacki hotel" [Singles' Hotel], a school in Avtovac and the Gacko municipality building, as well as in police premises and the so-called "Djacki dom" [Schoolchildren's Centre] in Bileca. Around 300 people were imprisoned in these facilities.

Savic was convicted because members of PSS Kalinovik, during the months of May, June and July 1992, participated in the capture and imprisonment of over 500 civilians from the areas of Foca, Kalinovik, Gacko and Nevesinje.

Civilians were detained in "Miladin Radojevic" Primary School and "Barutni magacin" [Gunpowder Warehouse] prison camp in Kalinovik, from where at least 62 Bosniak men were taken and murdered at the beginning of August 1992. From May until the end of 1992, a number of civilians were held in PSS Kalinovik, some of whom were "used as a drivers for mine detection."

In June 1992, Savic murdered one person in Nevesinje, after which Mucibabic took the wife of the murdered man and one additional person to the PSS in that town. In the same period, Savic interrogated and physically abused one of the detainees held in the police building in Nevesinje, and led the attack on Bosniaks in that municipality.

On 24 June 1992, around 30 civilians were detained in the PSS in that town. Two days later, they were transferred to Bileca prison camp. At the end of the June the same year, unknown members of paramilitary formations took six men from the police building and later killed them, while one woman was held in sexual slavery for a certain period.

At the end of June and beginning of July 1992, 7 children aged between 6 months and 12 years, as well as 5 adults, were held captive in the PSS Nevesinje building. Two civilians were handed over to unknown members of a paramilitary formation, while the others were after a certain time transported to the division line in Stolac and released.

On 23 and 24 June, or thereabouts, members of PSS Nevesinje, Mucibabic among them, participated in transporting Bosniak civilians in the direction of Mostar and releasing them in the Buska area. As they crossed the frontline, several people were wounded and five were killed.

During the month of June 1992, Mucibabic participated in the arrest of two men who subsequently died, and enabled two unknown soldiers to physically abuse a detainee in the town's police building "until he lay motionless."

Mucibabic participated in the attack, arrest, detention and removal for interrogation and abuse of Bosniak and Croat civilians in the Nevesinje municipality area. He was also found guilty because, on 7 September 1997, during a search of his family house in Nevesinje, police found certain weapons and ammunition forbidden to citizens.

Mucibabic was found not guilty of taking two people by police car to the division line near Busak village to agree an exchange of imprisoned women for the bodies of killed Serb soldiers. Allegedly, on that occasion, he ordered the civilians to go through the frontline to the opposing side, agree the exchange and return to Nevesinje.



## **TOMIC, LJUBO and JOSIC, KRSTO (X-KR-07/346)**

*Members, Army of the Serb Republic of BH*

	<b><i>Ljubo Tomic</i></b>	<b><i>Krsto Josic</i></b>
<b>Born:</b>	29 June 1964 Malesici (Zvornik)	10 June 1965, Malesici (Zvornik)
Detained:	Released pending trial.	
<b>Indictment raised:</b>	16 April 2009	
<b>Indictment confirmed:</b>	22 April 2009	
<b>Plea entered:</b>	8 June 2009 (not guilty)	
<b>Trial commenced:</b>	31 August 2009	
<b>First instance verdict:</b>	12 March 2010	
<b><i>Acquitted</i></b> of individual criminal responsibility for <b><i>war crimes against civilian population</i></b> (murder).		

### **FIRST INSTANCE VERDICT:**

Ljubo Tomic and Krsto Josic were found not guilty of firing at a group of Bosniak civilians on 26 June 1992 in the Marhosi forest in Kozluk (Zvornik municipality), "among whom they recognised their neighbours." Three persons were killed and one managed to escape.

Prior to that, members of TDF Zvornik, in other words, the Army of the Serb Republic of BH, had surrounded the Marhosi forest with the aim of finding any remaining civilians. The group consisted of the residents of Kaludrana who were hiding in fear for their lives.



## **TRBIC, MILORAD (X-KR-07/386)**

*Deputy Chief of Security, Zvornik Brigade, ARS*

<b>Born:</b>	22 February 1958, Ponihovo (Zenica)
<b>Detained:</b>	8 April 2005
<b>Indictment raised:</b>	20 July 2007
<b>Indictment confirmed</b>	27 July 2007
<b>Plea entered:</b>	9 August 2007 (The Court entered a not guilty plea after the indictee failed to attend the plea hearing.)
<b>Trial commenced:</b>	8 November 2007
<b>First instance verdict:</b>	16 October 2009
Guilty, on the basis of command responsibility, of <b>genocide</b> (murder, infliction of serious injury, premeditated infliction upon a group of people of living conditions intended to bring about their complete or partial physical destruction, infliction of measures aimed at preventing childbirth within a group) and sentenced to <b>30 years' long-term imprisonment</b> .	

*Trbic was arrested in America because he was found not to have told the truth to the immigration authorities there about his participation in the war in BH. In April 2005, he was transferred to the detention unit in Scheveningen, The Hague, because he was being investigated for crimes committed in BH. He was handed over to the judicial authorities in BH in June 2007.*

## **FIRST INSTANCE VERDICT:**

Milorad Trbic participated in a joint criminal enterprise from 12 July until 30 November 1995, together with Ljubisa Beara, Vujadin Popovic, Drago Nikolic and others, with the "joint purpose and plan" to summarily execute all Bosniak males from the Srebrenica enclave who were brought into the Zvornik Brigade's zone of responsibility.

On 12 and 13 July 1995, Trbic, "acting on Beara's instructions," selected school buildings in Orahovac, Petkovci and Rocevici for use as detention facilities, to where murdered males from Srebrenica would later be brought. On 16 and 17 July 1995, as the duty operational officer of the Zvornik Brigade, he "coordinated and transferred verbal and written instructions" to units, and arranged fuel and ammunition for military units that participated in executions of Bosniaks.

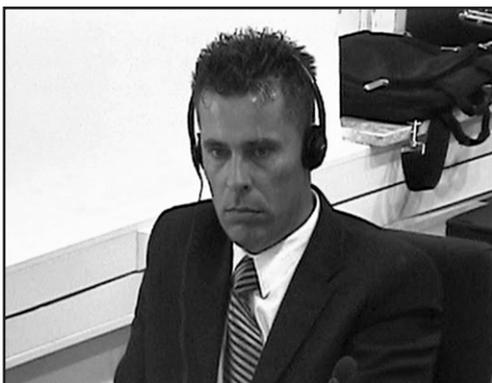
Men from Srebrenica were imprisoned in the school in Kula, on the Branjevo Military Farm and in the Hall in Pilica. During July 1995, they were killed at different locations and buried in common graves.

In September 1995, Trbic participated in the excavation and removal of the bodies of victims from primary mass graves to other locations.

The Trial Chamber did not find sufficient evidence to convict him for the crimes committed in the Bratunac Brigade's zone of responsibility.

## Appeals

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**ALIC, SEFIK (X-KRZ-06/294)**

*Deputy Security Commander, "Hamza" Battalion, Fifth Corps, ABH*

Born:	3 March 1968, Dobro Selo (Buzim)
Detained:	2 November 2006 – 3 November 2007 (given conditional release pending trial)
Indictment raised:	26 January 2007
Indictment confirmed:	31 January 2007
Plea entered:	15 February 2007 (The Court assumed a plea of not guilty after he failed to appear at the plea hearing.)
Trial commenced:	11 May 2007
<b>First instance verdict:</b>	11 April 2008
<b>Acquitted</b> on charges of <b>war crimes against prisoners of war</b> (murder, torture).	
<b>Appeals:</b> The BH Prosecution appealed on the grounds of essential <b>breaches</b> of provisions of criminal procedure, erroneous and incomplete determination of the facts, and breaches of criminal law. The Appeals Chamber allowed the Prosecution's appeal and <b>ordered a retrial</b> .	

**FIRST INSTANCE VERDICT:**

The Chamber concluded that Alic had not participated in the abuse of four prisoners, and was not responsible for the failure to investigate and punish those responsible for their murder.

During Operation "Storm" on 5 August 1995, members of the "Hamza" Battalion and a certain Tewfik Al Harbi captured four members of the Army of Serb Krajina near the Hleb Hill, located within the territory of Croatia. Together with Al Harbi, Alic allegedly participated in the interrogation, intimidation and physical abuse of the prisoners.

Operation "Storm" was conducted on the territory of the so-called Republic of Serb Krajina by forces of the ABH and units from Croatia.

Mirko Devetak, Petar Stambolija, Pero Borosina and Branko Basic, former members of the Army of Serb Krajina, were killed by Tewfik Al Harbi soon after their capture.



## **KAPIC, SUAD (X-KRZ-07/431)**

*Member, 3<sup>rd</sup> Battalion, 517<sup>th</sup> (Liberating) Cazin Brigade, 5<sup>th</sup> Corps, ABH*

<b>Born:</b>	31 July 1975, Cazin
<b>Detained:</b>	21 September 2007 (given conditional release pending trial on 7 March 2008)
<b>Indictment raised:</b>	16 October 2007
<b>Indictment confirmed</b>	19 October 2007
<b>Plea entered:</b>	1 November 2007 (not guilty)
<b>Trial commenced:</b>	18 January 2008
<b>First instance verdict:</b>	29 April 2008
<b>Acquitted on charges of war crimes against prisoners of war.</b>	
<b>Appeals:</b> The Prosecution appealed on the grounds of "erroneous and incomplete determination of the facts and essential breaches of provisions of criminal procedure." The appeals were allowed and a retrial ordered.	
<b>Precise indictment:</b>	4 September 2009
<b>Second instance verdict:</b>	11 September 2009
Guilty, on the basis of individual responsibility, of <b>war crimes against prisoners of war</b> (murder, torture) and sentenced to <b>17 years' imprisonment</b> .	

*Kapic's Defence appealed to the Court of Third Instance on the grounds that he was convicted after having initially been acquitted, the first case of its kind since the War Crimes Department of the BH Court commenced.*

## **CRIMINAL OFFENCES:**

On 20 September 1995, during the "Sana '95" military operation, Kacic participated in the torture of six members of the ARS in the region of Dabar village, after they were captured by soldiers of the ABH and handed over to him. The prisoners were disarmed and tied up in pairs using cord for cleaning rifle barrels. They were guided toward Mreznica Hill where Kacic ordered them to kneel in a straight line and, "with the intention of executing them," shot a round from an automatic rifle, killing Goran Sucur, Slavisa Djukic and Dusko Cukovic, and severely wounding Radovan Mudrinic. Kacic then ordered one soldier to kill the wounded Mudrinic.

Dragan Stupar and Milovan Mastikosa survived and were handed over to the Military Police of the Fifth Corps. The bodies of the murdered men were, after some time, found at the scene of the crime.



### **LAZAREVIC, SRETEN and others (X-KRZ-06/243)**

*Sreten Lazarevic, Deputy Prison Warden, Court for Misdemeanours, later of DP "Novi izvor", Zvornik; Dragan Stanojevic, Mile Markovic and Slobodan Ostojic, guards at that prison*

	<b><i>Sreten Lazarevic</i></b>	<b><i>Dragan Stanojevic</i></b>	<b><i>Mile Markovic</i></b>	<b><i>Slobodan Ostojic</i></b>
<b>Born:</b>	31 March 1953, Rocevic (Zvornik)	13 March 1962, Rocevic (Zvornik)	27 September 1952, Donji Lokanj (Zvornik)	8 August 1966, Padzine (Zvornik)
Detained:	Released pending trial			
Indictment raised:	27 September 2007			
Indictment confirmed	5 October 2007			
Plea entered:	23 October 2007 (Lazarevic and Markovic pleaded not guilty to all charges), 12 November 2007 (Stanojevic and Ostojic pleaded not guilty)			
Trial commenced:	6 March 2008			
<b>Indictment amended:</b>	12 September 2008			
<b>First instance verdict</b>	29 September 2008			
Guilty of <b><i>war crimes against civilian population</i></b> (torture). Lazarevic was sentenced, on the basis of command responsibility, to <b>10 years'</b> imprisonment, while Stanojevic received <b>7 years'</b> and Markovic and Ostojic <b>5 years'</b> imprisonment on the basis of individual criminal responsibility.				

**Appeals:** The Defence Counsels for Lazarevic, Stanojevic and Ostojic appealed on the grounds of essential breaches of provisions of criminal procedure, breaches of criminal law, erroneous and incomplete determination of the facts, and the sentencing decision, while Markovic's Defence appealed on the grounds of breaches of provisions of criminal procedure and erroneous and incomplete determination of the facts. The Appeals Chamber allowed the appeals, quashed the first instance convictions and **ordered a retrial.**

### **FIRST INSTANCE VERDICT:**

Between May 1992 to March 1993, Sreten Lazarevic, Dragan Stanojevic, Mile Markovic and Slobodan Ostojic, as members of the reserve forces of PSS Zvornik, treated prisoners held in the building of the Municipal Misdemeanour Court and DP "Novi izvor" [New Source] in Zvornik inhumanely, inflicting "serious suffering and bodily injury."

