



Republic of Serbia
OFFICE OF THE WAR CRIMES
PROSECUTOR

Ref. KTRZ 5/09
Belgrade, 23 June 2010
VM/JS

HIGHER COURT IN BELGRADE
War Crimes Chamber

BELGRADE

Pursuant to my authority under article 46 (3) of the *Code of Criminal Procedure*, re article 4 (2) of the *Act on the Organization and Competence of Government Authorities in War Crimes Proceedings*, I raise this

INDICTMENT

Against:

1. AA

Son of ... and ... née ...
Date and place of birth: ...
Citizenship: ...
Educational background: ...
Occupation: ...
Place of residence: ...

2. AB

Son of ... and ... née ...
Date and place of birth: ...
Citizenship: ...
Educational background: ...
Occupation: ...
Criminal record: clean
Place of residence: ...

3. AV

Son of ... and ... née ...
Date and place of birth: ...
Citizenship: ...
Educational background: ...
Occupation: ...
Place of residence: ...
Criminal record: clean

4. AG

Son of ... and ... née ...
Date and place of birth: ...
Citizenship: ...
Educational background: ...
Occupation: ...
Place of residence: ...

BACKGROUND AND GENERAL ALLEGATIONS:

In the period between mid-1991 and the latter part of 1995, an internal (noninternational) armed conflict existed in the Republic of Croatia, then part of the Socialist Federal Republic of Yugoslavia. One party to the conflict included the armed force of the Independent Autonomous Area of Eastern Slavonija, Baranja and Western Srem, various armed formations composed mainly of Serbs and – until mid-January 1992 – the Yugoslav People’s Army, whereas the other party was the Croatian armed force consisting of the Republic of Croatia’s police and National Guards Assembly.

The incidents addressed by this indictment took place in the municipal area of Beli Manastir, Croatia, beginning in August 1991 and continuing until the end of that year.

Acting as members of the Special Operations Unit – part of the armed police structures of the Independent Autonomous Area of Eastern Slavonija, Baranja and Western Srem, these accused individuals committed serious breaches of international law as envisaged by the following acts and provisions:

- Article 3 (1.1.a, 1.1.e) of the 1949 *Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV)*, adopted on 12 August 1949, in re
- Article 4 (1, 2.a, 2.e and 2.š) of the *Protocol Additional to the Geneva Convention on the Protection of Victims of Noninternational Armed*

Conflicts (Protocol II), adopted on 12 August 1949 (*SFRY Official Gazette* no. 16/78 – *International Contracts*).

The crimes addressed by this indictment were committed against non-Serb civilians who took no part in the hostilities and had no affiliation with any armed groups. Pursuant to the foregoing Convention and Protocol, such persons were in all circumstances entitled to humane treatment and protection from any violence.

CHARGES:

A. Unlawful arrests

The accused: AA and AG

On repeated occasions throughout the above-specified period, **AA, AG** and a number of still unidentified members of the local Secretariat of the Interior (SUP) launched unlawful and unjustified arrest operations in Beli Manastir and the surrounding villages. Captured on ethnic and religious grounds, Croatian and other non-Serb civilians were transferred to the SUP detention unit, where they remained confined for days. Among the captives – whose definite number still remains unknown – were the following: AD, AĐ, AE, AŽ, AZ, AI, AJ, AK, AL, ALJ, AM, AN, ANJ, AO, AP, AR, AS, AT, AF, AH, AC, AČ, ADŽ, AŠ, BA, BB, BV, BG, BD, BĐ, BE, BŽ and BZ.

B. Injuries to bodily integrity, measures of intimidation and terror, torture and inhumane treatment

Acting jointly and simultaneously, but at times also individually, these accused and their accomplices engaged in severe beating campaigns, which persisted during the arrest operations in the civilians' homes, as well as on their way to and inside the detention facility. As they did so, the attackers used their hands and legs, police batons, rifle butts and other blunt and hard objects, causing the victims injuries to health and bodily integrity. Beside engaging in acts of torture and inhumane treatment, the attackers also opened random gunfire intended to intimidate and terrorize the local civilian population.

1. The accused: AA and AG

On 28 August 1991, an attack operation – unprovoked and unjustified by military necessity – was launched on village Kozarac in the area of Beli Manastir. **AA** and **AG** took part in the operation, randomly shooting at local houses and towards

civilians in their homes and front yards. In uncontrolled gunfire, **AA** killed unarmed senior civilian BI and heavily injured BJ, who, shot from a close distance in his front yard, sustained a perforating wound in the lower leg. Meanwhile, **AG** opened random fire from his automatic rifle and hit BK, who sustained a perforating soft tissue wound in the shoulder area.

Inside the prison facility, acting jointly and at a time, these accused inflicted grave bodily injuries on a number of those unlawfully arrested and detained. Aided and abetted by BL (whose case has been suspended), as well as by any number of still unidentified individuals, these accused: hit inmate AŽ with their feet and batons; hit AI and BV with their batons all over the body, and also subjected the two to inhumane treatment by forcing them to slap each other across the face; jointly beat BK in the same manner, meanwhile **AG** additionally intimidated the victim by placing his gun inside the victim's mouth; caused grave bodily injuries to AP, threatened to slaughter him and forced him to sing "Chetnik" songs; on repeated occasions used their rifle butts to hit ADŽ on the head and all over the body, causing him grave bodily injuries and additionally intimidating him as they placed a gun inside the victim's mouth, threatening to kill him; and beat AT all over the body, meanwhile **AA** hit him with a wire baton and also seized his handgun for which the victim possessed a regular licence.

