

**BOSNIA AND HERZEGOVINA  
PROSECUTOR'S OFFICE OF B-H  
S A R A J E V O  
Number KT-RZ-80/05  
Sarajevo, 13 October 2009**

**- TO: COURT OF BOSNIA AND HERZEGOVINA -  
Trial Panel**

**Pursuant to Article 35 (2) (a), Article 226 (1) and Article 275 of the B-H  
CPC I hereby file**

**A M E N D E D I N D I C T M E N T**

**Against**

- 1. RATKO BUNDALO**, son of Luka and Milisava, nee Kojić, born in the village of Kriškovci, the municipality of Laktaši, Personal Identification Number 3009944361306, Serb by ethnicity, citizen of B-H and of the Republic of Serbia, an officer in the former Yugoslav National Army - retired, of bad financial standing, graduated from the Military Academy and from the Higher Military and Political School, married, father of two children, with current address in Banja Luka, at #15 Srpskih dobrovoljaca Street, received several medals before the war, received the *Karađorđe's Star* after the war; deprived of liberty at 9:15 a.m. on 31 August 2007 and has been ordered into custody since;
- 2. NEDO ZELJAJA**, son of Gojko and Zorka, nee Batinić, born on 21 August 1947 in the village of Grab, the municipality of Trnovo, Personal Identification Number 2108947171928, Serb by ethnicity, citizen of B-H, retired, of bad financial standing, completed his compulsory military service in Skoplje, the Republic of Macedonia, in 1965/66, residing in Kalinovik, at #7 Omladinska Street, has been ordered into custody;
- 3. ĐORĐISLAV AŠKRABA**, son of Grujo and Jela, nee Simić, born on 18 May 1951 in the village of Jelašca, the municipality of Kalinovik, Personal Identification Number 1805951171923, Serb by ethnicity, citizen of B-H, retired, of bad financial standing, completed his compulsory military service in 1972 in Paraćin, has a rank of inspector in the police, married, father of three children, with current address in the village of Jelašca, at Jelašca bb /no number/, the municipality of Kalinovik, has been ordered into custody;

**Because they:**


During the period from April 1992 until March 1993, during the state of war in B-H, within a widespread and systematic attack by the *VRS /the Army of*

*Republika Srpska*/, police and paramilitary units against the Bosniak civilian population of the Kalinovik municipality, Ratko Bundalo as the Commander of the Kalinovik Tactical Group, Neđo Zelja */sic/* as the Commander of the Kalinovik *SJB* */Public Security Station, hereinafter SJB/* and Đorđislav Aškraba as the commander of the guard who also performed duties of a warden of the *Barutni Magacin* */Gunpowder Warehouse/* camp, as conscious participants in the joint criminal enterprise consisting of Grujo Lalović, a representative in the Assembly of the Serb Bosnia and Herzegovina and the President of the Executive Civil Authorities of the Kalinovik Municipality, Boško Govedarica, Chief of the Kalinovik *SJB*, members of the War and Crisis Staff of the Kalinovik Municipality and other members of civil, military, police and paramilitary units of the 'Serb Armed Forces', planned, ordered, perpetrated, aided and abetted the persecution of the entire Bosniak population of the Kalinovik municipality on political, national, ethnic, cultural and religious grounds by way of killings, forcible transfer of population, extermination, unlawful imprisonment, torture, rapes, enforced disappearances, arbitrary destruction of property on a large scale, starvation of the population, causing great suffering and injury to body, by applying measures of intimidation and terror and other inhumane acts of a similar character, in the way that:

**1. Ratko Bundalo and Neđo Zeljaja** planned, ordered and perpetrated the persecution of the Bosniak population of the Kalinovik municipality and parts of the population of the neighboring municipalities, in the way that:

