



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR
Ref. KTRZ.11/10
Belgrade, 23 February 2011
MP/MS

HIGHER COURT IN BELGRADE
War Crimes Department

BELGRADE

Pursuant to my authority under articles 46 (2.3), 265 (1) and 266 of the *Criminal Procedure Code*; and under articles 3 and 4 (1) of the *Act on Organization and Competence of Government Authorities in War Crimes Proceedings*, I raise this

INDICTMENT

Against:

AA

Personal details:

Citizen identification number: ...

Son of ... and ... née ...

Country of citizenship: ...

BACKGROUND AND ALLEGATIONS:

In the period from early 1992 to 1995, an armed conflict existed in the territory of Bosnia and Herzegovina – part of the then Socialist Federal Republic of Yugoslavia. Parties to the conflict were armed forces of the Serb, Muslim and Croat ethnic communities. Acting on behalf of the Serbian party to the conflict, the accused, **AA**, committed serious offences in the area of Zvornik, thereby breaking the rules of international law, namely the following:

- Articles 3 (1.1a, 1.1c) of the *Geneva Convention on the Protection of Civilian Persons in Time of War* (*Geneva Convention IV*) of 12 August 1949, ratified by the FPRY National Assembly (*FPRY Official Gazette* no. 24/50); and

- Article 4 (2.a, 2.e) of the *Protocol Additional to the Geneva Convention* of 12 August 1949, relating to the *Protection of Victims of Non-international Armed Conflicts* (*Protocol II*).

CHARGES:

Events in village Skočić

In the afternoon of July 11th 1992, acting as a member of the paramilitary group known as *Sima's Chetniks*, **AA** and several other members of his unit arrived in two vehicles in village Skočić, area of Zvornik. Apart from **AA**, the group included the following individuals: AB (the group commander), AV, AG, AD and AĐ (all accused in case K.Po2-42/10), as well as a number of unidentified soldiers only known under the following aliases/nicknames: AE, AŽ, AZ, AI, AJ, AK, AL, ALJ, AM, AN, ANJ, AO and AP. Following the forceful removal of the local Muslim population, the village remained exclusively inhabited by the Serb and Roma communities. Acting jointly and by common consent, the accused and their accomplices launched an attack on the village, bringing terror to the local population and causing large-scale destruction of public and private property. Specifically:

1.

In the afternoon of 11 July 1992, in an operation that was not justified by any military necessity, the group planted explosives under the foundations of the local mosque and demolished the structure. Part of the group was directly involved in the demolition, whereas the remaining members – **including AA** – were keeping guard in the surrounding area.

2.

a) Upon arrival in the part of the village inhabited by Roma civilians, the attackers – including **AA** – surrounded their homes and forced the residents – 27 civilians altogether, including women, children and adult males – out into a house yard.

Having found a group of locals hiding on the upper floor of AR's house, namely protected witness Beta, her aunt, grandmother and brother, **AA** and BNJ forced them at gunpoint out of the house and into the courtyard. Meanwhile, members of the *Sima's Chetniks* unit hit and kicked the victims using rifle butts and other objects. A large number of victims sustained extensive bodily injuries and one was killed in the process. Thus, the accused, AV, hit AS over the head using a bicycle rim. AT was beaten to the ground by an unidentified soldier, who struck him with his hands and a rifle butt and ultimately shot him dead. As AF begged the attackers for mercy saying "Don't do that, son!", another FNU LNU soldier hit her on the head with a rifle butt and left her unconscious.

b) The paramilitaries went on to conduct an extensive search of the Roma households, looking for cash and firearms and also seizing all valuable items found in the process. By engaging in such conduct, the accused and their accomplices subjected the victims to inhumane treatment, specifically:

- A.k.a. ANJ, aided and abetted by another FNU LNU paramilitary, seized a telephone, some coffee and other items from AH's home;
- A FNU LNU paramilitary seized AC's wedding ring, ordering the victim to remove it by herself or otherwise he would cut off her finger;
- During the body search of protected witness Gamma, AO seized the victim's gold earrings, two gold pendants in the form of a cross and a horseshoe, as well as a gold ring from her finger, saying: "Why would you ever need a cross!"

c) Having ordered a number of males – including AČ and his grandson AS – to take off their clothes, the paramilitaries forced them to perform oral sex on each other, which the victims had to comply with. In the course of one of such acts, AB severely injured AS by cutting off his penis with a knife. Such inhumane treatment caused the victims great mental suffering, their human dignity being further violated in the light of the fact that all of them were close and less close relatives.

d) In subsequence, several paramilitaries removed protected witnesses Alpha, Beta and Gamma from the rest of the group and subjected them to physical and psychological torture, including sexual abuse and other forms of ill-treatment. Specifically:

- AB dragged Alpha into the house yard, where he tied her hands with one end of his belt and fastened the other to the fence. Having removed her lower garment, AB subjected Alpha to forcible intercourse and also used pliers in an attempt to remove two gold teeth from her mouth.
- A.k.a. ANJ forced protected witness Beta – minor at the time – into the house and raped her there. He was soon joined by several other paramilitaries, who also raped the victim.
- Holding her at gunpoint, a.k.a. AŽ forced Gamma – minor at the time – into the house and raped her there.

