

BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF B-H
S A R A J E V O

No: KT-RZ-53/08
Sarajevo, 26 August 2008

COURT OF BOSNIA AND HERZEGOVINA

-- Preliminary Hearing Judge --

Pursuant to Article 35 (2) (i) and Article 226 (1) of the Criminal Procedure Code of Bosnia and Herzegovina, I hereby file the following

INDICTMENT

AGAINST:

RADOMIR VUKOVIĆ, a.k.a. "Vojvoda", son of Vojin and Mira (maiden name Ivanišević), born on 16 February 1974 in Tuzla, JMBG: 1602974183483, of Serb ethnicity, citizen of BiH, application for the citizenship of Republic of Serbia is being processed, with residency in Belgrade, at Marijane Gregoran 83, tile layer by occupation, literate, completed high school, married, father of a minor child, completed military service in 1992 in Han Pijesak, holds no rank of a reserve military officer, registered at the military records of the Šekovići Municipality, awarded a Gold Medal for Courage in 1993 by the VRS Main Staff, and the Medal of Hero Milan Tepić, average financial standing, no previous convictions, no other pending criminal proceedings against him, currently in custody in the *Doboj* Penal and Correctional Institution pursuant to the Decision of the Court of B-H no: X-KRN-06/180 of 8 August 2008, which shall expire on 7 September 2008.

BECAUSE:

- Intending to exterminate in part a group of Bosniaks, by causing serious bodily and mental harm to a group of Bosniak people by forcibly transferring and separating men from their families, by capturing and executing people, as a member of the special police force, together with a number of other members of the 2nd Detachment of the Šekovići Special Police of the Republika Srpska MUP (Ministry of the Interior), as a knowing participant in the joint criminal enterprise during the period from 10 July to 19 July 1995,

in which the Republika Srpska Army (VRS) and the Republika Srpska MUP carried out a widespread and systematic attack against members of the Bosniak people, knowing of such an attack, in co-perpetration with other members of the VRS and the RS MUP, with the common aim to permanently forcibly transfer around 40,000 civilians from the UN safe area of Srebrenica and summarily execute and bury more than 7,000 Bosniak men aged between 13 and 70:

1. On 12 July 1995, the Accused took part in the search of the Bosniak-populated villages in the UN safe area of Srebrenica, in the vicinity of Potočari, in order to find Bosniaks, force them out of their homes and take them to the area of Potočari, where Bosniaks were rounded up, knowing that these people would be forcibly and permanently transferred from Potočari to the area under the control of the Army of the Republic of BiH. In the afternoon of that same day and on the following day, 13 July, at the section of the Bratunac-Konjević Polje road at Sandići, Bratunac Municipality, he participated in keeping the road passable so that Bosniaks could be transported by buses and trucks without obstruction, in securing the road, closing and opening it for traffic in line with the plan to forcibly transfer Bosniak women, children and elderly, who, due to the fear caused by the separation of the men, the terror, the active threats and the inflicting of injuries by members of the VRS and RS MUP, were bundled onto the buses and trucks without resistance and they left the safe area;

2. On 13 July 1995, the Accused participated in the reconnaissance operation and the armed attacks with tanks, *Pragas* (self-propelled anti-aircraft guns), anti-aircraft guns and other infantry weapons against the column of Bosniaks in the area above Kamenica close to the said road, forcing the Bosniak men to surrender, encouraging and enticing them with false promises of exchange, so the Accused participated in the capturing of several thousand Bosniaks who attempted to escape from the safe area through the forest because they feared they would be captured and executed by the RS MUP and RS Army, after which they were searched, their money and valuables were confiscated and they were ordered to lay down food, clothes and other things they had in their bags, following which in the afternoon of the same day he took part in escorting a column of around 1,000 captured Bosniaks from Sandići to the warehouse of the Kravica Farming Cooperative, knowing that they were to be executed, and, after the captured Bosniaks were imprisoned in the Warehouse, the Accused and the other members of the 2nd Detachment killed the majority of the captives, the Accused participated in the execution by throwing hand grenades at prisoners, while the other members of the 2nd Detachment used light machine guns, rifles and hand grenades to kill the prisoners,

Therefore,

Intending to partially exterminate a group of Bosniaks as an ethnic and religious group, as a co-perpetrator he committed killings of members of the group of Bosniak population and the forcible transfer of the Bosniak civilian population to the territories outside of Republika Srpska,

whereby he committed the criminal offense of Genocide, in violation of Article 171 of the Criminal Code of BiH, as read with Articles 29 and 180 (1) of the Code.

Therefore, I hereby file the following:

PROPOSAL

I To schedule the main trial, after confirming the Indictment, and summon the attendance of the following persons:

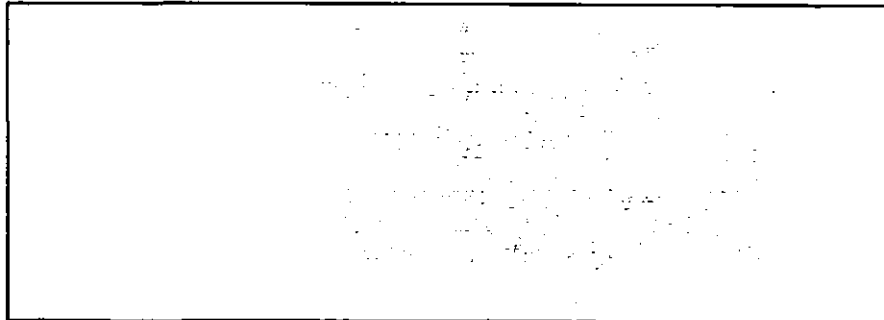
- Ibro Bulić, Prosecutor of the Prosecutor's Office of BiH,
- The suspect Radomir Vuković and his Defense Counsel, Attorney Radivoje Lazarević
- Representative of the injured parties: Nezir Habibović from Sarajevo.

II Proposal of evidence:

1) To hear the following persons as witnesses:

1. Protected witness D-1
2. Protected witness D-2
3. Protected witness D-3
4. Protected witness D-4
5. Protected witness D-5
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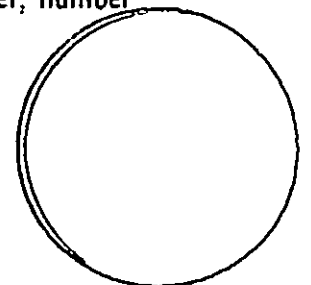


2.) To hear as an expert witness, expert in forensic medicine, Tuzla

3.) To present the following evidence:

3.a)

1. List of members of the Second Detachment Šekovići who earned their salary for July 1995, Special Brigade – Second Detachment of Special Police Šekovići,
2. List of members of Special Police Brigade provided by MUP of Republika Srpska, Crime Police Administration, number 02/3, strictly confidential, 994/05 dated 26 October 2005,
3. Structure of MUP RS Special Police Brigade
4. Structure of the RS police in the area of the Drina Corps, dated 12 July 1995, - P363,
5. Order by Staff Commanding Officer Tomo Kovač, number 64/95 dated 10 July 2005,
6. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 277/95 dated 12 July 1995,
7. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 281/95 dated 12 July 1995,
8. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 282/95 dated 13 July 1995,
9. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 283/95 dated 13 July 1995,
10. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 12-6/08-508/95, dated 14 July 1995,
11. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 01-16-02/1-205/95, dated 15 July 1995,
12. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 01-16-02/1-206/95, dated 17 July 1995,
13. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 01-16-02/1-206/95, dated 17 July 1995,
14. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 12-6/08-534/95, dated 19 July 1995,
15. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 01-16-02/1-231/95, dated 28 July 1995,