In mid-May 1992, Lazarevic was present during the beating of one prisoner, while in June 1992, he handed over a man from Bratunac who was detained in DP "Novi izvor" to a group of unidentified soldiers who took him away in an unknown direction, since when he has been missing.

On several occasions, Stanojevic, as a guard in the prison in the Misdemeanour Court building, and later in the DP "Novi izvor" building, allowed groups of "Serb soldiers" to abuse the prisoners.

In July 1992, Lazarevic, together with guard Mile Markovic, beat up a prisoner in the DP "Novi izvor" building who lost conscience as a result; that same summer, he was present during the beating of two prisoners, in which guard Slobodan Ostojic also participated.

Lazarevic allowed unauthorised persons to enter the prison premises, including a group of Serb soldiers known as "Gogicevci" who abused prisoners physically, psychologically and sexually.

Markovic was acquitted on charges that, in September 1992, he participated in the beating of a prisoner held in the "Novi izvor" prison. Lazarevic was also found not guilty of having given a "hard slap" to a prisoner in that prison on an undetermined date, while Ostojic was acquitted of participating in the beating of a group of men in "Novi izvor" in July 1992.

The accusation that, on 19 May 1992, Lazarevic took 5,000 DM from three prisoners held in the Misdemeanour Court building was also rejected, as was the charge of having allowed the "Gogicevci" to enter and force two brothers to fight one other, making their father watch. The charge that, on an undetermined date, Stanojevic used his police truncheon to "severely beat up" one of the prisoners was also rejected.



## **MIHALJEVIC, ZDRAVKO (X-KRZ-07/330)**

*Member, Second Battalion, "Ban Josip Jelacic" Brigade, CDC, Kiseljak, and Commander, "Maturice" Special Operations Group*

<b>Born:</b>	27 June 1964, Sarajevo
Detained:	3 August 2006 – 9 November 2007 (given conditional release pending trial)
Indictment raised:	1 February 2007
Indictment confirmed	2 February 2007
Plea entered:	12 February 2007 (not guilty)
Trial commenced:	15 May 2007
<b>First instance verdict</b>	16 April 2008
<b>Acquitted</b> on charges of <b>crimes against humanity</b> (persecution, murder, torture, detention, enforced disappearance and other inhumane acts).	
<b>Appeals: The BH Prosecution appealed</b> on the grounds of essential breaches of provisions of criminal procedure, and erroneous and incomplete determination of the facts. The Appeals Chamber allowed the Prosecution's appeal and ordered a <b>retrial</b> .	

### **FIRST INSTANCE VERDICT:**

Zdravko Mihaljevic was found not guilty of taking part on 12 June 1993 in an attack on Tulice (Kiseljak municipality), during which members of the Bosniak population were taken prisoner.

He was acquitted on the charges that, on that occasion, he killed one person, ordered the separation of men from women, and led a group of 30 prisoners towards the local cemetery in Tulica, where 7 of them were separated and killed.

The Chamber found him not guilty of taking the surviving men from that group to Kiseljak barracks, where they were imprisoned in inhumane conditions, tortured and used as forced labour.



## STUPAR, MILOS and others (X-KR-05/24)

*Commander, Second Detachment, Special Police, Sekovici*

<b>Born:</b>	7 December 1963, Tisca (Sekovici)
Detained:	23 June 2005 – 28 October 2010 (given conditional release pending trial)
Indictment raised:	12 December 2005
Indictment confirmed	19 December 2005
Plea entered:	3 February 2006
The Court entered not guilty pleas for Stupar, together with Milenko Trifunovic, Aleksandar Radovanovic, Slobodan Jakovljevic, Petar Mitrovic, Miladin Stevanovic and Dragisa Zivanovic, after they refused to plead. The same day, Brano Dzinic, Branislav Medan, Milovan Matic and Velibor Maksimovic pleaded not guilty.	
<b>Trial commenced:</b>	9 May 2006
<b>Case separation:</b>	22 May 2008
After the BH Prosecution decided to introduce into evidence statements given by Mitrovic and Stevanovic during the investigation, in which they directly and indirectly incriminated the other indictees, the Court separated the case against the 11 into 3 parts: <b>Petar Mitrovic (X-KR-05/24-1)</b> , <b>Miladin Stevanovic (X-KR-05/24-2)</b> , and <b>Milos Stupar and others (X-KR-05/24)</b> , with the latter covering Stupar, Trifunovic, Dzinic, Radovanovic, Jakovljevic, Maksimovic, Zivanovic, Medan and Matic. Cross-examination of Mitrovic and Stupar was thus made possible.	
<b>Indictment amended:</b>	24 June 2008
<b>First instance verdict:</b>	29 July 2008
Stupar was sentenced to 40 years; Trifunovic, Dzinic and Radovanovic to 42 years; and Jakovljevic and Medan to 40 years. Matic, Maksimovic and Zivanovic were acquitted.	

**Appeals:** The BH Prosecution appealed against the part of the first instance verdict that acquitted Matic, on the grounds of erroneous and incomplete determination of the facts, and essential breaches of provisions of criminal procedure. The Defence Counsels for the six indictees who were convicted appealed on the grounds of essential breaches of provisions of criminal procedure, breaches of criminal law, and erroneous and incomplete determination of the facts. The Defence Counsels for Stupar, Radovanovic and Medan, and the indictees themselves, appealed against the sentencing decision.

<b>Final verdict:</b>	9 September 2009
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Trifunovic was found guilty and sentenced to <b>33 years' long-term imprisonment</b> , Radovanovic and Dzinic to <b>32 years' long-term imprisonment</b> , and Jakovljevic and Medan to <b>28 years' long-term imprisonment</b> . All five were convicted of <b>genocide</b> (murder), on the basis of individual criminal responsibility. Matic, Zivanovic and Maksimovic were given binding <b>acquittals</b> on the charges of <b>genocide</b> , while Stupar is to undergo a retrial before the Appeals Chamber.
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### FIRST INSTANCE VERDICT:

Milos Stupar, former Commander of the Second Detachment of the Special Police in Sekovici, participated in a joint criminal enterprise with the common purpose and plan to partially annihilate Bosniaks from Srebrenica by expelling women and children and executing men.

Milenko Trifunovic, former Commander of the 3<sup>rd</sup> "Skelani" Platoon, within the 2<sup>nd</sup> Detachment of the Special Police in Sekovici; Brano Djinic, former member of the Special Police Detachment, and Aleksandar Radovanovic, Slobodan Jakovljevic and Branislav Medan, former members of the 3<sup>rd</sup> "Skelani" Platoon, together with other members of the ARS and RS MIA, participated in the capture of a large number of Bosniak men who were trying to leave Srebrenica after its fall and total occupation.

On 13 July 1995, Trifunovic encouraged and invited the men to surrender, stressing that they would be interrogated and then exchanged. After many had surrendered, their personal identification documents were seized and they were led in a column to the "Kravica" Agricultural Cooperative warehouse.

More than 1,000 men were imprisoned in that building and then murdered the same day, with Trifunovic and Radovanovic "firing automatic rifles at the prisoners" and Djinic "throwing hand grenades." During that time, Jakovljevic and Medan were guarding the rear side of the warehouse, thus preventing the prisoners from escaping through the windows.

Milovan Matic, Dragica Zivanovic and Velibor Maksimovic were found not guilty of participation in these crimes.

Stupar and Trifunovic were convicted because "they did not take any action to protect prisoners" by virtue of their presence at the scene of the execution, and in that way supported those who performed the killing. Neither of them took "necessary and reasonable measures" to prevent and punish the perpetrators of the crime.

By the decision of the Appeals Chamber, Stupar shall be retried for genocide in Srebrenica in order to rectify "essential breaches of provisions of criminal procedure" that appeared in the first instance verdict.

## Ongoing Trials

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## **ADAMOVIC MARKO and others (X-KR-05/119)**

*Vinko Kondic, Chief, PSS Kljuc; Bosko Lukic, Commander, Municipality Headquarters, TDF Kljuc; and Marko Adamovic, Deputy Commander, TDF Kljuc Battalion and Commander, Town Defence Command*

	<b>Vinko Kondic</b>	<b>Bosko Lukic</b>	<b>Marko Adamovic</b>
<b>Born:</b>	25 September 1959 Donje Sokolovo (Kljuc)	25 November 1940, Fajtovci (Kljuc)	28 February 1946, Pec (Kljuc)
<b>Detained:</b>	7 December 2007	20 March 2008	20 March 2008 – 24 February 2009 (given conditional release pending trial)
<b>Indictment raised:</b>	3 March 2008	5 June 2008	
<b>Indictment confirmed:</b>	4 March 2008	9 June 2008	
<b>Plea entered:</b>	7 April 2008 (not guilty)	18 June 2008 (both pleaded not guilty)	
<b>Joinder of proceedings:</b>	<b>2 July 2008.</b> The BH Court decided to join the <b>Marko Adamovic and others (X-KR-05/119)</b> and <b>Vinko Kondic (X-KR-05/155)</b> cases. The proceedings against the three indictees continued as case <b>X-KR-05/119</b> .		
<b>Trial commenced:</b>	2 September 2008		

*The indictments against Kondic, Lukic and Adamovic are not yet joined. The trial of the three indictees has been postponed on several occasions due to Kondic's health condition. He is suffering from Parkinson's disease.*

## **CHARGES:**

Kondic, Lukic and Adamovic, as members of the SDP, Town Defence Command and Crisis Staff in Kljuc municipality, participated in organising, preparing and conducting a widespread and systematic attack on Bosniak and Croat civilians. Kondic participated in attacks as of June 1991, Lukic as of October 1991 and Adamovic as of January 1992.

The Prosecution considers that the three men participated in a JCE, the aim of which was to "take over power completely" in Kljuc municipality, and then bring it into the "Serb municipality" category and merge it with the Autonomous Region of Krajina and Republic of the Serb People of BH.

From 7 to 21 May 1992, Kondic created a mono-national police force by dismissing all Bosniak and Croat policemen from duty and disarming them, while Lukic, "under the instructions of the SDP," was engaged as of October 1991 in filling, forming, arming and creating a mono-national TDF. As of April 1992, Adamovic participated in preparing the units for the attack on the civilians.

The charges facing the indictees state that, from 27 May until the end of August 1992, the police and army took part in the unlawful arrest of civilians from the Kljuc area and their detention in the PSS and "Nikola Mackic" Primary School in that town, as well as in the former railway station and primary school in Sanica.

The civilians held in these buildings, and in the machineworks in Halnovsko vrelo and the football stadium in Kljuc, were abused physically and psychologically, and after interrogation transported to the "Stara Gradiska" or "Manjaca" prison camp.

From May 1992 to April 1994, the police and army subjected civilians from the area of the town and municipality of Kljuc to intimidation, robbery, beatings, imprisonment and murder. During that period, six religious buildings in the area were destroyed.

On 28 May 1992, the Kljuc Battalion, together with the 30<sup>th</sup> Partisan Division of the YPA, launched an artillery attack on Kljuc, Pudin Han and Velagici, resulting in the deaths of at least 12 persons and imprisonment of over 200 men in the "Nikola Mackic" School.

At least 200 men from the Sanica area were arrested on 31 May 1992 by members of the army and police, held prisoner in various different buildings and later transported to "Manjaca".

On 1 June 1992, members of the Serb army killed at least 7 people in the village of Prhovo, then separated 15 men from the group of inhabitants that had been rounded up and led them away in the direction of Peci. On the way to that village, they killed a number of the men and then handed over the survivors to the police, who imprisoned them in the "Nikola Mackic" School and abused them physically and mentally. A number of the men were later released and the others transported to "Manjaca".

The same day, the army shot the remaining villagers of Prhovo in the yard of one of the houses, killing at least 30 people, mainly women and children,

while the Military Police detained at least 78 men in the old school in Velagici, shooting them shortly after.

On 26 June 1992, during an attack on Ramici, Krasulje, Hripavci and Osiljak villages, members of the police and army murdered at least 21 persons, while around 90 men were arrested, abused physically and mentally, and then, "after being processed by Vinko Kondic's police," transported to "Manjaca".

On 10 July 1992, the army, with the support of the police, brought men from the villages of Donji Biljani, Botonjici, Domazeti, Brkici and Jabukovicato to the school in Donji Biljani, where they were registered and then taken away in an unknown direction and killed. At least 219 people were killed that day. On 8 August 1992, after expelling the remaining surviving civilians of that area from their houses, members of the Serb army separated the men, 2 underage boys and 3 women and took them towards the location of "Kamen", where they killed them and then burned their bodies.

On Kondic's order of 6 February 1993, a group of around 15 civilians, who had surrendered after hiding in the Galaja Forest area, were sent to "Kamenica" prison in Drvar, since when they have been missing.

The mortal remains of the civilians killed in the Kljuc area were found in the "Ciganska dolina", "Laniste I", "Laniste II", "Crvena zemlja", and "Bunarevi I" mass graves, as well as at the locations of "Vucije poljane" and "Zablece".