**a)** At the beginning of May 1992, members of the military commanded by Ratko Bundalo and the members of the Kalinovik Police Station commanded by Neđo Zeljaja, with his personal participation, surrounded and captured approximately 280 civilians from the local community of Jeleč, the municipality of Foča, who, fleeing from the attack of the Serb Armed Forces, attempted to cross through the territory of the Kalinovik municipality, in the area of the settlement of Jažići in the municipality of Kalinovik, after which men were forcibly separated from women, children and the elderly and detained at the Elementary School of *Miladin Radojević*, where they were guarded by police officers of the Kalinovik *SJB*, while food for the detained men was being provided by the army from the military barracks of *Gornji Logor* */the Upper Camp/* in Kalinovik, which was under the command of Ratko Bundalo, while women, children and the elderly were transported by the units, under his and the civilian authorities command, to the territory controlled by the Army of B-H;

**b)** Detained civilians from Jeleč, some 50 of them, among whom were:

 and others, were transported by Ratko Bundalo through his subordinating officers and soldiers to the Bileća camp, where they stayed for approximately 20 days and were then returned to Kalinovik, where they stayed one night at the Elementary School of *Miladin Radojević*, after which, with the participation of police officers of the Kalinovik *SJB*, they were transferred to *KPD* Foča */Penal-Correctional Institution/*, where most of these civilians were killed or disappeared;

- c) On 25 June 1992 and on the following days, Neđo Zeljaja, as the Commander of the *SJB*, upon the decision by the Crisis Staff of the Kalinovik municipality, organized and personally participated in the arrests of all Bosniak men in Kalinovik and the surrounding villages of Mjehovina, Jelašca and Vihovići; they detained the arrested civilians, some 60 (sixty) of them, at the Gym of the Elementary School of *Miladin Radojević*, where they were guarded by the police officers of the Kalinovik *SJB*, where they stayed until 7 July or close to that date, which is when the transfer of the detained Bosniaks was organized from the Elementary School of *Miladin Radojević* (where the detained civilians were entitled to family visits and where their families would bring them food and clothes) to the camp of *Barutni Magacin* (a military facility under the command of Ratko Bundalo, secured by barb wire, mined, with military guards);
- d) At the beginning of July 1992, members of military and police forces of the Kalinovik municipality captured approximately 200 Bosniak civilians, mostly women and children, as well as a relatively small number of men from the area of the Gacko municipality, detained the civilians at the school in Ulog and the next day had them transported and detained at the Elementary School of *Miladin Radojević*, where they were placed on the ground floor, in the gym, the staff meeting room and one classroom; the guarding of the civilians was carried out by Neđo Zeljaja with the police officers of the Kalinovik *SJB*, while food was provided by the army;
- e) On 1 August 1992, they organized the attack on the Bosniak civilian population of the village of Jelašca, the municipality of Kalinovik, where at the time there were only women, children and some elderly; the police officers of Kalinovik *SJB* surrounded the village and captured all women and children, burning some Bosniak houses in the process, while members of the army under the command of Ratko Bundalo, using an anti-aircraft gun located in the area of Brdo, near the houses of Badnjar, provided artillery support to the attack, in the course of which in the hamlet of Karaula they killed [REDACTED] and wounded a young girl called [REDACTED], and, using incendiary bullets, they set all houses in this hamlet on fire and detained the captured civilians at the Elementary School of *Miladin Radojević*, in the rooms on the upper floor; on the same night the remaining civilians (except for the old persons who were unable to walk across the hill) from Vihovići, Mjehovina and other neighboring villages, fleeing from the attack, left the Kalinovik municipality; and they disposed of the body of [REDACTED] at an unknown location, therefore she is still registered as a missing person;
- f) On 4 August 1992 or close to that date, in the village of Jelašca, the municipality of Kalinovik, unknown members of the Serb Armed Forces, killed 7 civilians, mostly elderly persons, as follows: [REDACTED]; [REDACTED]; these civilians have been exhumed and identified, except for [REDACTED] and [REDACTED], who are still registered as missing persons;
- g) On 5 August 1992 or close to that date, in the village of Jezero, the municipality of Kalinovik, unknown members of the Serb Armed Forces killed [REDACTED], who

were buried in a mass grave in the fields of Prezren, the village of Jezero; on 15 July 1999 their mortal remains were exhumed and identified;