16. Dispatch note by Dragomir Vasić, Zvornik Public Security Center, number 01-16-02/1-221/95, dated 22 July 1995,
17. Dispatch note by Miloš Stupar, Commander of the Second Detachment of Special Police Šekovići, number 01/1-1-4/2-62 dated 18 July 1995,
18. Report on partial restoration of terrain in Srebrenica, the Kravica area, State Commission for Exchange of Prisoners of War and Missing Persons, number 193/97 dated 29 May 1997,
19. Excerpt from hospital protocol for 13 July 1995,
20. Information on the wounded, ill, missing and the dead of the Bratunac Light Infantry Brigade in course of execution of combat assignments,
21. Letter of the RS MUP, dated 22 November 2005, about submitting the lists of the 2nd Detachment members,
22. Mid-year report of MUP of Republika Srpska, Special Police Brigade, Second Detachment of Special Police of Šekovići, number 01/1-1-1/2-230/95 dated 5 July 1995,
23. Record on crime scene investigation and reconstruction with the witness ██████████ ██████████ BiH Prosecutor's Office, No. KT-RZ-10/05 dated 29 September 2005, with the transcript,
24. Record on crime scene investigation and reconstruction with the suspect Milovan Matić, BiH Prosecutor's Office, No. KT-RZ-10/05 dated 29 September 2005, with the transcript,
25. Record on crime scene investigation and reconstruction with the witness ██████████ ██████████ BiH Prosecutor's Office, No. KT-RZ-10/05 dated 4 October 2005,
26. Record on crime scene investigation and reconstruction with the witness Ilija Nikolić, BiH Prosecutor's Office, No. KT-RZ-10/05 dated 4 October 2005, with the transcript,
27. Brochure-photos – stills from the video recording of the trial of Srebrenica-P22,
28. Brochure-Book for identification of Bosnian Muslims-P23,
29. Photo of the crossroads taken from a hill in the direction of Konjević Polje-P8.1,
30. Aerial photo of Bratunac -P12.1,
31. Aerial photo of Bratunac, marked by a witness in the course of presentation of evidence-P677,
32. Aerial Photo of Bratunac-P12.1
33. Photo of arrival of a bulldozer dated 5 July 1995 with traces of truck tires-P8.9,
34. Photo of arrival of a bulldozer dated 5 July 1995 with traces of trailer and tractor tires-P8.11,
35. Photo of arrival of a bulldozer dated 27 July 1995 with traces of truck tires - P8.10,
36. Photo of arrival of a bulldozer dated 27 July 1995 - P8.8,
37. Photo of arrival of a bulldozer dated 27 July 1995 - P8.12,
38. Aerial photo of the Sandići valley -P9.3,
39. Photo of the Sandići valley dated 13 July 1995 - P9.1,
40. Blown-up photo of the Sandići valley, -P9.2,

41. Photo of Glogova dated 5 July 1995, with a note -P11.2,
42. Aerial photo of Glogova, with a note -P11.1,
43. Aerial photo of Glogova dated 17 July 1995 -P11.3,
44. Photo of Glogova dated 17 July 1995, marked by a witness in the course of the examination -P679,
45. Photo of Konjević Polje dated 14 August 1995 -P8.4,
46. Photo of the ID card of Dahmo Kadric, from Glogova -P657,
47. Photo taken from the direction of Bratunac, with the area between Kravica and Sandići, warehouse marked -P9.5,
48. Photo of a shoe imprint under a window -P10.7,
49. Aerial photo of the area, with notes -P8.5,
50. Aerial photo of Potočari dated 13 July 1995 -P50,
51. Aerial photo of Potočari dated 13 July 1995, with notes -P51,
52. Photo of the Kravica Warehouse, taken from P-10.1, marked by a witness -P60,
53. Photo of the Kravica Warehouse, marked by a witness in the course of the examination - P678,
54. Photo of the rear section of the Warehouse with the cornfield remnants -P10.6,
55. Photo of the west section attic with traces of blood -P10.5,
56. Photo of the inner west section of the Warehouse with blood stains on the wall -P10.4,
57. Photo of an area with graves taken from a helicopter -P6.1,
58. Map showing movement of the column -P138,
59. Map showing movement of the columns, broken down to the north and the south - P24,
60. Map showing primary graves 1 and 2 in Glogova -P566,
61. Map showing the Kravica village and the road in Kravica -P674,
62. Map of Kravica -P4.3,
63. Mass graves in the area of Tatara - Bratunac, 27 July 1995 -P567,
64. Wide angle of the Kravica Warehouse -P10.3,
65. View of Bijela kuća (white building) with things scattered all over the place -P9.4,
66. Photo of the Kravica Warehouse, 13 July 1995 -P10.2,
67. Aerial photo of the Warehouse -P10.1,
68. Photos of Srebrenica and Žepa, July 1995,
69. Blown-up photo of a shoe imprint under a window -P10.8,
70. Disturbed soil, Glogova, 9 November 1995 -P571,
71. Disturbed soil, Glogova, 30 October 1995 -P570,
72. Video photos of the bodies in front of the Kravica Warehouse, 13 July 1995,
73. Petrović's film from a DVD (a set) with the transcript for a compiled video recording,
74. Sketch of the crimes scene in Kravica, no. 14-13/1-7-243/05, dated 4 October 2005,
75. Report on the combat deployment of the SPB forces and other police forces in the Srebrenica 95 operation between 11 July and 21 July 1995, report filed by Ljubomir Borovčanin, ERN 0294-1600-0294-1603,

76. Report on the operations of the 2nd Šekovići Special Police Detachment for the 2nd quarter of 1995, dated 5 July 1995, author: Miloš Stupar,
77. Report by Miloš Stupar, Commander of the 2nd Šekovići Detachment, dated 16 August 1995,
78. Order for mobilization of all military conscripts, dated 10 July 1995, author: Vidoje Blagojević,
79. Regular combat report, dated 13 July 1995, author: Radislav Krstić,
80. Bulletin of security events, number 200, dated 12 July 1995, Bijeljina MUP,
81. Order to provide buses for evacuation, dated 12 July 1995, author: Milenko Živanović,
82. Order to prevent passage of the groups of Muslims towards Kladanj and Tuzla, dated 13 July 1995, author: Milenko Živanović,
83. Order on the application of the rules of international laws of war in the Army of the Serb
84. Republic of BiH, Gazette of the Serb People, dated 13 May 1992, author: Radovan Karadžić,
85. Guidelines for establishing criteria for criminal prosecution from 1992, author: Military Prosecutor's Office,
86. Order by Radovan Karadžić to introduce the highest level of combat readiness, dated 16 June 1995.
87. Chart of experts and reports, [REDACTED]
88. Chart of exhumed mass graves, [REDACTED]
89. Map of primary and secondary mass graves, ICTY,
90. Photo of Glogova, ICTY,
91. Aerial photos, 27 July 1995 and 20 October 1995, Tatar Bratunac, ICTY,
92. Zeleni Jadar – grave, ICTY,
93. Aerial photo of Zeleni Jadar, ICTY,
94. Aerial photo of Zeleni Jadar, disturbed soil, 7 September 1995, ICTY,
95. Zeleni Jadar mass grave, disturbed soil, 24 August 1995 and 2 October 1995, ICTY,
96. Zeleni Jadar mass grave, disturbed soil, 20 October 1995 and 23 October 1995, ICTY,
97. Zeleni Jadar mass grave, disturbed soil, 7 September 1995 and 2 October 1995, ICTY,
98. Section of the report by expert [REDACTED]
99. GL 1 – Photo,
100. Table of Minimal number of Individuals Results,
101. Srebrenica mass graves – primary and secondary graves, chart,
102. Lab report – automatic ballistic match, dated 24 February 2000, author: Forensic Lab,
103. Chart depicting the link between the execution sites and mass graves,
104. Chart of experts and reports, 5 February 2004, [REDACTED]
105. Forensic analysis of explosives on the basis of samples recovered from various sites in Srebrenica, author: the Netherlands Forensic Institute,
106. Assessment of the Minimal Number of Individuals exhumed by ICTY between 1996 and 2001, January 2004, author: Jose Pablo Baraybar,