Kondic, Lukic and Adamovic are charged with having co-perpetrated, on the basis of individual and criminal responsibility, **crimes against humanity** (jointly for: persecution, murder, extermination, deportation, torture, enforced disappearance, other inhumane acts; Kondic alone for imprisonment). All three men were charged with **organising a group of people and instigating the perpetration of genocide, crimes against humanity and war crimes.**



### **BABIC, ZORAN and others (X-KR-08/549)**

*Dusan Jankovic, Commander, Prijedor Police Station; Damir Ivankovic, Zoran Babic, Gordan Djuric, Milorad Radakovic, Milorad Skrbic, Ljubisa Cetic, Dusan Jankovic and Zeljko Stojnic, members of the PSS Prijedor Intervention Squad*

	<b>Born:</b>	<b>Detained:</b>	<b>Indictment raised:</b>	<b>Indictment confirmed:</b>
<b><i>Damir Ivankovic</i></b>	26 June 1970, Prijedor	12 January – 2 July 2009 (given conditional release pending trial)	8 January 2009	12 January 2009
<b><i>Zoran Babic</i></b>	1 June 1968, Prijedor	Released pending trial		
<b><i>Gordan Djuric</i></b>	15 May 1968, Ljubija (Prijedor)	14 October 2008 – 10 September 2009		
<b><i>Milorad Radakovic</i></b>	10 August 1962, Podvidaca (Sanski Most)	15 October 2008 – 12 March 2009 (given conditional release pending trial)		
<b><i>Milorad Skrbic</i></b>	10 July 1960, Veliko Palanciste (Prijedor)	15 – 24 October 2008		
<b><i>Ljubisa Cetic</i></b>	7 April 1969, Iliidza	14 October 2008 – 11 November 2009 (serving a sentence for a different criminal offence)		

<b>Dusan Jankovic</b>	8 March 1950, Benkovac (Prijedor)	29 May 2008 – 11 November 2009 (given conditional release pending trial)		
<b>Zeljko Stojnic</b>	10 October 1971, Tukovi (Prijedor)	30 May 2008 – 11 November 2009 (given conditional release pending trial)		

<b>Plea entered:</b>	13 March 2009 (not guilty)
<b>Trial commenced:</b>	31 March 2009
<b>First case separation:</b>	<b>29 June 2009.</b> After Ivanovic admitted guilt, the case against him continued as <b>X-KR-08/549-1</b> , and the trial of the remaining seven as <b>Zoran Babic and others (X-KR-08/549)</b> .
<b>Second case separation:</b>	6 July 2009. The trial for the crimes of Koricanske stijene was separated once again after Gordan Djuric admitted guilt. The Court thus separated the cases and questioned Djuric as a witness against the rest of the indictees. He said he left Koricanske stijene on his own initiative, even though it was stated in the indictment that he was ordered to leave. The same day, the court rejoined the case against Gordan Djuric to the case against the rest of the indictees.
<b>Third case separation:</b>	<b>7 September 2009.</b> Djuric testified again and stated that he was ordered to leave Koricanske stijene so as to stand guard. The Court accepted his statement and after his admission of guilt separated the cases as <b>Gordan Djuric (X-KR-08/549-2)</b> and <b>Zoran Babic and others (X-KR-08/549)</b> .
<b>Fourth case separation:</b>	<b>15 March 2010.</b> Since Ljubisa Cetic pleaded guilty, the trial against him continues as <b>Cetic Ljubisa X-KR-08/548-3</b> and that of the other indictees as <b>Zoran Babic and others (X-KR-08/549)</b> .

## CHARGES:

Zoran Babic, Milorad Radakovic, Milorad Skrbic, Ljubisa Cetic, Dusan Jankovic and Zeljko Stojnic, together with Damir Ivankovic and Gordan Djuric, and other members of the civilian and military authorities in Prijedor municipality, participated in a JCE, the aim of which was to persecute Bosniaks and Croats from the area under the "control of the army and police of the Serb Republic of BH and later RS."

On 21 August 1992, the indictees, as members of the PSS Prijedor Intervention Squad, took part in escorting more than 1,200 civilians from the Prijedor area over Vlasic Mountain, in a convoy of buses and trucks, bound for exchange in Travnik.

On that occasion, Jankovic ordered and organised the movement of the convoy and the seizure of valuables from the civilians. During the movement of the convoy, Jankovic, together with other members of the Intervention Squad from Prijedor, went towards Smetovi, while the other indictees, upon reaching the River Ugar on Vlasic Mountain, participated in the separation of around 200 men, knowing they were doing so with a view to killing them.

The men were then escorted to Koricanske stijene [Koricani Cliffs], where they were ordered to kneel by the edge of the road, facing the abyss, and then shot. Members of the squad threw hand grenades and fired on the bodies of the killed and wounded that had fallen into the abyss.

Jankovic is charged with having failed to take "necessary and reasonable measures" to prevent the crime and punish its perpetrators.

At least 200 men were shot at Koricanske stijene. Twelve survived.

Jankovic is charged according to command responsibility, together with Babic, Radakovic, Skrbic, Cetic, Jankovic and Stojnic, who are charged according to individual criminal responsibility, with **crimes against humanity** (persecution, murder, deportation, imprisonment and other severe deprivation of physical liberty, other inhumane acts).



## **DOLIC, DARKO (X-KR-09/783)**

*Member, "Jastrebovi" Commando-Reconnaissance Platoon, "Rama" Brigade, CDC, Prozor*

<b>Born:</b>	11 April 1973, Mostar
Detained:	21 October 2009
<b>Indictment raised:</b>	12 November 2009
<b>Indictment confirmed:</b>	16 November 2009
<b>Plea entered:</b>	18 December 2009
<b>Trial commenced:</b>	4 February 2010

### **CHARGES:**

At the beginning of August 1993, Darko Dolic participated in the physical abuse and robbery of Bosniak civilians who had been rounded up upon his order in front of a house in the village of Druzinovici (Prozor municipality). Dolic insulted and assaulted the civilians with his rifle, and "used his knife to carve into different parts of the body" of one person. He ordered the assembled civilians to remove all their clothes so that he could be "convinced that nobody was hiding any valuables," and took 2,000 DM from one person under threat that he would cut his throat.

From the group of civilians lined up there, Dolic took one woman, abused her physically and then raped her in the house where she lived with her husband and children.

On several occasions during the first half of August 1993, Dolic, under threat that he would kill her, raped a young girl who had been placed with a group of 30 women in a house in the village of Lapsun (Prozor municipality).

At the end of July or beginning of August the same year, Dolic physically abused and raped another woman in Druzinovici village, threatening that he would kill her 15 month-old child.

Dolic is charged, on the basis of individual criminal responsibility, of **war crimes against civilian population** (torture, rape and looting of property).



## **GASAL, NISVET and others (X-KR-07/341)**

*Nisvet Gasal, Warden, "Iskra" Football Club Stadium Prison Camp; Musajb Kukavica, Security Commander of the same camp; and Enes Handzic and Senad Dautovic, members of the ABH*

	<b><i>Nisvet Gasal</i></b>	<b><i>Musajb Kukavica</i></b>	<b><i>Enes Handzic</i></b>	<b><i>Senad Dautovic</i></b>
<b>Born:</b>	25 May 1964, Oborci (Donji Vakuf)	10 March 1970, Jajce	5 February 1960, Donji Vakuf	23 July 1963, Prusac (Donji Vakuf)
Detained:	21 March 2007 – 19 February 2009 (given conditional release pending trial)		16 April 2007 – 19 February 2009 (given conditional release pending trial)	
<b>Indictment raised:</b>	18 September 2007		7 December 2007	
<b>Indictment confirmed:</b>	19 September 2007		11 December 2007	
<b>Plea agreement:</b>	27 September 2007 (both pleaded not guilty)		18 December 2007 (both pleaded not guilty)	
<b>Joinder of cases:</b>	23 January 2008. The BH Court decided to join the cases of <b><i>Enes Handzic and others (X-KR-07/341)</i></b> and <b><i>Nisvet Gasal and others (X-KR-07/341-1)</i></b> , since when the trial has proceeded against the four indictees as <b><i>X-KR-07/341</i></b> .			
<b>Trial commenced:</b>	6 February 2008			

### **CHARGES:**

Nisvet Gasal, head of the "Iskra" football club stadium prison camp from 21 September until 19 March 1994, and Musajb Kukavica, security commander at that camp from 31 September 1993 until 8 March 1994, were responsible for the functioning of the camp in Bugojno, and were the immediate superiors of the guards there.

Around 300 Croat men were detained in the camp in unhygienic conditions. They were made to perform forced labour at different locations, "cleaning the streets, cutting down trees, digging trenches," and used as a "human shield." The detainees were tortured by guards and members of the ABH "who would come into the stadium," "and sometimes Gasal and Kukavica would take them out of where they were being held to be beaten."

Guards and members of the military police would take the prisoners for interrogation at the "BH Banka" [BH Bank] building in Bugojno, where the Military Police of the 307<sup>th</sup> Brigade of the ABH were stationed, and later the Military Police Company of OG "Zapad" [West] of the ABH. The prisoners were beaten in that building. The fate of 22 people taken for interrogation and not returned to the camp is unknown.

Enes Handzic, former assistant security commander of the 307<sup>th</sup> Brigade of the ABH, and later member of the security service of OG "Zapad", and Senad Dautovic, former commander of the joint ABH command for the town of Bugojno, chief of the PSS and assistant security commander of OG "Zapad", together with the civilian and military authorities in that town, participated in a JCE, "the aim of which was to imprison the Croat population in prison camps."

Handzic was present during the abuse of individual prisoners and, together with Dautovic, "ordered and approved" their removal from the "Iskra" football stadium prison camp for forced labour.

Between 18 July and 25 August 1993, Dautovic "ordered and approved" the detention by policemen from PSS Bugojno of civilians and policemen of Croat ethnicity, who were then held in the premises of the Grammar School and made to perform forced labour (gathering corpses, digging graves and burying those who had been killed).

From 18 July 1993 until 19 March 1994, civilians and combatants of Croat ethnicity were detained in basements, garages and private houses in the settlement of Donjici, the "Stipo Djelek" and "Vojin Peleksic" primary schools, the Marxist Centre - Nuns' Cloister, the "Slavonija - drvna industrija" [Slavonija - Wood Industry] furniture store, the Cultural-Sports Centre, the health centre-war hospital, the "Iskra" football club stadium, the Municipality building and the "BH Banka" building.

At these sites, members of the ABH, PSS and Bugojno Defence Staff "physically and psychologically abused and tortured prisoners, seized their valuables and made them perform forced labour." Certain prisoners were taken to the health centre to give blood, while some were murdered at these locations or died as a result of their beatings.

Gasal, Kukavica, Handzic and Dautovic are charged on the bases of individual and command criminal responsibility.

Gasal and Kukavica are charged with **war crimes against civilian population** (murder, torture, forced labour), and Handzic and Dautovic with complicity in **war crimes against civilian population** (attack on civilian population, murder, torture, unlawful deportation to concentration camps and other unlawful imprisonment, forced labour), **war crimes against the wounded and sick** and **war crimes against prisoners of war** (murder, torture, inflicting serious suffering and bodily injury).

## HAKALOVIC, SEAD (X-KR-10/874)

Member, ABH

<b>Born:</b>	11 January 1970, Gostovici (Konjic municipality)
<b>Detained:</b>	Released pending trial
<b>Indictment raised:</b>	15 March 2010
<b>Indictment confirmed:</b>	17 March 2010

*The BH Prosecution submitted a proposal with this indictment to transfer the case to the Cantonal Court in Mostar because "it does not pertain to a systematic and mass crime" but rather an act of "isolated violence." It also stated in the proposal that the transfer would not jeopardise the interests of the victims.*

### CHARGES:

Hakalovic is accused of killing one person of Croat ethnicity with an automatic rifle on 23 March 1993 in his home in Gostovici (Konjic municipality), and heavily wounding his wife in both legs as she tried to escape with her two sons.

When the wounded woman was taken to Konjic hospital, Hakalovic detained her underage son in the basement of the house in Gostovici.

Hakalovic is charged, according to individual responsibility, with **war crimes against civilian population** (murder, inflicting great suffering or injury, unlawful deportation to concentration camps and other places of detention).



## HODZIC, NEDZAD (X-KR-09/786-2)

*Member, "Zulfikar" Special Operations Squad, under the Supreme Command Staff of the ABH*

<b>Born:</b>	15 March 1969, Novi Pazar
<b>Detained:</b>	17 September 2009 – 19 January 2010 (given conditional release pending trial); 26 March 2010
<b>Indictment raised:</b>	12 March 2010
<b>Indictment confirmed:</b>	17 March 2010

### CHARGES:

Nedžad Hodžić, alias "Dzon Vejn" [John Wayne] or "Dzoni" [Johnny], is charged with having participated in a "well-prepared and previously planned" attack on the village of Trusina (Konjic municipality) on 16 April 1993.