Following the campaign of terror in village Skočić, the paramilitary group *Sima's Chetniks* ordered the victims to get into the cargo compartment of a truck. Having also loaded AT's body into the vehicle, they drove the victims – 26 civilians in total – to village Malešić.

Events in villages Malešić and Šetići

1.

Later the **same evening of 11 July 1992**, the *Sima's Chetniks* paramilitary group including **AA** participated in the transportation of the victims from Skočić to Malešić. In a coordinated action under AB's command, the paramilitaries separated Alpha, Beta and Gamma from the rest of the group, ordering them out of the truck. When Beta refused to do so, AV threatened her saying: "Get out or otherwise I'll shoot you down", whereupon all the three got out. They were accompanied by a.k.a. ANJ, a.k.a. AO and a.k.a. AE, whose task was to guard the three in order to prevent any escape attempts. Meanwhile, under the disguise of the dark, **AA** and the rest of his paramilitary group including AB, AV, AG, AD, as well as FNU LNU paramilitaries known as AŽ, AZ, AI, AJ, A.K, AL, ALJ, AM, AN and AP, drove the remaining victims to a pit (probably formed earlier as a result of sand mining) at the site called Hamzići in village Šetić. In a coordinated action undertaken upon AB's orders, the civilians were removed one by one from the truck, killed with knives and gunshots and dumped in the pit. While part of the paramilitary group personally engaged in the executions, the rest – **including AA** – were present in the vicinity keeping guard so as to prevent any escape attempts. By acting in the above-described manner, the paramilitaries took the lives of 22 civilians, namely: ADŽ, AŠ, BA, AC, BB, AF, BV, BG, AS, BD, BĐ, BE, BŽ, BZ, BI, BJ, BK (**visibly pregnant at the time**), BL (**raped prior to the execution**), AH, BLJ, BM and BN. The only survivor of the massacre was minor BNJ (aged...). Before being removed from the truck and taken to the pit, BNJ asked to see his mother. As they took him out of the truck and towards the pit, the paramilitaries replied: "You will join your mother right now". After being shot and hit with a knife, BNJ was dumped down the pit. Albeit severely wounded, the boy managed to survive by pure chance.

2.

The *Sima's Chetniks* paramilitary group – including AB, AV, AG, AD, AĐ, as well as the FNU LNU soldiers known as AŽ, AZ, AI, AJ, AK, AL, ALJ, AM, AN, ANJ, AO, AE and AP – remained in Malešić from July to late December 1992. Throughout that period, acting under AB's command, the group – **including AA** – engaged in a joint and synchronized campaign of terror against a number of local civilians whom they kept unlawfully confined in several houses in Malešić. Among the imprisoned civilians were protected witnesses Alpha, Beta and Gamma (captured in village Skočić on 11 July 1992), as well as three females from village Caparde – namely BO (deceased), BP and BR – who had been taken captive at an earlier point. Alpha, Beta and Gamma were ordered to prepare meals for the paramilitaries, clean their dwellings and wash their uniforms. Following the Hamzići massacre, the three were additionally traumatized as they washed the paramilitaries' blood-stained uniforms which evoked memories of their perished relatives. At all times during their captivity in Malešić, all the females were forced to engage in sexual intercourse with the paramilitaries, often with more than one over short time intervals.

- On the night upon their arrival in Malešić, Alpha, Beta and Gamma were sexually assaulted by the paramilitaries. Specifically, Alpha was raped by a.k.a. AK and a.k.a. AI; Beta was raped by AV; and Gamma was raped by the FNU LNU soldiers nicknamed AE and BS.
- Throughout their captivity in Malešić, Alpha, Beta and Gamma were raped and otherwise sexually abused by a large number of paramilitaries on a daily basis. Specifically, "Alfa" was beaten, raped and sexually brutalized by AV, as well as by the FNU LNU individuals nicknamed AK, AE and AI; Beta was beaten, raped and otherwise sexually tortured by **AA**, AV, AG and AB (who also threatened the victim that he would kill her if she said anything to his wife), as well as by those nicknamed ANJ, BT, BF and ALJ; Gamma was beaten, raped and otherwise sexually tortured by AV, a.k.a. AJ and a.k.a. AZ. Additionally, a.k.a. AZ forced her to take off her clothes and dance naked on a table.

Events in village Klisa

In late 1992, the paramilitary group *Sima's Chetniks*, which, still under AB's command and also including **AA**, AV, AG, AD and AĐ, as well as a number of unknown members, left Malešić and went to village Klisa. The paramilitaries forcibly took along their female captives Alpha, Beta, Gamma, BP and BR, whom they continued to keep unlawfully confined and ill-treated at all times. Alpha, Beta and Gamma were further forced to serve the paramilitaries – wash their uniforms, clean their dwelling places and cook for them. Likewise, during their captivity in Klisa, all of the victims were further forced to sexually satisfy the paramilitaries.

By his involvement in the above-described acts, the accused, AA, committed the criminal offence recognized by article 142 (1) (war crime against civilian population) re art. 22 of the SFRY Criminal Act.

Vladimir Vukčević
War Crimes Prosecutor