107. Srebrenica exhumations, blindfolds, photos – ICTY,
108. Srebrenica exhumations, ligatures, photos – ICTY,
109. Table of blindfolds and ligatures that were found between 1996 and 2001, ICTY,
110. Photo – Potočari. ICTY,
111. Photo – *Energoinvest* Factory, ICTY,
112. Photo – *Energoinvest*, 11. Mart, ICTY,
113. Photo – Potočari, ICTY,
114. Photo – Bijela kuća (White building), ICTY,
115. Photo – passage in the fence , ICTY,
116. Photo – Potočari, a garden with corn plants, ICTY,
117. Aerial photo – Potočari on 13 July 1995, ICTY,
118. Photo – Potočari on 12 July 1995, ICTY,
119. Map of the movement of the column and Serb forces positions, ICTY,
120. Photo of the hill and woods through which Muslim columns were passing, ICTY,
121. Photo of the crossroads, ICTY,
122. Aerial photo of Sandići on 13 July 1995, ICTY,
123. Aerial photo of Nova Kasaba, football playing field, 13 July 1995, ICTY,
124. Report on security situation in the 2nd Šekovići Police Detachment, dated 3 August 1995, author: Nedeljko Sekula,
125. Report by the Special Police Brigade of the MUP, number: 285/95, dated 13 July 1995, by Ljubiša Borovčanin, Deputy Commander of the SPB,
126. Submitting information to Deputy Minister, dated 14 July 1995, author: Dragan Kijac,
127. Regular combat report, dated 14 July 1995, author: Mile Simanić,
128. Regular combat report, dated 17 July 1995, author: Mile Simanić,
129. Report on the state of combat readiness, 17 June 1993, author: Rade Rodić,
130. Directive for further operations no. 7, number: Dt 2/2-11, dated 8 March 1995, Supreme Command of the Armed Forces of the Republika Srpska, author: Supreme Commander, Radovan Karadžić,
131. Directive for further operations op.7/1, number: Dt 2/2-15, dated 31 March 1995, Main Staff of the VRS, Commander Ratko Mladić,
132. Treatment of prisoners of war, author: Milomir Savčić,
133. Report by forensic expert witness, [REDACTED] dated 12 February 2007.

3.b) Evidence proposed pursuant to Article 5 of the Law on the Transfer of Cases from the ICTY to the Prosecutor's Office of BiH and the Use of Evidence Collected by ICTY in Proceedings before the Courts in BiH:

1. Statement by [REDACTED] Office of the Prosecutor of ICTY, 26 June 2002, 28 and 29 April 2004,
2. Statement by [REDACTED] Office of the Prosecutor of ICTY, 29 October 2004,
3. Statement by [REDACTED] Office of the Prosecutor of ICTY, 20 February 2002, 11 March 2003,

4. Statement by [REDACTED], Office of the Prosecutor of ICTY, 9 July 2000, 26 August 2002, 10 June 2003,
5. Statement by [REDACTED] Office of the Prosecutor of ICTY, 16 March 2002,
6. Statement by S.K., Office of the Prosecutor of ICTY, 22 January 2004,
7. Statement by H.E., Office of the Prosecutor of ICTY, 8 March 1999,
8. Statement by [REDACTED], Office of the Prosecutor of ICTY, 16 Devembre 1997, 4 February 1998, 21 October 1999, 12 March 2001, 25 November 2003,
9. Statement by [REDACTED] ICTY, 23 June 1999, 15 December 1999, 28 May 2005,
10. Statement of facts and acceptance of responsibility, [REDACTED]
11. Statement by [REDACTED] ICTY, 2 April 2000, 4 June 2003, 5 February 2004
12. Statement of facts and acceptance of responsibility, [REDACTED]
13. Statement by [REDACTED] Office of the Prosecutor of ICTY, 15 May, 16 May, 19 May, 21 May, 22 May 2003,
14. Statement by [REDACTED] Office of the Prosecutor of ICTY, 5 and 6 February 2004,
15. Statement by [REDACTED] Office of the Prosecutor of ICTY, 28 September 1995, 3 February 1998,
16. Statement by [REDACTED] Office of the Prosecutor of ICTY, 24 October 1995, 9 July 1999, 30 April 2000,
17. Statement by [REDACTED] Office of the Prosecutor of ICTY, 26 September 1995,
18. Statement by [REDACTED] Office of the Prosecutor of ICTY, 26 September 1995,
19. Statement by [REDACTED] Office of the Prosecutor of ICTY, 28 September, 9 October 1995,
20. Statement by [REDACTED] Office of the Prosecutor of ICTY, 28 September, 9 October 1995
21. Statement by [REDACTED] Office of the Prosecutor of ICTY, 6 October 1999,
22. Statement by [REDACTED] Office of the Prosecutor of ICTY, 25 October 1995,
23. Statement by [REDACTED] Office of the Prosecutor of ICTY, 29 November 1999.

3.c) Evidence proposed pursuant to Article 4 of the Law on the Transfer of Cases from the ICTY to the Prosecutor's Office of BiH and the Use of Evidence Collected by ICTY in Proceedings before the Courts in BiH:

1. Srebrenica Military Narrative (revised) - operation "Krivaja 95" dated 1 November 2002, [REDACTED] (CD with evidence used in the making of the report)
2. Report on command responsibility in the VRS, [REDACTED] (CD),
3. Expert finding of the Netherlands Forensic Institute - Subject: Inspection of textile dated 11 February 2000,

4. US Naval Criminal Investigative Service's report on review and finding of evidence from the Kravica warehouse,
5. Report-Appendix to the number of the missing and the dead in Srebrenica by [REDACTED]
6. Report on the number of the missing and the dead in Srebrenica by H. [REDACTED]
7. Report on the examination and recovery of evidence from the Kravica Warehouse,
8. Report on blood and tissue samples found in the Grbavci School, Kravica Warehouse,
9. OTP's report dubbed Missing from Srebrenica – persons who were registered missing after the fall of Srebrenica,
10. ICRC's list of missing persons,
11. Summary of the forensic and medical evidence – mass graves exhumed in the course of 2000,
12. Report on digging out and exhumation of mass grave Glogova 1 in 2000,
13. Report on digging out and exhumation of mass grave Glogova 2 in 1999-2001 by forensic anthropologist [REDACTED]
14. Summary of the forensic and medical evidence – execution and mass grave sites – ICTY investigator [REDACTED] 16 May 2000,
15. Report by Chief Pathologist - mass grave sites of Srebrenica, ICTY, 1999,
16. Report on the examination and recovery of evidence from the Kravica Warehouse September - October 2000,
17. ICTY publication, missing persons in the territory of Bosnia and Herzegovina, dated 30 June 1998,
18. Report by [REDACTED] Supplement, dated 8 June 2007 and 27 November 2007 (Srebrenica Investigation).