2. The accused, AA

Over the same period, **AA** inflicted serious bodily injuries on a large number of civilians unlawfully captured and detained in the SUP prison facility. This accused subjected the inmates to severe beatings using his hands and feet, a rubber baton, lengths of telephone cable and other blunt and hard objects. Among others, this accused beat AĐ and AE with a truncheon, and also hit the latter with his hands and feet. BB, AL, AH, BLJ, AR and AC were beaten over in the same manner, and AČ was additionally whipped with a length of telephone cable. Furthermore, **AA** beat BM and BN, and trampled AO with his boots, crushing the victim's fingers in the process; used his hands, feet and various blunt and hard objects to beat AN, who got ten teeth knocked out and two ribs broken in the process. On most occasions following the beatings, **AA** would hand out copies of the song *Get ready, Chetniks!* to the inmates and force them to sing. On one occasion, seeking to additionally intimidate and terrorize the inmates, **AA** and several unidentified members of his unit opened unprovoked fire from their infantry weapons at a bus operating along the route to village Širine, wounding BNJ, the bus driver, in the process.

3. The accused, AG

Over the same period, **AG** engaged in acts of intimidation against some civilians on the SUP detention premises. Specifically, this accused put a cocked handgun

to AJ's head, threatening to kill him. Likewise, he intimidated and physically injured BO, an inmate whom the accused and his two colleagues had arrested on the street. Having forced BO to run barefoot over a stubble field, the attackers kicked the victim as they ran after him. At one point, **AG** and his accomplices apparently let BO escape them, but a while later chased him down in a "rabbit hunt" and beat him over. This accused also intimidated and physically injured inmate AP, threatening to slaughter him because of his son's affiliation with the Croatian Ministry of the Interior, and forcing him to sing "Chetnik songs".

V. Killing of civilians

1. The accused, AA

On 10 October 1991, further to the agreement between **AA**, BL and an unidentified local SUP officer to take the lives of two Croat civilians, namely BP and his wife BR, BL and the unidentified officer – acting in line with the anticipated division of duties – removed BP and BR from their family home in ... Street in Beli Manastir and forced the couple into an official utility vehicle. The couple were driven to the Sudaraš neighbourhood, where – in accordance with the scheme – **AA** was already waiting for their arrival. Once the couple had been removed from the car, **AA** told them to come closer and asked them where their sons were. Immediately afterwards, **AA** fired his Colt revolver from a close distance and hit BP in the back of the head, killing him on the spot. As she heard the shot and saw her husband topple over, BR lost consciousness. Intent to take her life, **AA** approached the woman with a knife and stabbed her four times in the neck. The woman sustained severe and potentially lethal bodily injuries but managed to survive. In the belief that both BP and BR were dead, the offenders left the scene leaving the victims behind.

2. The accused: AA, AB and AV

In the morning of 17 October 1991, further to the agreement between **AA** and BL to kill four Croat civilians – members of the S family, **AA**, BL and two unidentified local SUP officers came to the S family home in ... Street in village Karanac. Of the four persons sought by **AA** and his accomplices, only BS was at home. He was ordered to come later, along with the remaining three family members, to the SUP premises for interrogation relating to alleged theft of hogs from a local farm. All of the four family members – namely father BT and sons BF, BS and BH – complied with the order and came to the police station later that afternoon. In subsequence, **AA** and BL went to town and found **AV**, the police van driver whom they instructed to come to the police station as they allegedly had to transfer some Croatian "spies" to the command post in village Jagodnjak. In line with the instruction, **AV** arrived towards the evening and

stopped the vehicle at the entrance into the SUP yard. Having removed the four captives from the SUP premises and forced them into the rear of the van, **AA** and BL got into the front part. They also told **AV** and **AB** to come along and drove off with **AB** behind the wheel. After a while, further to **AA**'s instructions, **AB** turned off the main road and proceeded along a side road. As they reached the ruins of the abandoned country estate called Karaševo, they stopped. **AA** and BL first removed BF from the car. Taking the captive by the hand, BL led him away from the van, while **AA**, **AB** and **AV** followed closely behind. After they had walked several dozen metres, **AA** drew his knife and stabbed BF in the neck while BL was holding the victim by the hand and hair. Immediately afterwards, **AA** fired at least one round from his Colt revolver, hitting the victim in the head. Having received severe perforating wounds, BF died on the spot. In support of the ongoing developments and willing to personally engage in the operation, **AB** and **AV** consciously and deliberately joined **AA** and BL in the killing of those still alive. The remaining three S family members were removed from the vehicle, taken to the same execution site and killed one by one. **AA** first fired at least two rounds from his Colt at BS, who received perforating injuries to the head and right upper arm and died instantly. In subsequence, **AA** discharged several shots at BT, who received multiple perforating injuries to the chest and pelvic areas and died on the spot. Lastly, **AA** fired at BH, discharging one round into the victim's head. When BH toppled to the ground, **AB** fired several rounds from his automatic rifle. In the aftermath of perforating injuries to the head and body, BH also died instantly.

On their return to Beli Manastir, the offenders went to BL's flat, where they divided between themselves the money and items previously seized from the victims.

By their engagement in the above-described conduct, these accused committed the criminal offence under article 142 (1) (war crime against civilian population) in re article 22 (co-perpetration) of the *Yugoslav Criminal Act*.

Vladimir Vukčević
War Crimes Prosecutor