The indictment states that he led the attack on the village in one direction, during which a number of Croat civilians were killed, and that on the same day in the hamlet of Gaj, he ordered and participated in the shooting of members of the CDC who had surrendered. Mensur Memić, alias "Menta", Rasema Handanović, alias "Zolja", and other members of the "Zulfikar" squad participated in that crime.

Eighteen civilians and 4 members of the CDC were killed during the attack on Trusina village, among them 2 children.

Hodžić is charged, on the basis of individual responsibility, with **war crimes against civilian population** (participation in an attack on civilian population and murder) and **war crimes against prisoners of war** (participation in murder).



## **IKONIC, NEDJO (X-KR-08/654-1)**

*Commander, Second Company, "Jahorina" Training Centre, Special Police Brigade, RS MIA*

<b>Born:</b>	26 June 1966, Visoko
<b>Detained:</b>	21 January 2010
<b>Indictment raised:</b>	12 March 2010
<b>Indictment confirmed:</b>	19 March 2010

*Ikonic was deported to BH from the United States of America after serving a one-year prison sentence there for immigration fraud, and where was arrested on the basis of an international warrant. The Prosecution proposed the joinder of the Nedjo Ikonic and Dusko Jevic and others cases on the grounds of "efficiency and the cost-effectiveness of proceedings."*

### **CHARGES:**

Ikonic is charged with having participated from 10 to 19 July 1995, together with other members of the ARS and RS MIA, in a JCE, the aim of which was the persecution of women and children and killing of Bosniak men in the Srebrenica enclave.

The State Prosecution claims that Ikonic, individually and in agreement with Dusko Jevic, Mendeljev Djuric and Goran Markovic (see case X-KR-09/823), participated in a plan of total annihilation and murder of civilians.

Under the supervision of Ikonic, Jevic, Djuric and Markovic, members of the 1<sup>st</sup> and 2<sup>nd</sup> Companies of the "Jahorina" Training Centre, took part on 12 and

13 July 1995 in capturing several thousand men who were trying to escape from the area through the woods. In the meadow in Sandici, on the way from Konjevic Polje to Bratunac, they seized money and valuables from the civilians and then took them to different places of detention.

At least 17 men were "summarily" killed at the meadow in Sandici when Ikonic ordered 20 members of the 2<sup>nd</sup> Company to liquidate a number of captured Bosniaks.

Members of the 1<sup>st</sup> and 2<sup>nd</sup> Companies, "under the orders and supervision" of Ikonic, Jevic, Djuric and Markovic, took part in escorting of over 1,000 Bosniak men to the "Kravica" Agricultural Cooperative, where they kept them under guard until they began "summarily" shooting them on 13 July 1995.

Ikonic, Jevic and Djuric also supervised and supported the killing of the Bosniaks on 14 July the same year, as a certain Arkan and Hercegovac threw bombs into the warehouse where the prisoners were being held. During that time, Markovic called for volunteers from his unit to liquidate the Bosniaks that survived by luring them out of the warehouse on false pretences. Members of the 1<sup>st</sup> and 2<sup>nd</sup> Companies then "verified" the prisoners who had already been shot by firing at them with their pistols, thus participating in the execution of over 1,000 men.

On 17 and 18 July 1995, members of the ARS Bratunac Brigade, together with members of the 1<sup>st</sup> and 2<sup>nd</sup> Companies, under the "orders and supervision" of Jevic, Ikonic, Djuric and Markovic, participated in a search of the forested areas above the Bratunac- Konjevic Polje road, during which they killed several people. One prisoner was killed by a member of the First Company of the Training Centre under "Markovic's order."

Several hundred males, among them children, were taken to that road; their personal belongings were seized and their hands tied behind their backs, after which they were taken to a warehouse in Konjevic Polje and killed. The bodies of those killed were buried in a mass grave in the area of Cerska.

Ikonic is charged, on the basis of individual responsibility, with **genocide** (killing, inflicting serious bodily or mental injury on members of a group of people).



## **IVANOVIC, ZELJKO (X-KR-06/180-3)**

*Member, Second Detachment, "Skelani" Platoon, Special Police, Sekovici, RS MIA*

<b>Born:</b>	20 November 1972, Brezani (Srebrenica)
Detained:	5 March 2009
<b>Indictment raised:</b>	1 June 2009
<b>Indictment confirmed:</b>	4 June 2009
<b>Plea entered:</b>	29 June 2009 (not guilty)
<b>Trial commenced:</b>	27 August 2009

*Arrested on 4 March 2001 in Pale, near Sarajevo, three years after an international warrant for his arrest was issued.*

### **CHARGES:**

Zeljko Ivanovic, alias "Arkan", participated in a JCE from 10 to 19 July 1993, "the aim of which was to forcibly relocate around 40,000 civilians from UN Safe Area Srebrenica and execute, bury and rebury Bosniak men of military age."

Ivanovic learned of the plan for forced relocation and execution on 10 July, and on 12 July 1995 participated in searching villages in the Srebrenica area, "with the aim of expelling Bosniaks from their houses and gathering them in Potocari."

On that and the following day, he participated, along with members of his platoon, Zvornik police and the ARS, in keeping the Bratunac – Konjevic Polje section of the road passable, so as to achieve the undisturbed transport of Bosniaks, thus making a “decisive contribution to the achievement of the plan for forced relocation.”

On 13 July, Ivanovic took part in capturing thousands of Bosniak men who were trying to escape through the woods. The prisoners’ valuables were seized. He participated on the same day in escorting them to the “Kravica” Agricultural Cooperative warehouse, “knowing that they would be executed.”

After the prisoners were brought to the Agricultural Cooperative, Ivanovic formed a semicircle with the other members of the Second Detachment and opened fire on the Bosniaks, after which he went to the back of the warehouse building with the “intention of preventing their possible escape.”

Other members of the Second Detachment killed the majority of 1,000 imprisoned Bosniaks by opening fire on them with machine guns and automatic rifles, and throwing hand grenades.

Ivanovic is charged, on the basis of individual criminal responsibility, with **genocide** (murder, inflicting serious physical injury, inflicting measures aimed at preventing childbirth within a group of people).



## **JEVIC, DUSKO and others (X-KR-09/823)**

*Dusko Jevic, former Assistant Commander, Special Police Brigade, RS MIA and Commander, "Jahorina" Training Centre, Special Police Brigade; Mendeljev Djuric, former Commander, 1<sup>st</sup> Company, "Jahorina" Training Centre; Goran Markovic, former Commander, 2<sup>nd</sup> Platoon, 1<sup>st</sup> Company, "Jahorina" Training Centre*

	<b><i>Dusko Jevic</i></b>	<b><i>Mendeljev Djuric</i></b>	<b><i>Goran Markovic</i></b>
<b>Born:</b>	21 June 1957, Vodenica (Bosanski Petrovac)	15 October 1960, Olovo	8 November 1964, Sarajevo
Detained:	30 October 2009	30 October 2009	20 December 2009
<b>Indictment raised:</b>	15 January 2010		
<b>Indictment confirmed:</b>	22 January 2010		

### **CHARGES:**

From 10 to 19 July 1995, Dusko Jevic, alias "Staljin" [Stalin], Mendeljev Djuric and Goran Markovic participated in a joint criminal enterprise, the aim of which was the expulsion of women and children and execution of Bosniak men from the Srebrenica safe area.

On 12 July 1995, on the order and under the supervision of the three indictees, members of the 1<sup>st</sup> Company of the "Jahorina" Training Centre, together with members of the 2<sup>nd</sup> Detachment of the Sekovici Special Police and the 1<sup>st</sup> Company of the Special Unit of Zvornik Police, armed with automatic rifles, participated in a search of the settlement of Budak, near Potocari, with the aim of taking Bosniaks to the "collection centre in Potocari."

On that occasion, one of the members of the Training Centre activated a hand grenade and threw it into a house occupied by an elderly immobile man of Bosniak ethnicity. The three indictees were aware that, after being taken to Potocari, the Bosniaks were to be forcibly removed to territory under ABH control.

On 12 and 13 July 1995, members of the First Company of the Training Centre, together with members of the ARS and RS MIA, and on the order and under the supervision of the indictees, participated in the murder of individuals and smaller groups of captured Bosniaks, as well as in the forced relocation of the civilian population.

During that period, one member of the First Company Training Centre separated a group of at least 30 persons who were being held at the "Bijela kuca" [White House] and executed them. The bodies of the men and women were found at different locations. The indictment states that at least one woman was raped in that building prior to her murder.

Over these days, under the supervision and on the order of the indictees, members of the First Company of the Training Centre took part in the separation of men from women and children in Potocari. Around 1,000 men were separated and, after being beaten and mistreated, taken to the "Bijela kuca" building and later to a place of temporary detention in Bratunac, in the knowledge that they were to be "summarily" executed.

Members of the 1<sup>st</sup> and 2<sup>nd</sup> Companies of the Training Centre participated on 12 and 13 July 1995 in capturing several thousand men who were trying to cross to ABH-controlled territory through the woods. They gathered the men in a meadow in Sandici so as to then take them to different places of detention, *inter alia* the school in Bratunac and the "Kravica" Agricultural Cooperative.

In Sandici, two members of the 1<sup>st</sup> Company "summarily" executed at least 17 prisoners, after which the members of the "Jahorina" Training Centre, together with members of the 2<sup>nd</sup> Detachment of the Sekovici Special Police and the 1<sup>st</sup> Company of the Special Unit of Zvornik Police, took around 1,000 men to the warehouse in Kravica, where they held them under guard for a period of time before beginning their execution.

On 14 July 1995, Jevic and Djuric supported and oversaw the killing, while Markovic called on volunteers from his unit to liquidate the men.

On 17 and 18 July 1995, on the order and under the supervision of the three indictees, members of the 1<sup>st</sup> and 2<sup>nd</sup> Companies of the Training Centre took part, together with parts of the ARS Bratunac Brigade, in a search of the forested area between Bratunac and Konjevic Polje with the aim of capturing Bosniak men. During that period, they executed several hundred men at different locations, including the warehouse in Konjevic Polje where to where they were taken after their capture.

Jevic, Djuric and Markovic are charged as co-perpetrators, on the basis of individual criminal responsibility, with **genocide** (murder, inflicting serious physical and mental injury).



## **KARAJIC, SULJO (X-KR-07/336)**

*Commander, 2<sup>nd</sup> Platoon, Military Police, 505<sup>th</sup> Knights' Motorised Brigade, 5<sup>th</sup> Corps, ABH*

<b>Born:</b>	20 July 1968, Trnovi (Velika Kladusa)
Detained:	19 October 2007
<b>Indictment raised:</b>	25 December 2007
<b>Indictment confirmed:</b>	4 January 2008
<b>Plea entered:</b>	11 January 2008 (not guilty)
<b>Trial commenced:</b>	13 March 2008

### **CHARGES:**

On 4 August 1994, in the basement of the "Radoc" motel in Buzim, Suljo Karajic murdered one of the members of the PDFAPWB who had been imprisoned. Two days later, after a short interrogation, Karajic murdered another imprisoned member of the PDFAPWB in the holding cells of the police station in Vrnograc (Velika Kladusa municipality).

During December 1994, Karajic ordered subordinate members of the Military Police to apprehend and physically and mentally abuse civilians in Todorovska Slapnica Primary School, himself participating, "on the assumption that they supported the idea of autonomy for Western Bosnia."

Together with Husein Djaferovic, commander of the Civil Protection Force in that village, and Juso Buzimkic and Semsudin Causevic, military policemen

subordinate to him, he took a member of the 506<sup>th</sup> Brigade of the 5<sup>th</sup> Corps of the ABH who had been imprisoned on "suspicion of collaborating with members of the PDFAPWB" out of Todorovska Slapnica Primary School and fired around 15 rounds at him.

He also participated in the "cruel beating" of a prisoner held in that school who died of his injuries.

In February 1995, he participated in the physical abuse of the commander of the Municipal Headquarters of the Civil Protection Force in Velika Kladusa.

At the end of December 1994, in the village of Trnovi on Dzaferagica brdo [Dzaferagic's Hill] (Velika Kladusa municipality), Karajic murdered a member of the PDFAPWB who had earlier surrendered by "attempting to cut off his head using a hand saw." Karajic then removed his head from his body with a blow from an axe, put it on a stick and pounded into the ground.

During the same period, he physically abused one woman in her house and in an improvised health centre in Todorovska Slapnica, telling her to hand over the radio station because "she was informing her superior in the APZB of everything."

On 25 December 1994, after members of the Fifth Corps of the ABH captured a group of PDFAPWB members near Latica Glavica (Velika Kladusa municipality), Karajic took part in escorting them to Todorovska Slapnica. Karajic lined up and wounded two persons who were then killed by a uniformed soldier. Karajic escorted the rest of the prisoners to the "Stop" catering facility in Hajrat.

From 25 December 1994 to February 1995, Karajic took part in the physical abuse of prisoners held at the "Stop" facility and in the "Radoc" motel basement. On 27 December 1994, in Donja Lucka (Velika Kladusa municipality), Karajic murdered one person whom he, together with subordinate members of his platoon, had previously abused physically and psychologically.