III RESULTS OF THE INVESTIGATION:

Having conducted an investigation against the suspect Radomir Vuković, the Prosecutor's Office of BiH submits that there is sufficient evidence in support of grounded suspicion that the Accused, as a co-perpetrator, committed the criminal offense of Genocide, in violation of Article 171 of the Criminal Code of BiH, in the manner, at the place and time as explained in more detail in the operative part of the Indictment.

The investigation has revealed the following:

Throughout the period referred to in the Indictment, there was an armed conflict in the Republic of Bosnia and Herzegovina (BiH).

During the relevant period, the participants in the armed conflict were, on the one side: Republika Srpska (RS), whose Armed Forces included the formations and units of the Republika Srpska Army (VRS) and elements of the Ministry of the Interior of Republika (MUP) Srpska and the police forces that were associated to or in some other way act

together with the VRS; and on the other side, Bosnia and Herzegovina, whose Armed Forces consisted of formations and units of the Army of Bosnia and Herzegovina (A BiH).

Throughout the relevant period, members of the 2nd Šekovići Detachment of the Special Police Brigade of the RS MUP and the Army of the RS (VRS) were obliged to comply with the laws and customs of war.

All acts and omissions were part of a widespread and systematic attack against the Bosniak civilians in the UN safe area of Srebrenica and its surroundings.

After the armed conflict broke out in the Republic of Bosnia and Herzegovina in the spring of 1992, Bosnian Serb military and paramilitary forces attacked and occupied towns, places and villages in the eastern part of the country, including Zvornik, and participated in the ethnic cleansing campaign that resulted in a mass exodus of Bosniak civilians to the enclaves of Srebrenica, Goražde and Žepa.

On 19 November 1992, General Ratko Mladić, Commander of the VRS Main Staff, issued Operational Directive No. 4. This Directive, in part, ordered the Drina Corps to *"...inflict the heaviest possible losses on the enemy, and force them to leave the Birač, Žepa and Goražde areas together with the Muslim population. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them."*

On 16 April 1993, the United Nations Security Council, acting pursuant to Chapter VII of the UN Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a "safe area" which was to be free from any armed attack or any other hostile act.

On 8 March 1995, the Supreme Command of the Armed Forces of Republika Srpska issued Operational Directive No. 07. In this Directive, Republika Srpska President Radovan Karadžić directed the VRS (specifically, the VRS Drina Corps) to *"...complete the physical separation of Srebrenica from Žepa, to prevent even individual communication between the two enclaves. By planned and well-thought-out combat operations, create an unbearable situation of total insecurity, with no hope of further survival and life for the inhabitants of Srebrenica and Žepa."*

On 2 July 1995, in the Drina Corps active combat activities order for the attack on the Srebrenica enclave, Gen. Milenko Živanović ordered that the attack on the enclave should result in "reducing the enclave to its urban area". The size of the enclave on 2 July 1995 was approximately 58 square kilometers, while the urban area of the enclave was about 2 (two) square kilometers. Large numbers of Bosniaks of the enclave lived outside the urban area of Srebrenica prior to 2 July 1995.

The Drina Corps plan for the execution of the order was a step toward a wider VRS plan to plunge the Bosniak population into a humanitarian crisis and, ultimately, eliminate the enclave.

On or about 6 July 1995, units of the Drina Corps shelled Srebrenica and attacked the Dutch-manned United Nations observation posts located within the enclave. The Drina Corps attack on the Srebrenica enclave, including the shelling, continued through 11 July 1995, when the troops of *The Drina Wolves*, the Bratunac Brigade and other VRS units entered Srebrenica.

On 10 July 1995, upon the Order 64/95 issued by Tomo Kovac, Acting Minister of the Interior of Republika Srpska, the joint forces of MUP units were formed (involving a Company from the Jahorina Training Centre, the 2nd Šekovići Detachment and the 1st Company of the Zvornik Public Security Center) in order to assist the VRS forces in the attack. According to that Order, the Joint Forces of the Ministry of the Interior units were placed under the command of the Drina Corps that was subordinated to the VRS Main Staff under the command of Gen. Ratko Mladić.

The shelling of Srebrenica by the Drina Corps on 10 and 11 July 1995 was designed to terrify the Bosniak population and drive them out of the Srebrenica town and the area.

The Bosniaks, men, women and children who were in Srebrenica following the outset of the VRS attack, could choose one of the two options:

a) Several thousand women, children, and a few, mostly elderly men, fled to the UN Compound in Potočari within the Srebrenica "safe area", where they sought protection from the Dutch Battalion. These Bosniak civilians stayed in Potočari and its surroundings from 11 to 13 July 1995 and were being mistreated by the VRS and MUP members during that period. After that, they were transported out of the enclave by buses and trucks overseen by the VRS and the MUP.

b) Meanwhile, approximately 15,000 Bosniak men from the enclave, with some women and children, gathered in the villages of Šušnjari and Jagličići in the evening of 11 July 1995 and set off, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of the soldiers of the 28th Division of the Army of R BiH. Approximately two-thirds were Bosniak civilian men from Srebrenica. The rest were also civilians and unarmed military personnel.

On or about 12 July 1995, Ratko Mladić, Radislav Krstić and other representatives of the VRS and the Bosnian Serb civilian authorities met at the *Fontana* Hotel in Bratunac with the Dutch military senior officers and representatives of the Bosniaks who took refuge in Potočari. At this meeting, Ratko Mladić explained that he would supervise the "evacuation" of the refugees from Potočari and that he wanted to see all Bosniak men aged between 16 and 60, so that they could be screened for possible war criminals.

On or about 12 July 1995, approximately 50 to 60 buses and trucks arrived near the UN military compound in Potočari accompanied by Ratko Mladić and Radislav Krstić. Shortly after the arrival of these vehicles, the process of deportation of the Bosniak women and children began. As the women, children and men started to board the buses

and trucks, the VRS soldiers and the MUP members separated the men from the women and children and detained the men in Potočari and its surroundings.

On 12 and 13 July 1995, the Command and the units of the Drina Corps, as well as the MUP units, were present during the supervision of the forcible transfer of the Bosniak civilians from Potočari.

The staff of the Drina Corps who were in the Potočari compound on 12 and 13 July 1995 were aware of the catastrophic humanitarian situation faced by the Bosniak refugees and of their mistreatment by the Bosnian Serb forces, but they failed to do anything about that.

The Bosniak civilians from Srebrenica who were taken by buses from Potočari on 12 and 13 July 1995 were deprived of their right to freely decide if they wanted to leave the region of the former enclave. The Drina Corps and the MUP personnel who participated in the transport operation knew that the VRS had forced the Bosniak population to leave that region.

The members of the Drina Corps and the MUP who were in the Potočari compound on 12 and 13 July 1995 knew that the Bosniak men, having been separated from the women, children and the elderly, were not treated in accordance with the accepted practice of screening for possible war criminals and that there was a great uncertainty about the fate of these people. The Drina Corps Command and the MUP Commanders also knew that the separated men from Potočari were taken by buses to the detention locations in Bratunac. For that purpose they used the buses originally intended for the transport of women, children and the elderly, supervised by the Drina Corps.

