



**Republic of Serbia**  
**OFFICE OF THE WAR CRIMES**  
**PROSECUTOR**

Ref. KTRZ no.9/08  
Belgrade, 11 March 2010  
ID/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 articles 3 and 4 (2) of the *Act on the Organization and Competence of Government Authorities in War Crimes Proceedings*, i raise this

**INDICTMENT**

Against **AA** a.k.a. ...

Personal details:

Place of residence: ...

Place and date of birth: ...

Son of ... and ... née ...

Educational background: ...

Occupation: ...

**Background facts and general allegations:**

At the time relevant to this indictment, an armed conflict existed in the territory of the Republic of Croatia (RH). Parties to the conflict were armed forces of the Yugoslav Peoples' Army (JNA) alongside the Territorial Defence (TO) and police units of the Independent Autonomous Area of Krajina (SAO Krajina) on one side, and RH police and paramilitary forces on the other.

The incident addressed by this indictment occurred in the area of Tenja, RH, following the clashes in the areas of Sarvaš and Orlovnjak, which had involved the JNA and local TO and police structures on one side, and the Croatian Army (HV) on the other.

As a member of the Tenja police force operating within the local TO structures, **AA** committed grave breaches of international law, specifically of the following acts and provisions:

- Article 3 (1a) of the *Geneva Convention relative to the Treatment of Prisoners of War (Geneva Convention III)*, adopted on 12/08/1949 and subsequently ratified by the FNRJ National Assembly (*FNRJ Official Gazette* no. 24/50); and
- Article 4 (1) and (2.a) of the *Protocol Additional to the Geneva Convention on the Protection of Victims of Noninternational Armed Conflicts (Protocol II)*, adopted on 08/06/1977 (*SFRJ Official Gazette*, no. 16/78).

### **Charges:**

On 20 November 1991, **AA** and his fellow officer VV came to the Tenja outpatient centre looking for BB, a captured member of the ... HV Brigade who had ceased to take part in the hostilities and was unable to fight due to a leg wound. Aided and abetted by his accomplice, **AA** removed BB from the facility and forced him into VV's car. With **AA** and BB aboard, VV drove off towards their command centre in Bobota. As they passed on their way through village Čelije, **AA** instructed VV to make a stop outside the local cemetery. As VV had done so, **AA** pulled the captive out of the car, took him closer to the cemetery entrance and fired a burst from his automatic rifle into BB. Having sustained severe injuries to his head and body, BB died shortly afterwards.

**By engaging in the above-described conduct, AA committed the criminal offence recognized by article 144 (war crime against prisoners of war) of the *Yugoslav Criminal Act*.**

**Vladimir Vukčević**  
**War Crimes Prosecutor**