"At the end of November or beginning of December 1994" in Podzvizd (Velika Kladusa municipality), he physically abused a man whom he had brought to Buzim prison, where he was murdered after a certain period of time.

Karajic was charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (killing, torture, inhumane acts, unlawful deportation to concentration camps and other unlawful detention) and **war crimes against prisoners of war** (murder, torture, inhumane treatment, inflicting serious suffering or bodily injury or damage to health).



### **KLICKOVIC, GOJKO and others (X-KR-06/213)**

*Gojko Klickovic, Commander, Crisis Staff, Serb Municipality of Bosanska Krupa and President, War Presidency of the same municipality; Mladen Drljaca, President, Temporary Military Court Chamber and President, Commission for Exchange of Prisoners of War in that municipality; Jovan Ostojic, Commander, 11<sup>th</sup> Krupa Light Infantry Brigade*

	<b>Gojko Klickovic</b>	<b>Mladen Drljaca</b>	<b>Jovan Ostojic</b>
<b>Born:</b>	25 March 1955, Donji Petrovici (Bosanska Krupa)	5 March 1958, Bosanska Krupa	1 January 1955, Grbavci Gornji (Zvornik)
Detained:	20 June 2007	4 March - 8 September 2008	29 February – 11 August 2008
<b>Indictment raised:</b>	14 December 2007	19 March 2008	12 March 2008
<b>Indictment confirmed:</b>	19 December 2007	21 March 2008	13 March 2008
<b>Plea entered:</b>	31 January 2008 (The Court entered a plea of not guilty after he refused to plead.)	1 April 2008 (not guilty)	26 March 2008 (not guilty)
<b>Joinder of cases:</b>	22 April 2008. The BH Court decided to merge the Gojko Klickovic (X-KR-06/213) and <b>Jovan Ostojic (X-KR-08/504)</b> cases, which continued as <b>X-KR-06/213</b> . <b>23 April 2008.</b> The BH Court decided to join the <b>Gojko Klickovic (X-KR-06/213)</b> and <b>Mladen Drljaca (X-KR-08/503)</b> , cases, which will now be conducted as <b>X-KR-06/213</b> .		

<b>Trial commenced:</b>	8 May 2008
<b>Joint indictment:</b>	21 August 2009

*Gojko Klickovic was arrested in Serbia in 2006, on the basis of an Interpol warrant, and extradited to the judicial bodies of BH on 20 June 2007. He was originally investigated for abuse of his position, and then on suspicions that he participated in hiding fugitives from the Hague. Klickovic was RS Prime Minister from 1996 to 1998.*

## **CHARGES:**

From summer 1991, Gojko Klickovic and Mladen Drljaca, together with other members of the SDP in the Serb municipality of Bosanska Krupa, "participated in a JCE, whose joint plan was for the division of the legally founded municipality and, with the use of military force, the formation of an area to be inhabited by an absolute majority of Serbs.

Klickovic and Drljaca, together with Jovan Ostojic and members of the Main Board of the SDP and the ARS, participated in the JCE with the aim of connecting parts of BH inhabited by Serbs, and then "taking and maintaining control over these areas, and creating a separate state of Bosnian Serbs from which the majority of non-Serbs would be permanently removed."

Ostojic joined this JCE on 14 July 1992 when he was appointed commander of the 11<sup>th</sup> Krupa Light Infantry Brigade. Klickovic, among other roles, was commander of the Crisis Staff and president of the War Presidency of the Serb municipality of Bosanska Krupa, and Drljaca was presiding judge of the Temporary Military Court Chamber and president of the Commission for Exchange of Prisoners of War in the same municipality.

Serb forces "under the real control of Gojko Klickovic" began an artillery and infantry attack on the towns of Bosanska Krupa and Ostruznica on 21 April 1992. At least 17 people were killed and 14 wounded.

From 21 April until 1 May the same year, around 50 civilians and combatants were detained in Jasenica Primary School, where they were physically abused. At least 43 prisoners were interrogated before the Temporary Military Court there, after which some were released. Thus, on 1 May 1992 or around that date, by the decision of the Temporary Military Court, 35 prisoners were handed over to the Military Police and transferred to "Petar Kocic" School in Bosanska Krupa.

From 1 May "or near that date" until 21 August 1992, at least 70 civilians and combatants were detained in that school, used as forced labour, beaten and interrogated before the Temporary Military Court. Several persons died as a result of the injuries caused by those beatings, while on 4 May 1992 or near that date, a certain Zeljko Smoljanac raped one person.

During the month of May 1992, 40 persons held in the school were forcibly exchanged, while on 21 August, the remaining 20 prisoners were brutally beaten and taken to the prison camp of the Second Krajina Corps in Kamenica.

On 21 July 1992, members of the Military Police of the 11<sup>th</sup> Krupa Light Infantry Brigade threatened to kill certain families in Skucani Vakuf unless the men surrendered. After they surrendered, the civilians were interrogated and beaten in Jasenica and then detained in a school in Krupa.

Six members of a paramilitary formation, with the knowledge of the Serb soldiers, entered the settlement of Arapusa on 24 April 1992, where they robbed and beat up several persons and murdered a pregnant woman.

On 1 and 24 May 1992, in accordance with "Gojko Klickovic's written order," Bosniaks from the areas of Arapusa, Zalina, Potkalinja, Velika Jasenica and Veliki Dubovik, and the towns of Bosanska Krupa and Zaluga, were forcibly expelled to the areas of Sanski Most and Bihac.

According to the indictment, all three were part of a JCE in which Radovan Karadzic, Momcilo Krajisnik and Miroslav Vjestica took part.

Gojko Klickovic, Mladen Drljaca and Jovan Ostojic are charged, on the bases of individual and command responsibility, with **crimes against humanity** (jointly for: persecution, murder, deportation, severe deprivation of physical liberty, other inhumane acts; and Klickovic and Drljaca jointly for rape); **war crimes against civilian population** (jointly for: murder, torture, displacement and forced labour; Klickovic alone for an attack on civilian population and together with Ostojic for unlawful capture and imprisonment; and with Drljaca for deprivation of rights to a fair trial); and for **war crimes against prisoners of war** (jointly for: murder, torture and inhumane treatment; and Klickovic and Drljaca alone for deprivation of rights to a fair and impartial trial). Klickovic alone is charged with **violations of the laws or customs of war** (looting of public and private property).



**LALOVIC, RADOJE and SKILJEVIC, SONIBOJ (X-KR/05/59)**

*Radoje Lalovic, Warden, PCF "Butmir", Kula; and Soniboj Skiljevic, Deputy Warden and later Warden of the PCF*

	<b>Radoje Lalovic</b>	<b>Soniboj Skiljevic</b>
<b>Born:</b>	15 July 1946, Kalinovik	14 August 1948, Izgora (Gacko)
Detained:	Released pending trial	
<b>Indictment raised:</b>	30 December 2008	
<b>Indictment confirmed:</b>	31 December 2008	
<b>Plea entered:</b>	28 January 2009 (not guilty)	
<b>Trial commenced:</b>	3 March 2009	

**CHARGES:**

From May to December 1992, Radoje Lalovic and Soniboj Skiljevic participated in a JCE, aware of the existence of an organised system of abuse of non-Serb prisoners in PCF "Butmir" in Kula (Ilidza municipality), which was functioning as a detention camp. Both shared the same aim with military and police structures, persons responsible to the Ministry of Justice of the Serb Republic of BH and later the RS, as well as with guards at PCF "Butmir" – that of the persecution of the non-Serb population.

Skiljevic alone participated in these crimes from December 1992 to December 1995, while holding the position of warden of PCF "Butmir".

Lalovic and Skiljevic together, and later Skiljevic alone, held and exerted "effective control" over the work and conduct of the guards at PCF "Butmir", and maintained daily relations with political, military and police authorities outside the camp, through which they participated in the arrest and detention of hundreds of mainly Bosniak civilians.

Prisoners were kept in inadequate conditions and starved, some dying due to a lack of medical attention. Both indictees had the authority to change conditions in the camp, but "did not use it at all, or did so insufficiently."

With their "knowledge, encouragement, consent and assistance," guards and other persons, as well as policeman and soldiers, physically abused many of the prisoners, and took them to different locations and killed them.

Both, in cooperation with the civilian and military authorities, enabled the removal of prisoners for the purposes of forced labour on the agricultural property of the camp, digging trenches on frontlines, and collecting and burying members of the army who had been killed.

By their acts, the indictees, jointly and later Skiljevic alone, "significantly contributed to and enhanced" the functioning of the system of abuse in the camp and the creation of the system for using prisoners as forced labour.

Lalovic and Skiljevic are charged, on the bases of individual and command criminal responsibility, with **crimes against humanity** (persecution, murder, enslavement, imprisonment, torture and inhumane acts).



## **MEMIC, MENSUR and others (X-KR-09/786-1)**

*Mensur Memic and Dzevad Salcin, Members, "Zulfikar" Special Operations Squad under the Supreme Command Staff of the ABH, and Senad Hakalovic, Member, 45<sup>th</sup> Mountain Brigade of the ABH*

	<b><i>Mensur Memic</i></b>	<b><i>Dzevad Salcin</i></b>	<b><i>Senad Hakalovic</i></b>
<b>Born:</b>	28 June 1966, Prijedor	13 July 1956, Donje Igre (Gacko)	11 November 1966, Konjic
<b>Detained:</b>	17 September 2009		
<b>Indictment raised:</b>	10 March 2010		
<b>Indictment confirmed:</b>	11 March 2010		

### **CHARGES:**

Mensur Memic, alias "Menta" [Mint], Dzevad Salcin and Senad Hakalovic, alias "Struja" [Electricity], are charged with participating in a "well planned and prepared attack" on the village of Trusina (Konjic municipality) on 16 April 1993.

Memic faces charges that he, together with Nedzad Hodzic, Rasema Handanovic, alias "Zolja", and other members of the "Zulfikar" squad participated in the shooting of members of the CDC who had been lined up in the hamlet of Gaj. Hodzic, according to the indictment, gave the order for the shooting.

Hakalovic is charged with having participated in the shooting of the CDC members in that hamlet, the latter having surrendered under "threat that their families would be killed if they did not." He ordered Ivan Drlja, whom he had known since childhood, to bring out one more person from the village and, after he did, shot him along with the other CDC members.

On several occasions in the hamlet of Gaj, Salcin, along with other members of the "Zulfikar" squad, lined up a group of around 14 civilians and 3 CDC members along the side of a house and kept them in a state of constant fear by "threatening to kill them, shooting at crucifixes found in their houses, and taking money, gold and other valuables from them."

In that attack on Trusina village, 18 civilians and 4 CDC members were killed, and 4 persons were wounded, among them 2 children.

Memic and Salcin are charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (Memic alone for participation in murder, Salcin alone for inhumane treatment, applying scare and terror tactics, looting civilian properties) and **war crimes against prisoners of war** (Memic alone for participation in murder, Salcin alone for inhumane treatment). Hakalovic is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (participation in murder).



## **NOVALIC, CERIM (X-KR-09/784)**

*Former Member, ABH*

<b>Born:</b>	24 April 1972, Vrdolje (Konjic)
Detained:	Released pending trial
<b>Indictment raised:</b>	12 January 2010
<b>Indictment confirmed:</b>	15 January 2010
<i>The BH Prosecution submitted a request along with the indictment that the Novalic case be transferred to the Cantonal Court in Mostar, since it is not a complex case but rather an "isolated case of violence" that did not occur as a result of the "planned actions of the perpetrator." The decision of the BH Court is pending.</i>	
<b>Plea entered:</b>	9 February 2010 (not guilty)
<b>Početak suđenja:</b>	19. 3. 2010. godine

### **CHARGES:**

On an unconfirmed date in September 1992, Novalic raped a woman of Serb ethnicity in the village of Dzepe (Konjic municipality).

On that occasion, Novalic, together with another unidentified soldier, entered her house and ordered her to go with her husband to the basement, after which he took her back to the upper floor of the house where her juvenile children and immobile mother-in-law were present and forced her to have sexual intercourse. During that time, the unidentified soldier interrogated her husband in the basement of the house.

Novalic is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (rape).



## **OSMIC, ALIJA (X-KR-09/781-1)**

*Military Policeman, 307<sup>th</sup> Brigade, ABH, and later Military Policeman, Military Police Company, OG "Zapad", ABH*

<b>Born:</b>	24 September 1967, Bugojno
<b>Detained:</b>	10 September – 8 October 2009 (given conditional release pending trial); arrested again on 14 October 2009 and remains on remand
<b>Indictment raised:</b>	5 October 2009
<b>Indictment confirmed:</b>	7 October 2009
<b>Plea entered:</b>	3 November 2009 (not guilty)
<b>Trial commenced:</b>	28 December 2009

### **CHARGES:**

From 20 July 1993 until the end of that month, Alija Osmic, together with other members of the ABH, PSS and Bugojno Defence Staff, took part in detaining prisoners of Croat ethnicity in private houses and garages in the settlement of Donjici, and abusing them physically and mentally.