Following the taking of Srebrenica, the whereabouts of the 28th Division of the Army of BiH were unknown. This caused great concern to the VRS, as did a possibility that the ABiH 2nd Corps could launch an attack from the direction of Tuzla and Kladanj and link up with parts of the ABiH 28th Division. At the meetings held at the *Fontana* Hotel on 11 and 12 July, Gen. Mladić attempted to negotiate the surrender of the ABiH forces from the territory of the former enclave. However, since he failed, the VRS units, including the Drina Corps units that did not take part in the attack on Žepa, were tasked in the coming days to block the column.

In addition to the Drina Corps units, units outside the Drina Corps, such as the MUP Special Brigade, elements of the Military Police Battalion of the 65th Protection Regiment and regular police forces, undertook the blocking of the column.

After the ABiH 28th Division had withdrawn from the enclave following the fall of Srebrenica, the MUP forces were involved in the "final" operations.

The MUP units were present in Potočari and, together with the 2nd Šekovići Detachment of the Special Police Brigade, were deployed along the Bratunac-Konjević Polje road, where they took part in the blocking of the column and capturing a large number of Bosniaks on 13 July 1995.

Members of the VRS that were assigned to the Bratunac, Zvornik and Milići Brigades, together with elements of the 5th Engineering Battalion, the 65th Protection Regiment and the MUP Special Police, supported by armored carriers, tanks, anti-aircraft guns and artillery, were deployed along the Bratunac-Milići road in an attempt to intercept the column. While retreating, some armed individuals in the Bosniak column engaged in a fight against the Bosnian Serb forces. Thousands of Bosniaks from the retreating column were captured or surrendered to the RS Army and MUP.

The Drina Corps assisted the MUP forces with the task of blocking and capturing the Bosniaks who tried to escape and they coordinated their military operations with the MUP forces.

Following the taking of Srebrenica in July 1995, the RS Army and MUP devised and implemented the plan to execute as many able-bodied Bosniak men in the enclave as possible. Within several days from the attack on Srebrenica, the VRS and the MUP forces captured, kept in captivity, forcibly transferred, summarily executed and buried more than 7,000 Bosniak men and young men from Srebrenica enclave and forcibly transferred Bosniak women and children from Srebrenica out of the enclave.

The Bosnian Serb forces executed several thousand Bosniak men. The total number of victims ranges most likely between 7,000 and 8,000 men.

The political and military leadership of the VRS devised a plan to permanently remove the Bosniak population from Srebrenica after the taking of the enclave. During the period between 11 and 13 July, this plan, colloquially referred to as "ethnic cleansing", was implemented for the most part through the forcible transfer of the major part of the civilian population from Potočari, the able-bodied men having been separated from the rest of the population.

In their efforts to eliminate a part of the group of Bosniaks, members of the VRS and RS MUP committed genocide. They selected 40,000 Bosniaks, inhabitants of Srebrenica, for execution, which, as a group, represented the Bosniaks in general. They seized personal items and documents from all the captured Bosniak men, soldiers and civilians, old and young, and they were killing them deliberately and methodically, exclusively on account of their ethnicity. The Bosnian Serb forces were aware, when they embarked on this genocidal venture, that the harm they had caused to the Bosniaks would bring the Bosniaks permanent suffering.

In the final ICTY Judgment rendered in the case of Gen. Radislav Krstić, it was established that during the *Krivaja 95* military-police operation - the taking of the UN Safe Area of Srebrenica by the RS Army and MUP, genocide was committed against the Bosniak population, which was also confirmed by the Judgment rendered by the International Court of Justice in The Hague on the Application filed by Bosnia and Herzegovina against Serbia and Montenegro.

Among others, the fact that within a short period of time, between 10 and 19 July 1995, all the Bosniak women, children and elderly were expelled from the enclave and the

mass executions of the Bosniak men and young men were carried out, indicates that the crimes against the Bosniaks were planned and organized. Thus, the final Judgments against Radislav Krstić and Vidoje Blagojević determined the time of the executions of Bosniak men and young men carried out at the locations of *Potočari*, *Tišća*, *the Cersku Valley*, *Jadar*, *warehouse in Kravica*, *Orahovac*, *Dam kulture Pilica (Pilica Culture Center)*, *Vranjevo Military Farm*, *Stadion (Stadium) in Nova Kasaba*. These locations were used by the Army and the Police of Republika Srpska as execution sites. On 13 July 1995, organized killings took place in the morning hours in Jadar, in the afternoon hours in the Cerska Valley, in the late afternoon in the *Kravica Warehouse*, and in the evening in *Tišća*. In the coming days, the executions took place in *Pilica*, *Orahovac* and the *Branjevo Military Farm* (ICTY Judgment against Dražen Erdemović).

In addition to the above mentioned ICTY Judgments, an important contribution toward casting some light onto the so-called Srebrenica events were the confessions by Momir Nikolić, a security officer in the Bratunac Brigade, and Dragan Obrenović, Chief of Staff of the Zvornik Brigade. Important information was obtained in the confession of Momir Nikolić, first of all the fact that the crime was centered around the Military Security Service and that everything was very well organized. In his confession, Momir Nikolić said that in the morning of 12 July, Gen. Mladić was still negotiating the evacuation of civilians from *Potočari* with the UN, while Nikolić was given orders to find appropriate locations for the prisoners and then to find adequate execution sites.

The forensic evidence collected by the ICTY investigators and experts over the past 10 years is vitally important for getting an objective picture of the events in and around Srebrenica in July 1995. It is common knowledge that the process of finding mass graves (primary, secondary and tertiary) is still going on and that the major part of the bodies of the murdered Bosniaks have not been located and identified yet. Extensive forensic evidence firmly corroborates important aspects of testimonies by the survivors at various execution sites. Since 1996, the ICTY Office of the Prosecutor has conducted exhumations of 21 graves related to the taking of Srebrenica, as follows: four exhumations during 1996 (graves in *Cerska*, *Nova Kasaba*, *Orahovac* (also known as *Lažete 2*) and at the *Military Farm in Branjevo (Pilica)*); eight during 1998 (a dam near *Petkovci*, *Čančarski put 12*, *Čančarski put 3*, the Road toward *Hodžići* – site No. 3, the Road toward *Hodžići* – site No. 4, the Road toward *Hodžići* – site No. 5, *Liplje 2*, *Zeleni Jadar 5*); five graves in 1999 (*Kozluk*, *Nova Kasaba*, *Konjević Polje 1*, *Konjević Polje 2* and *Glogova*); and four graves in 2000 (*Lažete 1*, *Lažete 2C*, *Ravnice* and *Glogova 1*). Out of 21 exhumed graves, 14 were primary graves, where bodies were placed immediately upon the killing. Out of those graves, eight were subsequently dug up without authorization and corpses were transferred to and buried at another location, often in secondary graves, located in more remote areas. Seven of the exhumed graves were secondary graves. The Office of the Prosecutor hired experts in ballistic analysis, analysis of soil and materials, in order to make comparative testing of the materials and remains found in the primary and secondary graves. As a result of these analyses, links were discovered between certain primary and certain secondary grave sites. As of 2000, national judiciary institutions have taken over the task of locating and exhuming mortal remains of the "Srebrenica" people killed during the *Krivaju 95* operation, with significant assistance provided by the Commission on Tracing Missing Persons,

International Commission on Missing Persons (ICMP) and the Tuzla-based Podrinje Identification Center.