- h)** On 5 August 1992 or close to that date, unknown members of the Serb Armed Forces in the village of Mjehovina, the municipality of Kalinovik, deprived the lives of [REDACTED], all rather elderly civilians who were buried into a mass grave at the local Muslim cemetery and in the following days police officers of the Kalinovik *SJB* deprived of liberty 5 Bosniak civilians who had survived and detained them to the prison at the Elementary School of *Miladin Radojević* in Kalinovik;
- i)** During the period from May 1992 until March 1993, in the detention premises of the Kalinovik *SJB*, lacking any legal grounds, they kept in detention the civilians [REDACTED] and others; and in the beginning of August they had them for four days without any food rations that was provided by the Army from *Gornji Logor*;
- j)** During the period from June 1992 until 18 September 1992, they seriously put in danger the life of [REDACTED], who was being detained in the cellar premises of the Kalinovik *SJB*, and subjected him to mental suffering by way of using him as a driver for mines detection, in the manner that he would drive a cargo vehicle ahead of military and civilian convoys down the road from Kalinovik to Miljevina, with police escort by the Kalinovik *SJB* being assigned under the duty schedule by Neđo Zeljaja; while driving a vehicle in this capacity he came across a mine on 3 different occasions, all resulting in the destruction of the vehicle he was driving, but he managed to survive;
- k)** During the period from September 1992 until March 1993, civilians [REDACTED], whom Ratko Bundalo personally *took* over from the Foča *KPD* and brought them to the Kalinovik *SJB* to perform driver's duties; in the same way as described in previous Count they used them as drivers for mines detection, exposing them to life danger and mental suffering;
- l)** During July or August 1992, Ratko Bundalo issued and Neđo Zeljaja, together with military officers and the senior officers at the Kalinovik *SJB*, executed the order to set Bosniak villages in the municipality of Kalinovik on fire, as follows: the villages of Sočani, Daganj, Bojići, Hotovlje, Luko, Kutine and others; Neđo Zeljaja with the police carried out the setting of the village of Sočani on fire, while the soldiers set the other villages mentioned on fire;
- m)** By the end of August 1992, they organized the exchange of women detained at the Elementary School of *Miladin Radojević* for the Serb soldiers killed in the area of Jakomišlje; they organized the exchange in the manner that the women, by risking their lives, were forced to pull out the killed Serb soldiers from the front line and bring them to the place of exchange, after which they were allowed, with their children, to cross over to the territory controlled by the Army of B-H, this manner of exchange was approved by Ratko Bundalo;

2. During the period from June to at least September 1992, **Ratko Bundalo** and **Nedo Zeljaja** took part in the forming and organized the operation of the prison at the Elementary School of *Miladin Radojević* in order to unlawfully detain Bosniak population therein; thus, they kept about 300 Bosniak civilians from the area of the Kalinovik municipality, parts of the civilian population from the municipalities of Gacko, Nevesinje, Foča and Trnovo at the building of the Elementary School of *Miladin Radojević*, in the rooms that were inadequate, lacking adequate accommodation necessities, without the possibility to attend the basic hygienic needs, with very meager daily food rations, exposed to daily physical and mental abuse and humiliation by various soldiers whom the guards would allow to enter freely, whereby Nedo Zeljaja, as the Commander of the Kalinovik *SJB* and as the person directly superior to the police officers on guard duty at the Elementary School of *Miladin Radojević*, was assigning police officers to the guard duty, he was informed by them of the crimes in which his subordinate officers and other persons were taking part, and in spite of that continued to maintain such guard system and Ratko Bundalo, as the Commander of the Kalinovik TG, by taking part in the setup of the camp provided the detained civilians with food, and he could have known in such a process that rapes, killings, torture and other inhuman treatment would take place therein, as such treatment with detained civilians of such gender composition was a foreseeable consequence of detention, in particular:

- a) At the beginning of August 1992 or approximately at that time, members of the 7<sup>th</sup> battalion of the Foča TG from Miljevina, whom the police officers securing the premises allowed to enter the school freely, seized all money and jewelry from the detained civilians, after which they forced the civilians to strip naked and held them in that way for approximately 40 minutes;
- b) At the beginning of August 1992, they kept all detained civilians for four days without any food rations;
- c) During August 1992, from the Elementary School of *Miladin Radojević*, members of the mentioned military formation, who would come on a daily basis and enter the school freely, took 7 mostly minor girls-detainees from the school to Miljevina and Foča, where they were kept for a longer period of time in sexual enslavement;
- d) During August 1992, detained women were raped on several occasions at the school premises by various soldiers who were permitted to enter the school freely by the police officers, who were present during the rape;
- e) Detained women and men were physically abused by soldiers and in the presence of the police officers from security almost daily; thus on 8 August 1992, [REDACTED] was being beaten for several hours by members of the unit of [REDACTED], in the course of which they were beating her all over the body, asking her to tell them where her son was, they were stabbing her with a knife, forcing her to cross herself and threatening to rape her and also forcing her to watch the abuse of [REDACTED], who was lying in a trough full of water, while water was pouring on him from the open faucets;

- f) During August 1992, unknown soldiers took [REDACTED] [REDACTED] from the classroom in which detained civilians were placed to a neighboring room where they physically abused them, after which shots were heard and on the next morning the soldiers took out of the school three bodies in military blankets and transported them by a cargo vehicle to *Grajsensko Polje /fields of Grajsensko/*, the municipality of Kalinovik, whereas the police officers did not allow the prisoners to go to the corridors during that time threatening to kill anyone who would do so; the bodies of the killed persons have still not been identified and they are still registered as missing persons;
- g) During August 1992, the members of the 7<sup>th</sup> battalion from Miljevina and other unknown soldiers took [REDACTED] [REDACTED] from the Elementary School of *Miladin Radojević*, whereas the bodies of [REDACTED] [REDACTED] were recovered, exhumed and identified after the war while [REDACTED] [REDACTED] are still registered as missing persons;
- h) During August 1992, detained women were taken on several occasions from the Elementary School of *Miladin Radojević* by unknown soldiers to the weekend house of Mustafa Sabljica in Mjehovina, where members of an unknown military unit were, the women were taken from the school in the manner that the soldiers would ride horses and the women would walk beside them; at the weekend house they would be raped repeatedly and physically abused, after which they would be returned to the school by the soldiers or by individual police officers;
- i) During August 1992, unknown soldiers took a group of women and [REDACTED] from the Elementary School of *Miladin Radojević*, loaded them onto a truck and drove them to the Pavlovac Farm, where they kept beating [REDACTED] heavily until he was left lying on the ground immobile, and they took the women into the farm premises, where they raped them.
3. In July and August 1992 **Ratko Bundalo** and **Neđo Zeljaja** actively participated in the forming and organized the operations of the camp of *Barutni Magacin* in Kalinovik, in which illegally detained was practically the entire Bosniak male civilian population of Kalinovik and the surrounding villages, a part of the captured civilians from Trnovo and Jeleč in the municipality of Foča, in which civilians were detained under inhuman conditions without sufficient food and water, without being able to attend the basic hygienic needs, without adequate health care, they were being taken for the compulsory work service and to the front lines, physically abused and eventually killed by the police officers of the Kalinovik *SJB* with the knowledge and approval of Neđo Zeljaja; and **Dorđislav Aškraba**, as an immediate subordinate of the Command of the Tactical Group and in his capacity of the commander of the guards at the same time also performed duties of a person who commanded this camp during the period from 7 July 1992 until 5 August 1992, in particular:
- a) On 2 August 1992, he took out of the camp of *Barutni Magacin* the civilians [REDACTED], who have been unaccounted for ever since;