At the end of July 1993, Osmic took part in abusing prisoners in the Marxist Centre –Nuns' Cloister in Bugojno. One of the prisoners was murdered by Osmic and members of the 307<sup>th</sup> Brigade of the Military Police after they had beaten him severely.

During the same period of time, based on an earlier order, Osmic took a group of prisoners from that location to the settlement of Vrbanja to collect

and bury corpses. The prisoners suffered physical and mental abuse as they carried out the task, "which Osmic, as a member of the Military Police, was supposed to prevent." One person died as a result of injuries inflicted by beatings.

From September 1993 until January 1994, he participated in the abuse of prisoners on the premises of "BH Banka" [BH Bank] in Bugojno, where they were brought for interrogation.

Civilians and combatants of Croat ethnicity were detained from 18 July 1993 until 19 March 1994 in basements, garages and private houses in Donjici, the Marxist Centre -Nuns' Cloister in Bugojno, Vrbanja, the Cultural-Sports Centre, the "Iskra" Football Club Stadium and the "BH Banka" building in Bugojno.

Osmic is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (murder, torture, inhumane treatment and forced labour).



## **PELEMIS, MOMIR and PERIC, SLAVKO (X-KR-08/602)**

*Momir Pelemis, Deputy Commander and Chief of Staff, First Battalion, Zvornik Brigade and later Commander of the same battalion; Slavko Peric, former Assistant Security Commander in the same brigade*

	<b>Momir Pelemis</b>	<b>Slavko Peric</b>
<b>Born:</b>	26 September 1949, Tuzla	24 April 1967, Donja Pilica (Zvornik)
Detained:	6 November 2008	
<b>Indictment raised:</b>	20 November 2008	
<b>Indictment confirmed:</b>	28 November 2008	
<b>Plea entered:</b>	16 January 2009 (both pleaded not guilty)	
<b>Trial commenced:</b>	10 March 2009	

### **CHARGES:**

Momir Pelemis and Slavko Peric, together with other members of the ARS and RS MIA, participated from 10 July until 1 November 1995 in a JCE, the aim of which was to "permanently and forcefully remove" Bosniaks from the Srebrenica area. The joint plan also implied that men were to be "summarily" executed and their bodies buried.

After they were informed of the arrival in Pilica (Zvornik municipality) of imprisoned men from Srebrenica on 14 July 1995, Pelemis assigned around 20 soldiers to secure the "Kula" School in which the prisoners were to be

detained. On that occasion, Pelemis ordered Peric to find the keys of the school and "supervise, control and coordinate" the detention.

Around 1,200 prisoners were brought by bus to "Kula" School, where, with the "unspoken consent and encouragement" of Pelemis and Peric, they were not given sufficient food and were beaten, murdered and abused.

On 16 July, Peric, with the "knowledge and under the command and supervision of Pelemis," "organised, supervised and issued directions" to other soldiers to blindfold prisoners from the school, after which they were transported by bus to the Branjevo Military Farm. That day, around 1,200 men were killed and buried in a mass grave on the Military Farm.

On 15 and 16 July 1995, Peric, with the "knowledge and under the command, control and supervision" of Pelemis, issued instructions to members of the First Battalion to guard and secure the Pilica Cultural Centre building, in which around 600 Bosniaks were detained.

On 16 July 1995, members of the ARS killed the prisoners held in that building. Peric deployed members of the First Battalion to guard the Cultural Centre building and prevent civilians from entering it. On 17 July 1995, following the execution, he gave instructions to the soldiers to "carry out the removal and transportation of the bodies" of the victims from the Cultural Centre building to the Branjevo Military Farm, where they were buried in mass graves.

Both of the indictees knew that prisoners in the "Kula" School and the Cultural Centre Building in Pilica would be "summarily killed," while Pelemis "knowingly participated" in the organisation and coordination of the burial of the victims by providing fuel and construction vehicles, and engaging individuals from Zvornik Brigade.

Pelemis and Peric are charged, on the basis of individual criminal responsibility, with **genocide** (killing, inflicting serious bodily injury, deliberately inflicting on a group of people or community living conditions that could result in its total or partial destruction, inflicting measures aimed at preventing childbirth within a group of people).

## PERKOVIC, IVICA (X-KR-09/672)

Member, 103<sup>rd</sup> Derventa Brigade, CDC

<b>Born:</b>	27 June 1965, Brezici (Derventa)
<b>Detained:</b>	Released pending trial
<b>Indictment raised:</b>	12 March 2010
<b>Indictment confirmed:</b>	17 March 2010

### CHARGES:

Ivica Perkovic, alias "Mungos" [Mongoose], faces charges that, on 26 April 1992 in the YPA Hall in Derventa, he "intentionally inflicted serious physical and mental pain" on inhabitants of Serb ethnicity from the settlement of Cardak, following their prior capture by members of the CDC and the so-called Rijeka [River] Brigade. Perkovic poured salt in one person's mouth, forcing him to swallow it and then to fight with another prisoner. Displeased with how they fought, he beat them both.

The Prosecution charges him with encouraging other CDC member to abuse a prisoner in the primary school in Zelenika on 28 April 1992, and giving a "hand signal" to a CDC member to beat up a prisoner in the same school in the second half of June that year. On 9 May 1992, Perkovic took part in the beating of one person in that school.

On 7 May 1992 on the premises of the YPA Hall, Perkovic beat a prisoner, first giving him two candles and saying: "If those candles go out your life will go out too."

Perkovic is charged with participating in the second half of May or beginning of June 1992 in beating prisoners of Serb ethnicity in the "Rabic" hangar, using "a bat, butt of a gun and feet."

Perkovic is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (inflicting serious bodily or mental pain or suffering).



## **SELIMOVIC, MEHURA and others (X-KR-08/522)**

*Mehura Selimovic, Counter-intelligence Officer, Operations Officer and Deputy Chief, Military Security Service Section, Fifth Corps Command, ABH; Adil Ruznic, Assistant Commander for Security Affairs and Operations Officer, Military Security Service Section; and Emir Mustafic, Military Policeman, Fifth Corps, ABH*

	<b>Mehura Selimovic</b>	<b>Adil Ruznic</b>	<b>Emir Mustafic</b>
<b>Born:</b>	4 April 1962, Vrsti (Bihac)	2 August 1967, Bihac	22 July 1961, Bihac
Detained:	Released pending trial		
<b>Indictment raised:</b>	16 April 2009		
<b>Indictment confirmed:</b>	27 April 2009		
<b>Plea entered:</b>	27 May 2009 (not guilty)		
<b>Trial commenced:</b>	19 August 2009		

### **CHARGES:**

From the middle of February 1994 until the beginning of February 1996, Mehura Selimovic and Adil Ruznic "helped and encouraged" the imprisonment of prisoners of war and civilians of Serb ethnicity within the premises of the "Park" hotel, "Adil Besic" barracks and civilian prison "Luke" in Bihac, as well as the car mechanics workshop "Rad" in Cazin and the plastics factory in Bosanski Petrovac.

Both "organised, ordered, conducted, helped and encouraged" the physical and mental abuse of prisoners, and failed to take "necessary and reasonable measures" to prevent and punish perpetrators.

Prisoners were interrogated and mistreated, held in inadequate conditions, without enough food, water or necessary medical care, and were made to perform forced labour, digging trenches, cutting down trees, burying bodies of persons who had been killed, and cleaning streets.

On several occasions during October 1995, Selimovic and Ruznic interrogated prisoners at the detention centre in the plastics factory in Bosanski Petrovac, and allowed unidentified soldiers to abuse them physically.

In that building in October 1995, Selimovic, acting alone, interrogated and physically and mentally abused one prisoner by "threatening to kill him and intimidating him."

From mid-February 1994 to mid-February 1996, Selimovic interrogated and physically and psychologically abused prisoners in the detention centres in Bihac, Cazin and Petrovac, and allowed other soldiers to beat them.

From September 1994 to January 1995, Selimovic interrogated and physically and mentally abused several prisoners of war in the wards of Bihac hospital, threatening them with murder if they "did not give him information about ARS military positions." He also allowed unidentified soldiers to abuse prisoners during their transport from the "Luke" detention centre and "Rad" car mechanics workshop to their exchange point in Licko Petrovo Selo.

On several occasions between September 1995 and February 1996, Ruznic interrogated prisoners of war held in the car mechanics workshop "Rad" and "Adil Besic" barracks, and ordered and permitted their abuse. Ruzdic forced prisoners of war detained in those barracks and in "Luke" prison to serve in the armed forces of the ABH.

Between September 1995 and February 1996, Mustafic participated and assisted in the abuse of prisoners held in the detention centre in "Adil Besic" barracks by interrogating, beating and intimidating them.

Selimovic, Ruznic and Mustafic are charged, on the basis of individual and command responsibility, with **war crimes against civilian population** (torture and unlawful deportation to concentration camps and other unlawful imprisonment), and **war crimes against prisoners of war** (torture, enforced service in the armed forces of an enemy power).



## VUKOVIC, RADOMIR and TOMIC, ZORAN (X-KR-06/180-2)

*Members, Second Detachment, Special Police, Sekovici, RS MIA*

	<b>Radomir Vukovic</b>	<b>Zoran Tomic</b>
<b>Born:</b>	16 February 1974, Tuzla	3 August 1971, Stupari (Kladanj)
Detained:	8 August 2008	30 July 2008
<b>Indictment raised:</b>	26 August 2009	18 August 2009
<b>Indictment confirmed:</b>	2 September 2008	25 August 2008
<b>Plea entered:</b>	<b>1 October 2008</b> (not guilty)	19 September 2009 (guilty)
<b>Joinder of cases:</b>	21 October 2008. The BH Court decided to join the <b>Radomir Vukovic (X-KR-06/180-2) case with that of Zoran Tomic (X-KR-08/552)</b> . The trial of both indictees continued as case <b>X-KR-06/180-2</b> .	
<b>Trial commenced:</b>	4 December 2008	

### CHARGES:

Radomir Vukovic and Zoran Tomic participated in a JCE, together with members of the ARS and RS MIA who, from 10 to 19 July 1995, were engaged in a wide and systematic attack on the Srebrenica area, then a UN safe haven, with the joint aim of forcibly deporting around 40,000 civilians and "summarily executing and burying" more than 7,000 Bosniak men.

Thus, on 12 July 1995, both participated in the search of Bosniak villages, followed by the expulsion of civilians from their homes and their escort to Potocari, knowing that they would be "forcibly and permanently relocated" to territory under ABH control.

On that and the following day, 12 and 13 July 1995, the indictees participated in securing the Bratunac-Konjevic Polje road at Sandici with the aim of allowing the undisturbed passage of the buses and trucks being used for transporting civilians.

On 13 July 1995, Vukovic and Tomic took part in the capture above Kamenica of Bosniak men who were trying to escape through the woods. They encouraged the men to surrender with "false promises that they would be exchanged," and, after they surrendered in Sandici, took their money and valuables from them. On the same day, both men participated in escorting the men to the "Kravica" Agricultural Cooperative, even though they knew that they would "be executed" there.

Together with other members of the Second Detachment, they "murdered the majority of the prisoners." Vukovic threw hand grenades at the prisoners and Tomic fired at them from an automatic weapon. That day, over 1,000 Bosniaks were killed in Kravica.

Vukovic and Tomic are charged as co-perpetrators, on the basis of individual responsibility, with **genocide**.



### **ZECEVIC, SASA and others (X-KR-09/741)**

*Petar Civcic, Commander, First Intervention Squad, PSS Prijedor; Sasa Zecevic, Radoslav Knezevic and Marinko Ljepoja, members of that squad; Branko Topola, Member, TDF Prijedor*

	<b>Born:</b>	<b>Detained:</b>	<b>Indictment raised:</b>	<b>Indictment confirmed:</b>
<b>Sasa Zecevic</b>	29 November 1970, Prijedor	1 July 2009		
<b>Radoslav Knezevic</b>	10 April 1970, Prijedor	Already serving a sentence for a different criminal act in Tunjice prison in Banja Luka	10 July 2009	13 September 2009
<b>Petar Civcic</b>	12 February 1970, Gornje Ravno (Kupres)	27 August 2009		
<b>Branko Topola</b>	21 June 1968, Prijedor	27 August 2009	17 September 2009	22 September 2009
<b>Marinko Ljepoja</b>	20 May 1966, Suhaca (Bosanski Novi municipality)	7 September 2009		

<b>Plea entered:</b>	<b>6 August 2009</b> (Zecevic and Knezevic pleaded not guilty); <b>27 October 2009</b> (Civcic, Topola and Ljepoja pleaded not guilty)
<b>Joinder of cases:</b>	<b>3 November 2009.</b> The BH Court joined the <b>Sasa Zecevic and others (X-KR-09/741)</b> and <b>Petar Civcic and others (X-KR-09/722)</b> cases, and the trial of the five indictees continues as <b>X-KR-09/741</b> .
<b>Trial commenced:</b>	23 November 2009

*Arrested after Damir Ivankovic and Gordan Djuric provided testimony in which they admitted guilt for participation in the crime at "Koricanske stijene".*

## **CHARGES:**

Sasa Zecevic, Radoslav Knezevic, Petar Civcic, Branko Topola and Marinko Ljepoja participated in a JCE, together with other members of the civilian and military authorities in Prijedor municipality, with the aim of expelling Bosniaks and Croats from the area under the "control of the military and police of the Serb Republic of BH and later the RS."