The forensic evidence corroborates the Prosecution argument that, following the taking of Srebrenica, thousands of Bosniak men were executed summarily and buried in mass graves. Although forensic experts could not indisputably establish the exact number of bodies in the mass graves due to the degree of decomposition of the bodies and the fact that many bodies were disfigured in the process of relocation from primary into secondary graves, which was done using heavy machinery, the experts did manage to make a conservative estimate, according to which at least 2,028 individual bodies were exhumed from the mass graves. Based on the results of forensic testing, it can be concluded that the majority of the persons whose bodies were exhumed were not killed in action. These people were killed in mass executions.

Grounded suspicion that the Accused Radimir Vuković, a.k.a. "Vojvoda", committed the criminal offense of Genocide, in violation of Article 171 of the CC of BiH, as read with Articles 29 and 180 (1) of the same Code, arises from the evidence collected during the investigation, in particular from the statements of protected witness D-5, [REDACTED] before the ICTY, the statements of [REDACTED] given to the ICTY, as well as the statements given by others, who during the investigation spoke about the participation of the Accused in the search of the terrain near Potočari aimed at finding and expelling Bosniaks, that is, about the participation of the Accused in securing the road, confiscating money, valuables and personal documents from the captives and Bosniak men who were surrendering to the RS MUP members on the Bratunac-Konjević Polje road, escorting the column of captives into the hangars of the Kravica Farming Cooperative and killing the captives, which is described in more detail in the operative part of the Indictment.

Among the most important testimonies are the testimonies of two surviving witnesses at the site of mass execution in the Kravica Farming Cooperative Warehouse, who will testify under pseudonyms D-1 and D-2. Witness D-1 in his statement gave details about a surrender of a rather large group of Bosniaks, some 400-500 persons, to the Serb soldiers after they were surrounded in the area above Kamenica. Some of these Bosniaks were wounded as there was some shooting. The witness also described the events on the meadow where they were held prior to being taken in a column escorted by armed soldiers to the Kravica Warehouse. Particularly important is the part of the testimony about the moment when the shooting started at the Warehouse. The witness specifically states that the shooting at the prisoners started as soon as the last prisoner entered the hangar and that the shooting of prisoners was not preceded by any immediate resistance on the part of the prisoners, that is, there was no shooting by any prisoners, which convincingly eliminates claims by many witnesses and the Accused that the shooting started after the killing of police officer Krsto Dragičević. In a more or less identical way, this claim was also eliminated by the testimony of protected witness D-2, who claimed that the killing of the prisoners started without any prior provocation by prisoners.

Direct witnesses to the massacre, in the first place employees of the Kravica Farming Cooperative, including [REDACTED] and the testimonies of the

members of the 2nd Šekovići Detachment of the Special Police, as follows: [REDACTED]

[REDACTED] and others; and testimonies of the members of the Civilian Protection of the Bratunac Brigade who were involved in the restoration of terrain, and others all spoke about the restoration of terrain and the loading of corpses by excavators onto trucks, transporting them to the previously designated locations in Glogova, wherefrom the remains were dug up several months later in 1995 and hidden in secondary graves at Zeleni Jadar. Restoration of terrain involved loading the bodies by excavators onto trucks and transportation of the bodies to previously designated locations.

There is also substantial documentary evidence that confirms that at the time of the commission of the crime the Accused was deployed in Bratunac, more specifically in Sandići and Kravica, as a member of the 2nd Šekovići Detachment of the Special Police and that he took active part in the events in question. There are numerous photographs and satellite images that objectively testify on the events at the warehouses of the Kravica Farming Cooperative, showing buses parked in front of the Warehouse and the soil disturbed testifying on the relocation of the mortal remains from mass graves and the locations of mass graves.

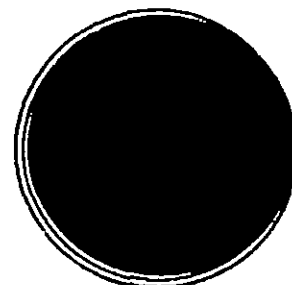
Based on the foregoing, the Prosecutor's Office contends that there is sufficient evidence proving that the Accused committed the criminal offense he is charged with in the Indictment, while the intention to commit genocide arises from the fact that the captured Bosniak men did not pose any serious threat from the military point of view, while the decision of the Accused to take part in the execution of the captives while the planned and organized killing of the captives was taking place did not stem exclusively from the intention to eliminate them as a military threat. The killing of able-bodied men undoubtedly constituted a physical liquidation and, considering the proportions of the killing, their extermination was motivated by a genocidal intent. The Accused was aware that, having in mind the patriarchal nature of the Bosniak community in Srebrenica, the killing of so many men would unavoidably result in the physical disappearance of the Bosniak population in Srebrenica. Therefore, the physical liquidation of the men caused severe consequences for the creation of progeny in the Bosniak community in Srebrenica, with the possibility of the community's extinction. The Accused, as a member of the RS MUP, was aware of those consequences when he decided to aid in the systematic elimination of the captured men.

The forcible transfer of women, children and elderly people was another method used to ensure physical destruction of the Bosniak community in the Srebrenica safe area. By this transfer, all Bosniaks were definitely removed from Srebrenica, whereby even the slightest possibility for the revival of the Bosniak community in that area was eliminated. As opposed to the operation of killing the captured men, such operation was difficult to hide or be presented as a military operation, therefore, it posed a higher risk of international condemnation. The major issue while determining whether genocide was committed in Srebrenica is whether the intention to commit genocide existed. Although such intention has to be confirmed by facts, the evidence that the perpetrator chose the most effective method to achieve his aim to destroy the targeted part of the group is not necessary for the criminal offense of Genocide. Even when the chosen method fails to

lead to the full implementation of the perpetrator's intention and the destruction remains incomplete, the mere ineffectiveness does not rule out the conclusion that the genocidal intention existed. It is important to mention here that protected witness D-5 stated that it had been known already on 10 July 1995 in Srednje that the 2nd Detachment would be sent to Srebrenica with an assignment to expel the Bosniaks from Srebrenica and kill the able-bodied Bosniak men, which the Accused, as a member of the 2nd Detachment knew, that is, his assignment was the same as that of other policemen of the 2nd Detachment. The assignment was not of combat nature in relation to the fights with the soldiers of the Army of BiH but to destroy the Bosniak population in the area of Srebrenica.

IV EVIDENCE SUPPORTING THE ALLEGATIONS OF THE INDICTMENT:

1. Record on the examination of the suspect Radomir Vuković, BiH Prosecutor's Office KT-RZ-53/08, dated 20 August 2008,
2. Transcript of the testimony of protected witness D-1, Court of BiH, no. XKR-05/24, dated 5 October 2006,
3. Transcript of the testimony of protected witness D-2, Court of BiH, no. XKR-05/24, dated 12 October 2006,
4. Transcript of the testimony of protected witness D-3, Court of BiH, no. XKR-05/24, dated 21 March 2007,
5. Transcript of the testimony of protected witness D-4, Court of BiH, no. XKR-05/24, dated 7 March 2007,
6. Record on the examination of the witness D-5, BiH Prosecutor's Office KT-RZ-10/05, dated 18 April 2008 with the transcript,
7. Transcript from the hearing for the purpose of the examination of witness D-5, BiH Prosecutor's Office no. KTA -RZ-100/08, dated 22 May 2008,
8. Transcript of the testimony of protected witness D-5, Court of BiH, no. XKR-05/24, dated 29 May 2008 and 11 June 2008,
9. Record on the examination of witness D-5, BiH Prosecutor's Office, no. KTA-RZ-100/08, dated 18 August 2008,
10. Transcript of the testimony of witness [REDACTED] Court of BiH, no. XKR-05/24, dated 17 January 2007,
11. Transcript of the testimony of witness [REDACTED] Court of BiH, no. XKR-05/24, dated 22 March 2007,
12. Transcript of the testimony of witness [REDACTED] Court of BiH, no. XKR-05/24, dated 15 September 2006,
13. Record on the examination of the suspect [REDACTED] BiH Prosecutor's Office KT-RZ-10/05, dated 21 June 2005,
14. Record on the examination of the suspect [REDACTED] BiH Prosecutor's Office KT-RZ-10/05, dated 1 July 2005,
15. Record on the examination of the suspect [REDACTED] BiH Prosecutor's Office KT-RZ-10/05, dated 24 June 2005,



