



**Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Ref. KTO no. 6/18
Belgrade, 22 October 2018
SR/IP**

**HIGHER COURT IN BELGRADE
War Crimes Department**

BELGRADE

In line with articles: 47 (1) of the *Act on International Legal Assistance in Criminal Matters*; 331 (1 and 2) and 332 of the *Code of Criminal Procedure re 43 (2.5) of the Code of Criminal Procedure*; and 3 and 4 of the *Act on the Organisation and Competence of Government Authorities in War Crimes Proceedings*, Indictment no. T 20 0 KTRZ 0008831 14 of 31 May 2015, raised by the BH Prosecutor and confirmed by a competent BH court, is hereby conformed to the laws of the Republic of Serbia and now reads as follows:

INDICTMENT

Against:

AA a.k.a. ...

Personal details:

Son of ... and ... née ...

Place and date of birth: ...

Place of residence: ...

Citizen identity number: ...

Country of citizenship: ...

Educational background: ...

Occupation: ..

Criminal record: none.

BACKGROUND FACTS AND GENERAL ALLEGATIONS

The incident relevant to this indictment occurred amidst an ongoing armed conflict

which existed in Bosnia-Herzegovina (BH) in the period from 1992 to 1995. Parties to the conflict were armed forces of the Serb, Croat and Bosniak communities.

As a member of the Serb armed force serving as commander of the *Moštanica* company – part of the Territorial Defence (TO) in Bratunac, BH, **AA** engaged in the forcible removal of the Muslim population from village Suha in the Bratunac area. By his active involvement in the displacement operation, **AA** committed grave breaches of the rules of international law as recognised by the following acts and provisions:

- Article 3 of the *Geneva Convention on the Protection of Civilian Persons in Time of War (Geneva Convention IV)*, adopted on 12 August 1949 and ratified by the National Assembly of the Federal People's Republic of Yugoslavia (*FPRY Official Gazette*, no. 24/50); and
- Articles 4 (1 and 2), 13 and 17 (1 and 2) of the *Protocol Additional to the Geneva Convention (Protocol II)*.

CHARGES

In the morning of 10 June 1992, members of the Bratunac TO force – including **AA** and the company under his control – launched an attack on Suha, a village mostly inhabited by the Bosniak population. Dressed in a military uniform and equipped with a rifle, **AA** personally engaged in the operation. Alongside other TO men, he broke into the local homes and forcibly removed the occupants. The campaign resulted in the expulsion of approximately 300 Non-Serb civilians – women, children, men and elderly people – from the village. Among those who were forced to leave their households were the following: AB, who was pregnant at the time; AV and AG; AD, who was immobile; AĐ's wife – pregnant at the time – and two underage children; protected witness M-21's wife and children; parents of AŽ, AZ and AI; AJ; AK and her underage children AL and Alj; AM with his wife and two children; protected witness M-22 with his wife and two underage children; witness M-19 with his wife and children; AN and his wife; ANj; witness M-16 and his parents; AO, AP, AR, AS, AT, AU, AF, AH, AC, AČ, ADŽ, AŠ, BA, BV, BV, BG, BD, BĐ, and BE; BŽ and his wife; BZ; witness M-17 with his wife and son; BI, BJ and BK; BL with his wife BLj and sons BM and BN; BNj with his wife and two children; BO and BP; BR and his two underage children; BS and his two grandchildren; BT and her two children; BĆ and her two children; BO's neighbours BF and BU with their two children; BO's relative BH and her two children; BC and his wife; and many others. As the civilians were unlawfully removed from their homes, the armed TO men used a megaphone to call those who were hiding in the surrounding woods to come out and surrender, or otherwise they – as well as their wives and children previously removed from their homes – would be killed. In response to the call, witness M-21, BĆ, AI, AZ, AČ, BDŽ, BŠ, witness M-20 with his wife and children, witness M-18 and VA surrendered to the soldiers. Determined to get hold of the remaining villagers, **AA** ordered witness M-16, AZ and AŽ to find and bring forth the rest of their families or otherwise they would be killed. The three complied with **AA**'s order, whereupon all of the captured civilians were assembled in the village centre. Moreover, **AA** personally tracked down a group of civilians sheltered in one of the houses, namely, VB and his wife, BO, VG, VĐ and his wife VD. In subsequence, **AA** addressed those assembled in front of VV's house – approximately 300 civilians altogether – saying: "Anyone who might try to escape knows what awaits them next!" Having said so, **AA** ordered the

captured civilians to stand in a row and move on. The column of people headed by **AA** and escorted by other TO men marched down the village road and past the old sawmill, and then proceeded along the trunk road to Bratunac. When they reached the town, the villagers of Suha were herded into the local football stadium. Alongside other civilians from the area and closely watched by armed soldiers, they remained at the stadium until the arrival of buses in the late afternoon. Women, children and elderly people were loaded aboard and driven away in the direction of Kladanj. whereas men fit for military service were transferred to the building of the Vuk Karadžić Elementary School. The overall operation – unlawful and unjustified by military necessity – resulted in approximately 300 villagers of Suha being displaced from their households and banished from the area.

By his involvement in the above described conduct, the accused, AA, committed the criminal offence under article 142 (1) (war crime against civilian population) of the *FRY Criminal Act*.

Svetislav Rabrenović
Deputy War Crimes Prosecutor