Zecevic, Knezevic, Civcic and Ljepoja, former members of the PSS Prijedor Intervention Squad, and Topola, a former member of the TDF Prijedor and guard in the "Trnopolje" prison camp, together with other members of the Prijedor TDF and PSS, participated on 21 August 1992 in guarding a convoy of civilians.

The convoy consisted of 16 buses, lorries, trucks and trucks with trailers holding over 1200 civilians, and, according to a "previously determined plan," was moving towards Travnik over Vlasic Mountain.

During the trip, Civcic, together with Dusan Jankovic, the commander of Prijedor police station, continued towards Smetovi, while the other members of the PSS and TDF, upon their arrival at the River Ugar, participated in the selection of 200 men, knowing that they were doing so with a view to their killing.

The men who were separated were taken in two buses to Koricanske stijene [Koricani Cliffs], where they were taken out in groups and shot after being ordered to kneel by the edge of road, overlooking an abyss.

During the shooting, Gordan Djuric, a member of the Intervention Squad, kept guard, while Ljepoja, Topola, Knezevic and Zecevic fired automatic weapons. They later threw hand grenades and fired pistols and automatic weapons at the bodies of the killed and wounded that had fallen into the abyss.

That day, at least 200 men were killed at Koricanske stijene. Twelve survived.

Miroslav Paras, commander of the PSS Prijedor Intervention Squad, participated in the crime, along with squad members Zeljko Bulic and Zeljko Rudak.

Civcic is charged, on the basis of command responsibility, together with Zecevic, Topola, Ljepoja and Knezevic, who are charged on the basis of individual criminal responsibility, with **war crimes against humanity** (persecution, murder, deportation, imprisonment or other severe deprivation of physical liberty, other inhumane acts).

## Accused at Large

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## **DUVNJAK, JAKOV (X-KR-08/607)**

*Member, Second Platoon, Military Police, CDC, Kraljeva Sutjeska (Kakanj)*

<b>Born:</b>	17 March 1959, Haljinici (Kakanj)
Detained:	At large
<b>Indictment raised:</b>	29 April 2009
<b>Indictment confirmed:</b>	6 May 2009

*The BH Prosecution requested the issuance of an international warrant for Duvnjak. The indictment states that he is living in the place of Gracac (Republic of Croatia).*

### **CHARGES:**

On 13 June 1993, Duvnjak, together with another two military policemen, came to a cemetery near the mosque in Kraljeva Sutjeska, where some Bosniak civilians were digging a grave so as to bury a member of the ABH who had been killed. Shortly after, Duvnjak killed one person.

Duvnjak is charged, on the basis of individual responsibility, with **war crimes against civilian population** (murder).

## **GAVRIC, MILISAV (X-KR-07/439)**

*Member, Bratunac Police Station, and Deputy Commander, Srebrenica Police Station*

<b>Born:</b>	18 November 1948, Opravdici (Srebrenica)
Detained:	At large
<b>Indictment raised:</b>	4 June 2008
<b>Indictment confirmed:</b>	11 June 2008

*A warrant has been issued for Gavric's arrest, while the indictment states that he has settled in New Belgrade (Republic of Serbia). He possesses citizenship of both BH and Serbia.*

### **CHARGES:**

Gavric is charged with participating in a JCE with other members of the ARS and RS MIA from 10 to 19 July 1995, with the joint aim of persecuting Bosniaks from the Srebrenica area by "forcibly deporting" the women and children and executing the men.

On 12 and 13 July 1995, Gavric, together with other unidentified members of the Serb army and RS MIA, "was present during and assisted" the forced deportation of Bosniak civilians from Potocari (Srebrenica municipality) to territory under ABH control.

Gavric faces charges that he "helped and participated" in the separation of men from women and children in Potocari, where they had earlier gathered, seeking protection from UN forces stationed there. Many men went missing following the separation.

On 12 July 1995, armed with an automatic rifle and pistol, and wearing police uniform, Gavric participated in and assisted the forced disappearance of one person from Srebrenica, and, the same day, physically abused wounded Bosniaks in the Battery Factory in Potocari. He was present that day during the removal of one person, whose fate was unknown until 1999 when his mortal remains were found in the "Kozluk 3" mass grave (Zvornik municipality).

Gavric personally took one of the wounded from that building in an unknown direction, only for his mortal remains to be found in 2003 in the "Zeleni Jadar" mass grave (Srebrenica municipality). On two occasions on 12 July 1995, he took between 5 and 10 men from the "Cinkara" factory in Potocari who have never returned. He also took another two persons from that building the same day, whose mortal remains were found in 2000 and 2001 in the "Dole" and "Cancari" mass graves.

In Potocari on 12 July 1995, he participated in taking a group of Bosniaks to the so-called "Bijela kuca" [White House], since when they have been missing. Unknown soldiers and policemen were torturing and killing Bosniak men in that house.

Gavric is charged, on the basis of individual criminal responsibility, with **crimes against humanity** (persecution, deportation, enforced disappearance, other inhumane acts) and in relation to the criminal act of **genocide** (killing members of a group of people, inflicting serious bodily or mental injury on members of a group of people).

## HRKAC, IVAN (X-KR-06/170)

Unit Member, "Convicts' Battalion", CDC (Siroki Brijeg)

<b>Born:</b>	23 October 1967, Mostar
Detained:	At large
<b>Indictment raised:</b>	27 December 2007
<b>Indictment confirmed:</b>	9 January 2008

*An arrest warrant was issued after he twice failed to appear at plea hearings that had been scheduled in advance. The warrant states that he has settled in Mokro (Siroki Brijeg).*

### CHARGES:

In May 1993, Hrkac, alone and with other members of the CDC, interrogated, physically abused and tortured two prisoners who were former members of the ABH in a basement of Siroki Brijeg police station. After the beatings, he stubbed out a cigarette on the tongue of one of the prisoners and ordered him to swallow it, which the prisoner did.

The same month, Hrkac took the imprisoned former ABH members from the police station in Siroki Brijeg to work on his private house in the village of Mokro. On the night of 4-5 May 1993, he, together with two unknown CDC members, physically abused Bosniak civilians detained in the primary school in Dobrkovici near Siroki Brijeg.

In July the same year, he participated in the physical abuse of imprisoned civilians in Dobrkovici School, *inter alia* assaulting them with "his hands, legs, a broomhandle and full cans" and inflicting bodily injury upon them.

On 24 July 1993, together with unknown members of the CDC, Hrkac went to the school in Dobrkovici, where he physically abused one prisoner who died as a result of his beatings. On the same day in the same school, he ordered other prisoners to strip naked and then forced them to have sexual intercourse "under threat that he would kill them if they did not do it."

Hrkac is charged, on the basis of individual criminal responsibility, with **war crimes against prisoners of war** (murder, torture) and **war crimes against civilian population** (killing, torture, unlawful deportation to concentration camps and other unlawful detention).

## **JANDRIC, JOVO and PEKEZ, SLOBODAN (X-KR-05/96)**

*Members, ARS and Reserve Police Force*

	<b>Jovo Jandric</b>	<b>Slobodan Pekez</b>
<b>Born:</b>	5 May 1954, Cerkazovici (Jajce)	8 August 1957, Jezero
Detained:	At large	
<b>Indictment raised:</b>	2 December 2008	
<b>Indictment confirmed:</b>	9 December 2008	

*The indictment states that both are living in Stara Pazova (Republic of Serbia). An arrest warrant has been issued for them.*

### **CHARGES:**

On 10 September 1992, Jovo Jandric and Slobodan Pekez, together with a group of people formed by the first indictee, participated in the arrest of Bosniak civilians from Ljoljici and Cerkazovici villages (Jajce municipality).

They took the group of civilians to Osoje and then to Draganovci, physically abusing and insulting them. In Draganovci, Mirko (Mile) Pekez ordered them to surrender all of their valuable items, following which they took them to Tisovac and shot them.

That day, 13 men and 10 women, among them 1 child and 3 juveniles, were killed. Four survived.

Jandric and Pekez are charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (murder, torture, looting of property, other inhumane acts).

## LIPOVAC, DAMIR (X-KR-05/104)

*Member, 103<sup>rd</sup> Brigade, CDC, Derventa, and Commander, Prison Camp formed in Poljari School*

<b>Born:</b>	5 October 1970, Derventa
Detained:	At large
<b>Indictment raised:</b>	22 September 2008
<b>Indictment confirmed:</b>	29 September 2008

*Lipovac, according to the indictment, has settled in Slavonski Brod, but lives and works in Holland. A warrant has been issued for his arrest.*

### CHARGES:

In June 1992, Lipovac came to the prison camp that had been formed in the school in Poljari (Derventa municipality), from where he took one prisoner and physically abused him, accusing him without foundation of attempting to escape. After beating him, he killed him by "firing an automatic weapon."

Shortly after, he took the remaining prisoners out of the school, physically abused two of them, and killed one of them by "putting the barrel of a gun in his mouth and firing."

During June, Lipovac treated prisoners inhumanely, forcing them to sing "insulting songs" and insulting them on ethnic grounds. In that period, he took several prisoners for interrogation, during which he subjected them to brutal physical abuse using a "bat, butt of a gun, his legs and a chair, and putting cigarettes out on their bodies and burning them with hot wire."

In the same month of 1992 in the same camp, Lipovac took money and other valuables from the prisoners of Serb ethnicity.

Lipovac is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (murder, torture, inhumane treatment and looting of property).

## MARIC, MARINKO (X-KR-05/83)

Member, "Knez Domagoj" Brigade, CDC, Interrogator, Security-information Services

<b>Born:</b>	9 May 1968, Stolac
Detained:	At large
<b>Indictment raised:</b>	22 December 2006
<b>Indictment confirmed:</b>	26 December 2006

*In the indictment, the Prosecution asserts, based on available information, that he has permanently settled in the village of Grabovine (Capljina municipality). A warrant has been issued for his arrest.*

### CHARGES:

On 10 August 1993, Maric participated in the interrogation of a prisoner in the "Gabela" prison camp near Capljina, then ordered for him to be taken out of the building and have water poured over him. Shortly after, the prisoner died as a result of the severe injuries inflicted on him by beating.

In October the same year in the same camp, he participated in the physical and mental abuse of a group of prisoners brought from "Kostana bolnica" [Kostana Hospital] in Stolac by forcing them to sing insulting songs and "throwing iron beds, table and chairs" at them. The same month, he seized valuables from "Gabela" prisoners who had been brought to "Silos" in Capljina so as to hide them during an ICRC visit to the camp.

On 30 September 1993, Maric interrogated a prisoner in "Gabela" camp and, with Nikola Andrun and a certain Almir Kudra, a guard at that camp, took part in beating him.

Together with Andrun, by the end of September or beginning of October 1993, Maric took one prisoner from "Gabela" to Capljina Police Station for interrogation, after which he participated in his physical abuse.

Nikola Andrun was convicted (final verdict) of the crimes committed in "Gabela" (see X-KRZ-05/42).

Maric is charged, on the basis of individual criminal responsibility, with **crimes against civilian population** (murder, torture, inhumane treatment, unlawful deportation to concentration camps and other unlawful detention).

## STJEPANOVIC, NOVAK (X-KR-07/382-1)

*Member, Bratunac Brigade, ARS*

<b>Born:</b>	25 April 1966, Obadi (Srebrenica)
Detained:	At large
<b>Indictment raised:</b>	28 October 2009
<b>Indictment confirmed:</b>	11 November 2009

*The indictment states that he has settled in Ljubovija (Republic of Serbia). The BH Prosecution has requested that a warrant for his arrest be issued.*

### **CHARGES:**

Stjepanovic is charged with participating, together with a group of 4 ARS members, in the arrest on 20 May 1992 in the Borkovac village (Bratunac municipality) of 14 Bosniak civilians, who were hiding out of fear in the stone quarry.

They escorted the civilians to a house in the village where Stjepanovic physically abused them and seized their money and valuables. Shortly after, the civilians were taken to a hillside beside a nearby creek where they were shot.

According to the indictment, Mirko Todorovic and Milos Radic also participated in the commission of this crime (see case X-KRZ-07/382).

Stjepanovic is charged, on the basis of individual criminal responsibility, with **crimes against humanity** (persecution, murder, torture).