16. Record on the examination of witness [REDACTED], MUP of the Republika Srpska, Bijeljina Public Security Centre (CJB), Police Station in Bratunac, no. 12-1-7/02-230-468/03, dated 21 August 2003,
17. Record on the examination of witness [REDACTED], MUP of the Republika Srpska, Bijeljina Public Security Centre (CJB), no. 12-02/4, dated 19 June 2005,
18. Record on the examination of witness [REDACTED], BiH Prosecutor's Office KT-RZ-10/05, dated 10 October 2005,
19. Record on the examination of witness [REDACTED], BiH Prosecutor's Office KT-RZ-10/05, dated 9 November 2005 with the transcript of the hearing in the investigation,
20. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-327/05, dated 12 October 2005,
21. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-388/05, dated 26 October 2005,
22. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-387/05, dated 25 October 2005,
23. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-350/05, dated 20 October 2005,
24. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-308/05, dated 27 September 2005,
25. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-290/05, dated 20 September 2005,
26. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-330/05, dated 12 October 2005,
27. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-389/05, dated 26 October 2005,
28. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-393/05, dated 27 October 2005,
29. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-329/05, dated 12 October 2005,
30. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, dated 18 October 2005,
31. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 14-04/2-391/05, dated 27 October 2005,
32. Record on the examination of witness [REDACTED], State Investigations and Protection Agency, no. 17-04/2-04-2- /08, dated 11 June 2008.

DOCUMENTARY EVIDENCE as enumerated under Section 3 of the Indictment.

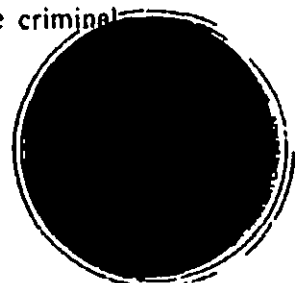
V MOTION TO EXTEND CUSTODY

The Prosecutor's Office of Bosnia and Herzegovina petitions the Court, in terms of Article 137 of the CPC of BiH, to extend custody of the accused Radomir Vuković aka "Vojvoda" for the reasons set out in Article 132(1)(a),(b) and (d) of the Criminal Procedure Code of Bosnia and Herzegovina after the confirmation of the Indictment.

Article 132(1)(a) of the CPC of BiH: Risk of flight

The Prosecution contends that there exist the reasons set forth under Article 132 (1) subparagraph (a) of the CPC of BiH to order the accused Radomir VUKOVIĆ into custody. Those reasons emanate from the three key factors:

- (1) The Court of BiH issued an order for the issuance of an international arrest warrant against the suspect Radomir Vuković on 7 March 2006. The suspect was deprived of liberty in Serbia and on 7 August 2008, having been at large for three years, he was extradited to the BiH authorities. It is hard to imagine that the suspect did not know that he may become a suspect having in mind that his former colleagues were in detention and tried for the same criminal acts that he is suspected of. The Kravica case was given ample attention by the media in BiH, Republic of Serbia and abroad. Since the issuance of the Order to Launch an Investigation against him and other suspects (Order No. KT-RZ-10/05 dated 23 August 2005), Radomir Vuković remained unavailable to the BiH Prosecutor's Office, that is, he was on the run. The Belgrade-based Prosecutor's Office for War Crimes informed the BiH Prosecutor's Office on 5 February 2007 that Radomir Vuković applied for the citizenship of the Republic of Serbia and that the application was being processed. Up until his arrest and placement into custody pending extradition, the suspect was living in Belgrade, the Republic of Serbia with his wife and a child. The fact that he applied for the citizenship of the Republic of Serbia, which does not extradite its citizens, indicates that the suspect intends to leave BiH permanently and evade the criminal proceedings pending against him.
- (2) The suspect also established contacts in the Republic of Serbia, he resides in Belgrade where he is now in a position to earn his living, whereas in Bosnia and Herzegovina he has no employment and would be economically dependant on the members of his extended family.
- (3) The gravity of the criminal offence he is charged with as well as the severity of punishment he is going to face, if convicted. Having in mind that the Court of BiH issued a non-final verdict finding the seven accused in the *Stupar Miloš et al* case and in the *Petar Mitrović* case guilty of the participation in the same incident with which Radomir Vuković has been charged as well (the killing of over 1000 Bosniak men from Srebrenica at the Kravica Farming Co-operative in July 1995) and sentenced them to a long-term imprisonment for the criminal



offence of *Genocide* punishable under Article 171 of the CC of BiH, it is quite certain that the Accused Vuković is now even more motivated than he was three years ago to evade the criminal proceedings pending against him.

The Prosecution holds that the afore-mentioned reasons indicate that there is a realistic risk that the Accused, if released, will abscond.

Article 132 paragraph 1 subparagraph (b): Influence on witnesses, accomplices and accessories

There is a justified fear to believe that the accused, if released, may contact co-perpetrators with a view to destroying clues important for the criminal proceedings and influence witnesses, accomplices or accessories. It is in the interest of the Prosecutor's Office, the Court and justice for the trial to progress without obstructions and to prosecute the culprits of this horrible crime during which at least 1,000 detained Bosniak civilians were killed in a warehouse of the Kravica Farming Cooperative with the Accused being an active participant in this crime as a member of the 2nd Šekovići Special Police Detachment. The Prosecutor's Office submits that there is a realistic risk that the accused, if released, would be in a position to make arrangements with other co-perpetrators, which constitutes a risk of adverse influence on the quality of the criminal proceedings, and that there is also a risk that if the accused were to be at liberty, he could make arrangements with and jointly conceal clues to the criminal proceedings and the means used for the perpetration of the offense together with other co-perpetrators who are at liberty.

(1) Particular circumstances which indicate that the accused, if at liberty, could hinder the criminal proceedings by influencing witnesses, accomplices and accessories emanate from the fact that the majority of the witnesses live in eastern Bosnia, Republika Srpska Entity, where the accused lived until he was deprived of his liberty. If at liberty, the accused could contact his former colleagues from the Detachment who will appear as witnesses for the Prosecution in the proceedings against the accused. Some of the witnesses were members of police units of the Republika Srpska MUP at the time, and some of them still have the same status and they worked with the accused in the Republika Srpska MUP (including members of the 1st Company of the Special Police Units of the Zvornik Public Security Center and members of the Special Police Brigade) and, if the accused were to be at liberty, these individuals could be exposed to condemnation and pressure by the accused and the accused's friends and relatives.