- b) On 3 August 1992, he took out of the camp of *Barutni Magacin* the civilians [REDACTED], who were found dead on the same day in the zone of Rogoj, their hands being tied by police handcuffs two and two together;
- c) On 4 August 1992, he took out of the camp [REDACTED], whose dead body was exhumed in the area of the Foča municipality;
- d) On 5 August 1992, upon the approval of the Command of the TG and the chief of the Kalinovik *SJB*, he allowed Pero Elez and other unidentified soldiers, without any documentation on surrender, to take over 12 detained civilians to be allegedly taken to the Foča *KPD*, as follows: [REDACTED]  
[REDACTED] these soldiers loaded the detained civilians onto a *FAP* truck and drove them in the direction of *Mehka Brda*, where they deprived their lives and from where the people present could hear the shooting, after which the empty truck returned to *Barutni Magacin*; the mentioned civilians were exhumed and identified after the war, except for [REDACTED] who are still registered as missing persons;
- e) On 5 August 1992, somewhat later, in the same manner he allowed the same soldiers to take over [REDACTED] whom they took in the direction of Kalinovik and they have been registered as missing persons ever since;
- f) On the same day in the afternoon hours, he allowed the same soldiers to take over all the remaining prisoners, although he knew they would kill them; the prisoners were tied by the members of this unit with wire, loaded onto three trucks, in the process of which they were hitting them with fists, kicking them and hitting them with wooden sticks and escorted by the members of this unit and a police vehicle with rotating lights drove them in the direction of Miljevina, the municipality of Foča; in the place of Ratine, the municipality of Foča, they stopped the column and from the last truck in the column they took out 24 detainees, as follows: [REDACTED]  
[REDACTED] they lined the detainees up above the stable of [REDACTED] which is close to the road, after which they opened fire at the detainees using firearms and they killed them all but [REDACTED], who was wounded in the leg but pretended to be dead, they threw the bodies of the killed into the upper part of the stable where there was hay, they lit the gasoline and set it on fire, while the wounded [REDACTED] after the remaining two trucks with the detainees had gone ahead, managed to get out of the stables and run onto the mountain of Husad, where Bosniaks had fled to and where he was given aid;
- g) The remaining two trucks with the detainees were driven in the direction of Miljevina, to the location called Tuneli /tunnels/, the municipality of Foča,

where they killed all the remaining detainees from *Barutni Magacin*, of which after the war exhumed and identified were: [REDACTED]



[REDACTED] are still

registered as missing persons;

#### 4. Aškraba Đorđislav

On 30 June 1992, at the premises of the Kalinovik *SJB*, he hit the detainee [REDACTED] with his fist, threatening to cut his arms and legs off, and putting a gun barrel into his mouth threatening to kill him;

**Therefore, Ratko Bundalo** by the actions described in Counts 1, 1a, 1b, 1c, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 3, 3a, 3b, 3c, 3d, 3e, 3f, 3g, **Neđo Zeljaja** by the actions described in Counts 1, 1a, 1b, 1c, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 3, 3a, 3b within a widespread and systematic attack aimed at the civilian population, knowing of such attack and as conscious participants of a joint criminal enterprise undertaken with the aim to persecute the entire Bosniak population on political, national, ethnic, cultural and religious grounds, carried out the persecution by killings, extermination, forcible transfer of population, imprisonment, torture, rape, enforced disappearances, arbitrary destruction of property on a large scale, starvation of the population, causing great suffering and injuries to body, by applying measures of intimidation and terror and other inhumane acts of a similar character;

and **Đorđislav Aškraba**, by the actions described in Counts 3, 3a, 3b, 3c, 3d, 3e, 3f, 3g and 4 within a widespread and systematic attack aimed at the civilian population, knowing of such attack and as a conscious participant of a joint criminal enterprise undertaken with the aim to persecute the entire Bosniak population on political, national, ethnic, cultural and religious grounds, carried out the persecution by killings, forcible transfer of population, imprisonment, torture, enforced disappearances of persons and causing serious injury to body or mental health,

**whereby they committed**

**Ratko Bundalo and Neđo Zeljaja**, the criminal offense of **Crimes against Humanity referred to in Article 172 (1) (h) of the B-H CC** in conjunction with **subparagraphs (a), (b), (d), (e), (f), (g), (i), (k)** and in conjunction with **Article 173 (1) (a) (c), (e) and (f) of the B-H CC**

**all as read with Article 180 (1) of the B-H CC**

**Dordislav Aškra**, the criminal offense of **Crimes against Humanity** referred to in **Article 172 (1) (h) of the B-H CC** in conjunction with **subparagraphs: (a), (e), (f), (i), (k),**


**all as read with Article 180 (1) of the B-H CC.**

PROSECUTOR OF THE  
B-H PROSECUTOR'S OFFICE  
**Munib Halilović**  
*[signature and stamp affixed]*

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

*Sarajevo, 15 October 2009*

 *Certified Court Interpreter for English Language*