## Cases Referred

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## **BUKVIC, SAFET (X-KR-09/705)**

*Member, ABH*

<b>Born:</b>	15 April 1940, Idbar (Konjic)
<b>Detained:</b>	Released pending trial
<b>Indictment raised:</b>	21 April 2009
<b>Indictment confirmed</b>	14 May 2009
<b>Plea entered:</b>	10 June 2009 (pleaded not guilty)
<b>Case referred:</b>	17 June 2009 (case referred to the Cantonal Court in Mostar)

*The BH Prosecution proposed that the trial of Safet Bukvic continue before the Cantonal Court in Mostar for reasons of efficiency and the fact that this case "is not complicated" and refers to an "isolated case of violence." Bukvic's Defence agreed with the Prosecution's proposal.*

### **CHARGES:**

On 25 April 1993, Bukvic, together with a member of the ABH, killed a Croat civilian in the basement of the primary school in Celebici (Konjic municipality).

Members of the ABH brought imprisoned Croat civilians and CDC members to that school, where they abused them physically and psychologically.

Bukvic is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (murder).

## JURINOVIC, TOMO (X-KR-08/642)

Member, CDC, Kotor-Varos

<b>Born:</b>	30 March 1963, Duratovci (Kotor-Varos)
<b>Detained:</b>	17 January 2009
<b>Indictment raised:</b>	10 February 2009
<b>Indictment confirmed</b>	12 February 2009
<b>Plea entered:</b>	13 March 2009 (not guilty)
<b>Case referred:</b>	6 May 2009 (The Appeals Chamber of the War Crimes Department referred the case to the District Court in Banja Luka.)

*The BH Prosecution proposed that the trial of Tomo Jurinovic continue before the District Court in Banja Luka for reasons of efficiency and because the case is not complex. Jurinovic's Defence agreed with the Prosecution's proposal.*

### CHARGES:

On 31 July 1992, Jurinovic, together with three armed members of the CDC, went to Novo Selo (Kotor-Varos Municipality), where he took a family from its home. Together with the other soldiers, he took the family in the direction of the village of Ravne. It was then imprisoned in the premises of the village school, where one member was interrogated, and after a certain time imprisoned in a private house.

On the road to Ravne, Marko Skrobic, a member of the CDC, killed one member of the family.

Jurinovic is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (attack on civilian population, unlawful removal to concentration camps and other unlawful detention).

## MILANOVIC, MLADEN (X-KR-07/326)

*Guard, "Bunker" Prison Camp, Semizovac*

<b>Born:</b>	22 May 1958, Sarajevo
<b>Detained:</b>	27 July 2007
<b>Indictment raised:</b>	6 December 2007
<b>Indictment confirmed</b>	12 December 2007
<b>Case referred:</b>	10 January 2008 (case referred to the Cantonal Court in Sarajevo)

*For reasons of the economy and efficiency of the proceedings, and lack of complexity of the case, the BH Prosecution proposed that the trial of Mladen Milanovic continue before the Cantonal Court in Sarajevo. Milanovic's Defence agreed with this proposal.*

### **CHARGES:**

Milanovic is accused of physically harassing one of the detainees held in the "Bunker" prison camp in Semizovac (Vogosca) from May to August 1992.

During the same period, Milanovic allowed members of military and paramilitary formations to enter the camp, where they physically, physiologically and sexually abused detained Bosniak civilians.

Milanovic is charged, on the basis of individual criminal responsibility, with **war crimes against civilian population** (attack on civilian population, murder, torture, and inhumane treatment).

## **SMAJIC, IZET (X-KR-09/710)**

*Member, "Mosnik" Independent Company, within the Reserve Forces of MIA Tuzla*

<b>Born:</b>	18 June 1961, Tojsici (Kalesija)
<b>Detained:</b>	Released pending trial
<b>Indictment raised:</b>	24 April 2009
<b>Indictment confirmed</b>	6 May 2009
<b>Plea entered:</b>	28 May 2009 (not guilty)
<b>Case referred:</b>	5 June 2009 (referred by decision of the BH Court to the Cantonal Court in Tuzla)

*The BH Prosecution proposed that the trial of Izet Smajic continue before the Cantonal Court in Tuzla since it is "not a complex or highly sensitive case." Smajic's Defence agreed with the reasons stated by the Prosecution in its proposal.*

### **CHARGES:**

On 15 May 1992, during the retreat of a YPA column from the "Husinska buna" [Husin Uprising] barracks in Tuzla, at the junction of Brcanska Malta Street, Smajic approached and shot a wounded soldier, inflicting serious physical injury.

Smajic is charged, on the basis of individual criminal responsibility, with **war crimes against the sick and wounded** (murder).

## ZULJ, STIPO (X-KR-09/788)

*Member, Special Police, MIA CCHB, Police Department, Livno*

<b>Born:</b>	14 April 1972, Zlosela (Kupres)
<b>Detained:</b>	9 September 2009
<b>Indictment raised:</b>	1 October 2009
<b>Indictment confirmed</b>	5 October 2009
<b>Case referred:</b>	7 October 2009 (case referred to the Cantonal Court in Livno)

*The BH Prosecution proposed that the trial of Stipo Zulj continue before the Cantonal Court in Livno since it pertains to an "isolated case of violence," for reasons of the efficiency of the proceedings, and because it is not a "very complex case." Zulj's Defence agreed with reasons stated by the Prosecution.*

### **CHARGES:**

During a CDC action on 3 November 1994 in the settlement of Olovo (Kupres municipality), Zulj killed an "enemy soldier" who had earlier surrendered, after which the indictee left that place.

Zulj is charged, on the basis of individual criminal responsibility, with the **unlawful murder and wounding of the enemy** (murder).

The BH Court also transferred the following cases for processing by lower judicial bodies, but BIRN BH was unable to obtain more detailed data on them:

**Bogoljub Kos and others** (destruction of cultural, historical and religious monuments),

**Milutin Vilotic** (war crimes against civilian population),

**Pero Djuric and others** (war crimes against civilian population),

**Boro Milojica** (war crimes against civilian population),

**Zarije Ostojic** (war crimes against civilian population),

**Ostoja Minic others** (war crimes against prisoners of war).

## Five Years of Work on Coming to Terms with the Past – BIRN BH

*The Balkan Investigative Reporting Network in Bosnia and Herzegovina*, BIRN BH, was established in January 2005 as part of a regional network of organisations operating in six Southeast European countries.

During the past five years of its work in Bosnia and Herzegovina, BIRN has developed a programme focusing on war crimes trials reporting, the rights of victims of the 1992-95 war and the work of the judiciary. It features a number of important activities:

The *Justice Report* news agency, a service specialised in reporting on war crime trials conducted before local courts, the development of the legal system and issues that relate to coming to terms with the past, remains BIRN BH's major activity. It has published more than 8,000 unique articles to date, and recently expanded operations to include weekly radio and monthly television shows.

Our reports raise questions publicly about war crime trials, judicial reform and coming to terms with the past. Many have been cited by international organisations, such as *Human Rights Watch* and *Amnesty International* in their own reports and research.

Marek Marczyński, a researcher on the Balkan region with *Amnesty International*, says he appreciates the work of *Justice Report* because of the chance it gives both victims and indictees to speak.

"I am deeply convinced that the work of *Justice Report* meets the highest standards in journalism. The information provided is always impartial and easy to understand, even though it covers very specific legal issues. I much appreciate that, apart from reporting strictly on what happened in the courtroom, the voices of the survivors and the accused are also included; the stories are therefore well balanced," Marczyński said.

Over the past few years, our website, [www.bim.ba](http://www.bim.ba), has been visited several million times by readers from different countries. Many of our readers are victims of war crimes.

"Information and reports on trials conducted before the Court of Bosnia and Herzegovina are still of interest to victims. The news and reports I read each morning on the BIRN webpage, knowing they are correct, are important to me. Your reporters have raised, followed and elaborated on many issues of interest to the victims in a professional way," Saja Coric, a former detainee in the "Vojno" prison camp near Mostar remarked.

In order to inform more citizens of Bosnia and Herzegovina about the process of coming to terms with the past, BIRN launched a radio show that is now broadcast on more than 130 radio stations. According to our estimates, the show currently reaches an audience of more than two million.

In December 2009, based on the success of *Justice Report* and *Radio Justice*, BIRN BH launched a monthly TV show on the efforts this country invests in ending impunity.

TV Justice is a 30-minute monthly programme produced by BIRN journalists and members of the FLASH production team. The show is forwarded for broadcast to television stations here and in neighbouring countries. BIRN has concluded a broadcasting agreement with Radio-Television Bosnia and Herzegovina, BHRT, while more than 15 independent television stations have begun broadcasting the show via local and satellite channels.

TV Justice is also available on BIRN BH's website with English subtitles, making it accessible to BH citizens living abroad and foreigners interested in war crimes trials in Bosnia and Herzegovina.

The ultimate goals of TV Justice are to increase understanding of, and support for, local judicial institutions that deal with war crimes, and to ensure a transparent and accessible justice system, thus contributing to the establishment of truth and reconciliation in the region.

To date, BIRN BH has issued four publications with the aim of helping readers familiarise themselves with the judicial system:

Two editions of the *"In Pursuit of Justice"* handbook, written by BIRN journalists, is intended for all those who wish to learn about the work of the Court of BiH, the State prosecution and the War Crimes Chamber. It also provides an overview of the key laws applied in processing war crime indictees, as well as information about the work of other institutions involved in transitional justice and the process of facing the past in BiH.

*"History Overshadowed by Trivia: Regional Media Reports on Radovan Karadzic's Arrest"* contains an analysis of reports on that event that were published by media in Bosnia and Herzegovina, Serbia, Montenegro and Croatia. To produce it, BIRN journalists analysed more than 1,000 articles published in around 20 weekly and daily newspapers.

The fourth publication is the one we present here, providing an overview of five years of work of the Court of Bosnia and Herzegovina on war crimes trials.

BIRN BH is currently implementing a further project related to the local judiciary, in collaboration with USAID in Bosnia and Herzegovina. This involves the publication over a period of six months of articles on war crime trials before local courts, as a continuation of the "Local Judiciary under the Spotlight" series that was launched in 2007, as well as a series of training sessions for journalists on reporting from courts and court processes.

During the past five years, BIRN BH has paid special attention to training and supporting journalists and media outlets to report on war crimes trials. To this end, it has organised a number of seminars at local and regional level on the transparency of the judiciary and media responsibility, and initiated and coordinated an Association of Court Reporters, AIS.

The overriding aim of the AIS, whose members comprise journalists from electronic and print media who follow war crimes trials before the domestic courts of Bosnia and Herzegovina, is to ensure a good flow of information between judicial institutions and the media, and thus to the citizens of Bosnia and Herzegovina.

In September 2009, BIRN organized a three-day conference on "Transpa-

rency of the Judiciary and Responsibility of the Media”, which was attended by more than 250 representatives of the media, judiciary, governmental and non-governmental organisations. Reports carried by the local and regional media confirmed its significance and impact, as did the positive reactions of its participants.

For example, Sinisa Vazic, President of the Supreme Court of Serbia, described the conference as “extraordinary and very useful.”

“BIRN has made a significant contribution to providing the public with information on the judiciary, as well as informing the public on and explaining complex processes of great moral, political and emotional importance,” said Jan Braathu, Ambassador of the Kingdom of Norway.

Since its establishment five years ago, BIRN BH has been able to carry out its work thanks to the generous support of the governments of the Kingdom of Norway, Switzerland, Canada, Great Britain and the United States of America, as well as of the Konrad Adenauer Foundation, OSCE Mission in Bosnia and Herzegovina, Soros Foundation and National Endowment for Democracy, NED.

## AIS: The Association of Court Reporters

AIS is an informal body established in 2005 to advocate on behalf of court reporters. BIRN initiated the establishment of the Association of Court Reporters, which is composed of electronic and print media journalists, with the aim of maximising the flow of information between the war crimes chambers of state judicial institutions and the media, and, thus to the citizens of Bosnia and Herzegovina.

Over the past five years, AIS has achieved enviable results in improving communications between the public relations offices of the Court of Bosnia and Herzegovina, the media and non-governmental organisations.

During the course of 2006, AIS members participated actively in finalising the Press Code of Bosnia and Herzegovina. Their activities included the production of recommendations for journalists reporting from courts. Those guidelines, after their incorporation into the Code, were promoted at a series of conferences on "Responsibility of the Media" held in Mostar, Sarajevo, Bijeljina and Banja Luka in 2007.

The Association's work has been recognised and supported by many local and international organisations, including Human Rights Watch and Amnesty International.

Since its establishment, BIRN BH has convened more than 50 meetings of the Association, as well as a number of meetings between journalists and representatives of the judiciary. During the course of 2008, AIS organised several meetings for journalists and representatives of district and cantonal courts and prosecutors' offices, their aim being to inform the media about the work of the judiciary. The events, which focused on "Transparency of Cantonal and District Courts and Prosecutions and Objective Reporting", were held in Doboje, Trebinje, Brcko District and Travnik/Novi Travnik.

BIRN BH, in collaboration with the Association, organised successful annual conferences in 2006 and 2007 for journalists and editors from Bosnia and Herzegovina and representatives of the Court of Bosnia and Herzegovina and its Prosecution. AIS members also played an active role in organising BIRN BH's regional conference on "Transparency of the Judiciary and Responsibility of the Media", which was held in September 2009.