(2) The Prosecutor's Office of BiH is conducting an investigation against a number of members of the RS MUP due to grounds for suspicion that they participated in the crimes committed between 11 July and 1 November 1995 as members of two police units: 1st Company of the PJP /special police units/ with the Zvornik CJB /Public Security Center/ (police officers from eight police stations: Šekovići, Zvornik, Bratunac, Vlasenica, Milići, Osmaci, Kozluk, Srebrenica) and the 2nd Šekovići Special Police Detachment (police officers from Šekovići, Skelani, Kladanj, Srebrenica) who are at large. Some of

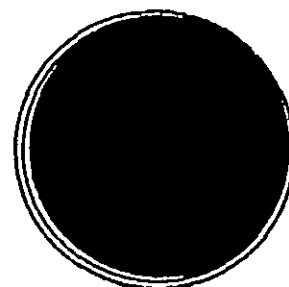
them are inaccessible to the Court and the Prosecutor's Office – that is, they are on the run – and international arrest warrants have been issued pursuant to the order issued by the Court of BiH (the suspects Milenko Savić, Milija Blagojević, Željko Ivanović, Milija Jovanović, Miko Milić).

(3) The Prosecutor's Office believes that there are numerous witnesses with information about the activities of members of the military and police of the RS in removing the traces of mass killings of Bosniak men such as: information about the locations of mass graves, execution sites, time and manner of digging of mass graves and reburial of mortal remains. By acting in this way, those witnesses prevent detection of perpetrators of serious crimes. Bearing in mind the information that the largest number of bodies of killed Bosniaks at the warehouse of the Kravica Farming Cooperative have not been recovered, there is a risk that the suspects could attempt to conceal traces of mass graves and make more difficult the recovery of mortal remains of victims of the crime.

(4) Taking into consideration the need of the Prosecutor's Office to examine a large number of witnesses during the trial who have been avoiding to mention the names of perpetrators of the crime in their previous statements for fear of retaliation (although they described in detail the event, location, time and manner of perpetration of the crime), it is necessary that those witnesses are examined without influence or pressure, and give testimony in a relaxed atmosphere free of fear. The majority of potential witnesses who gave testimony at the main trial in the *Miloš Stupar et al.* case (former colleagues) have changed their testimony obviously under pressure or for fear. Considering the first-instance Verdict against the accused's colleagues, primarily Brane Džinić who was provided with an alibi by the accused during the latter's testimony (Brane Džinić was found guilty under a decision of the Court of BiH of participation in the crime in Kravica), the accused Radomir Vuković would now be even more motivated to influence witnesses and compel them to testify in his favor.

Furthermore, there is a strong likelihood that the accused could use people who are connected with one another within a community and network to seek or receive help from co-perpetrators at large.

(5) The Prosecutor's Office believes that the Court of BiH arrived at a correct conclusion in its Decision number X-KRN-08/552 dated 5 June 2008 that distinctive characteristics of war crimes, crimes against humanity and genocide are organized and systematic perpetration and far-reaching consequences on the victims, and that the seriousness and scope of these consequences require a greater protection of witnesses even from the mere possibility of influence by the accused and prevention of co-perpetrators to influence witnesses through a contact with the accused in custody, witnesses being particularly important evidence in trying this type of crime. The Court further correctly concluded that "the concretization of influence would mean not only the necessity to protect witnesses but also to try the perpetrators of that influence, as such acts satisfy the elements of the criminal offense of Obstruction of Justice referred to in Article 241 of the CC of BiH.



(6) The Prosecutor's Office hereby points to a specific example of influence on one of the protected witnesses in the present case when one of the accused from Case No. X-KR-05/24 (Kravice) contacted the witness and one of them, the accused Miladin Stevanović, presented his alibi to the witness and the witness accepted it as being true. When specifically asked by the Prosecutor's Office, the witness answered that he based his claim on what the accused Miladin Stevanović had told him. This is a striking example of how not even custody precludes the possibility of influence on witnesses.

(7) The Prosecutor's Office believes that the nature of crimes committed by the accused suggests a risk of intimidation of witnesses. The criminal offense with which the accused is charged suggests a total lack of respect for human dignity and human life whereas the manner of perpetration of the criminal offense (shooting into the warehouse full of people) suggests a high degree of cruelty on the part of the accused and their tendency to violent behavior towards other individuals.

The Prosecutor's Office stresses that custody appeared to be a justified measure in the *Kravica* case which was conducted before the Court of BiH because the Court correctly found that a justified concern existed regarding the accused, for that the accused, if released, could influence witnesses and co-perpetrators who are inaccessible to the Court, thus preventing influence of the accused on witnesses and co-perpetrators.

Article 132 paragraph 1 subparagraph (d) of the CPC of BiH: Exceptional circumstances and disturbance of public order

(1) The Accused is charged with the crime of *Genocide* punishable by imprisonment for a term of 10 years or a long-term imprisonment. Bearing in mind the demonstrated cruelty in the perpetration of the offense, the fact that a particularly serious consequence was brought about (that is, the deaths of more than 1,000 individuals) and the fact that individuals who are directly or indirectly victims of the offense are returning to the area where the crime was committed, the Prosecutor's Office believes that the cumulative requirements under Article 132(1)(d) of the CPC of BiH have been met in the present case, both the formal-legal requirement pertaining to the prescribed punishment and the subjective requirement pertaining to the exceptional circumstances and the actual threat of public order disturbance. We are dealing with exceptional circumstances and the criminal offense which is particularly serious given the manner of perpetration and consequences of the criminal offense, so the release of the accused would result in an actual threat of public order disturbance. Taking into consideration all the particular circumstances, especially the manner of perpetration and the incalculable consequences of the committed crime of genocide as one of the most serious breaches of values protected under national and international law, the role of the accused during the relevant time as a member of the 2nd Šekovići Special Police Detachment and the fact that individuals with which the accused was supposed to be indicted have been sentenced to long-term imprisonment by a non-final verdict, the Prosecutor's Office contends that all these circumstances, being unquestionable in their entirety, constitute an exceptional circumstance in terms of Article 132(1)(d) of the CPC of BiH.

(2) The validity of the aforementioned positions stems from the fact that there is an ongoing return of refugees and individuals who are direct and indirect victims of the offense to the area where the offenses were committed and where the accused had residence at the time of perpetration of the offense, so meeting the accused again would mean re-traumatization of victims and would undoubtedly disturb what is anyway a fragile peace of citizens-returnees. One should ensure their faith in the rule of law and do one's utmost to prevent contact between the injured parties and the accused; that is, the witnesses must have confidence in the ability of the judicial authorities to prevent possible contact between them and the accused before justice is finally served. Any contact with and meeting the accused prior to that would undoubtedly bring about a disruption of peace and coexistence that have been difficult to achieve and ultimately lead to public order disturbance in the community where these individuals live.

(3) In view of the fact that a non-final verdict sentencing seven co-perpetrators of the accused Radomir Vuković to a long-term imprisonment was delivered and given all the distinctive characteristics of this case, the Prosecution believes that the release of the suspect would undoubtedly result in the public disapproval because the public would not tolerate his stay at liberty.

For these reasons, the Prosecutor's Office submits that custody, albeit being the strictest measure, is the only measure to ensure the attendance of the accused in the further course of the proceedings and that there is no other alternative measure to ensure the attendance of the accused Radomir Vuković in the further course of the proceedings.

Ibro Bulić
PROSECUTOR
PROSECUTOR'S OFFICE OF BiH

I hereby confirm that this document is a true translation of the original written in Bosnian/Serbian/Croatian.

Sarajevo, 3.09.2003

Certified Court Interpreter for English

