

**BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BiH
SARAJEVO
Special Department for War Crimes
Regional Team III
Number: KT-RZ-203/06
Sarajevo, 8 April 2009**

URGENT-CUSTODY!

**COURT OF BOSNIA AND HERZEGOVINA
Section I for War Crimes of the Criminal Division
The Preliminary Hearing Judge
S a r a j e v o**

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

I N D I C T M E N T

Against:

STOJAN PERKOVIĆ, son of Pero and Savka nee Delić, born on 03 October 1944 in the village of Ladevine, the municipality of Rogatica, JMBG 0310944173233, Serb by ethnicity, citizen of BiH, pensioner by occupation, indigent financial standing, resident at Miloša Forcana Street bb, Rogatica, performed military service in Bileća in 1965, reserve military officer with the rank of major, father of three children, arrested on 14 January 2009 at 15:10 hours, held in custody based on the Decision of the Court of BiH, No. X-KRN-09/662, of 16 January 2009, which was extended by the Decision of the Court of BiH No. X-KRN-09/662 of 13 February 2009, represented by ex officio Defense Counsel Radivoje Lazarević, the Attorney from Zvornik,

because:

During the period from June until late 1992, within the widespread and systematic attack by the army and police of so-called Serb Republic of BiH, as well as paramilitary formations, directed against the non-Serb

civilian population of the municipality of Rogatica, having knowledge of such an attack, as a member of the Army of Republika Srpska (VRS) – Company Commander from the village of Ladevine, perpetrated, and knew, but neither prevented nor punished: killings; enforced disappearance of persons, severe depriving of physical freedom contrary to the basic rules of international law; rapes; persecution of non-Serb civilian population on national, ethnic, religious and sexual grounds; as well as other inhuman acts committed with the intent to cause great suffering, serious physical injuries and health damage, in the manner that:

- 1) In June 1992, he demanded that the inhabitants of the village Surovi surrender the weapons they had at their disposal, and after they had surrendered the weapons to him, on or around 28 June 1992, he came to the village under arms and accompanied by a dozen members of his unit, and unlawfully arrested the following civilians: [REDACTED]

[REDACTED] and physically abused [REDACTED] by hitting him with a rifle butt on his head, causing him to fall down, and continued to beat him severely with a rifle butt and kick him all over his body; and [REDACTED] whom he severely hit several times with his rifle butt on his shoulders and head; whereupon he let all prisoners go home except [REDACTED] whom he took towards the village of Ladevine when they disappeared without trace; due to this incident, all villagers left the village out of fear for their lives and physical integrity, except [REDACTED] who then disappeared without trace, including [REDACTED] who were deprived of their lives by unidentified members of his unit, which the suspect must have been aware of, but he did not undertake anything to prevent that or to punish the perpetrators,

- 2) In June 1992, in the village of Mesići, alongside with some other members of VRS, he unlawfully arrested civilians [REDACTED] and [REDACTED] who were subsequently unlawfully held in a hut in the village of Ladevine and were individually taken out of the hut blindfolded to be physically abused in the presence of the Suspect by the members of his unit; specifically they physically maltreated [REDACTED] first by ordering him to sit on a chair, whereupon they were beating him with rifle butts on his head and body, which caused swellings and contusions in the area of his chests and a cut on his head; and then they physically maltreated [REDACTED] who was also ordered

- to sit on a chair, which is when he received a severe blow on his head which caused him to faint and sustain a cut, thus causing great physical pain and suffering, until the suspect ordered them to stop,
- 3) In June 1992, he demanded that the inhabitants of the villages of Kukavice, Kujundžijevići and Mesići surrender the weapons they had at their disposal, and after they had surrendered their weapons, on or around 9, 10 or 11 July 1992, an artillery attack was launched against those villages, which was subsequently followed by an infantry attack lead by the Suspect together with the members of his unit, which is when a greater number of civilians were killed, including: [REDACTED]
[REDACTED] disappeared without trace, and a large number of houses were put on fire, and property was pillaged,
- 4) On or around 14 August 1992, in the village of Kosova, together with [REDACTED] and a few other members of the VRS, he took part in the unlawful detention of civilians [REDACTED]
[REDACTED], in the garage owned by Mićo Andrić, where he subsequently, together with certain Krsmanović aka „Pipa“, physically maltreated and humiliated [REDACTED] - by punching him in his head, holding a knife to his throat and forcing him to eat bullets caliber 7,62 mm; [REDACTED] – by punching him on his head and kicking him on the body, which caused him to faint; and [REDACTED] - by punching him on the head, causing severe physical pain and suffering upon them, whereupon they took [REDACTED] out of the garage and he disappeared without trace,
- 5) In late summer 1992, he unlawfully arrested civilians [REDACTED]
[REDACTED] and unlawfully detained them in his old family house in the hamlet of Maljevići-Ladevine, where they were seen alive for the last time in September 1992, which is when they disappeared without trace,
- 6) In mid-December 1992, in the village of Varošište, where the Command of his unit was located at that time, unidentified members of VRS who were under his actual control, deprived old woman [REDACTED] of

her life, the crime of which he must have been aware of, but he failed to undertake anything to prevent it or to punish the perpetrators,

- 7) During the period from the summer until the end of 1992, in the village of Varošište, on many occasions, using force and threats, he forced a female person with pseudonym X-1 to sexual intercourse, by coming under arms and late by night to the house she was staying in and threatening her that he would kill her close family member if she failed to do whatever he would request of her, and while pushing her vigorously, he forced her to lay in bed removing her lower parts of clothes and raped her.

Whereby he committed the criminal offence of Crimes against Humanity in violation of Article 172(1) of the CC of BiH:

- subparagraph h), in conjunction with subparagraphs a), e), f), i) and k) as read with Article 29 and Article 180 (1) and (2), in respect of Count 1 of the Indictment,

- subparagraph h), in conjunction with subparagraphs e) and f), as read with Article 29 and Article 180(1) of the CC of BiH, in respect of Count 2 of the Indictment,

- subparagraph h), in conjunction with subparagraphs a) and i), as read with Article 29 and Article 180(2) of the CC of BiH, in respect of Count 3 of the Indictment,

- subparagraph h), in conjunction with subparagraphs e), f) and k), as read with Article 29 and Article 180(1) of the CC of BiH, in respect of Count 4 of the Indictment,

- subparagraph h), in conjunction with subparagraphs e) and i), as read with Article 180 (1) and (2) of the CC of BiH, in respect of Count 5 of the Indictment,

- subparagraph h), in conjunction with subparagraph a), as read with Article 180(2) of the CC of BiH, in respect of Count 6 of the Indictment,

- subparagraph h) in conjunction with subparagraph g), as read with Article 180(1) of the CC of BiH, in respect of Count 7 of the Indictment,

Therefore, I hereby file the following:

PROPOSAL
of evidence to be presented

I. To hear the following persons as witnesses:

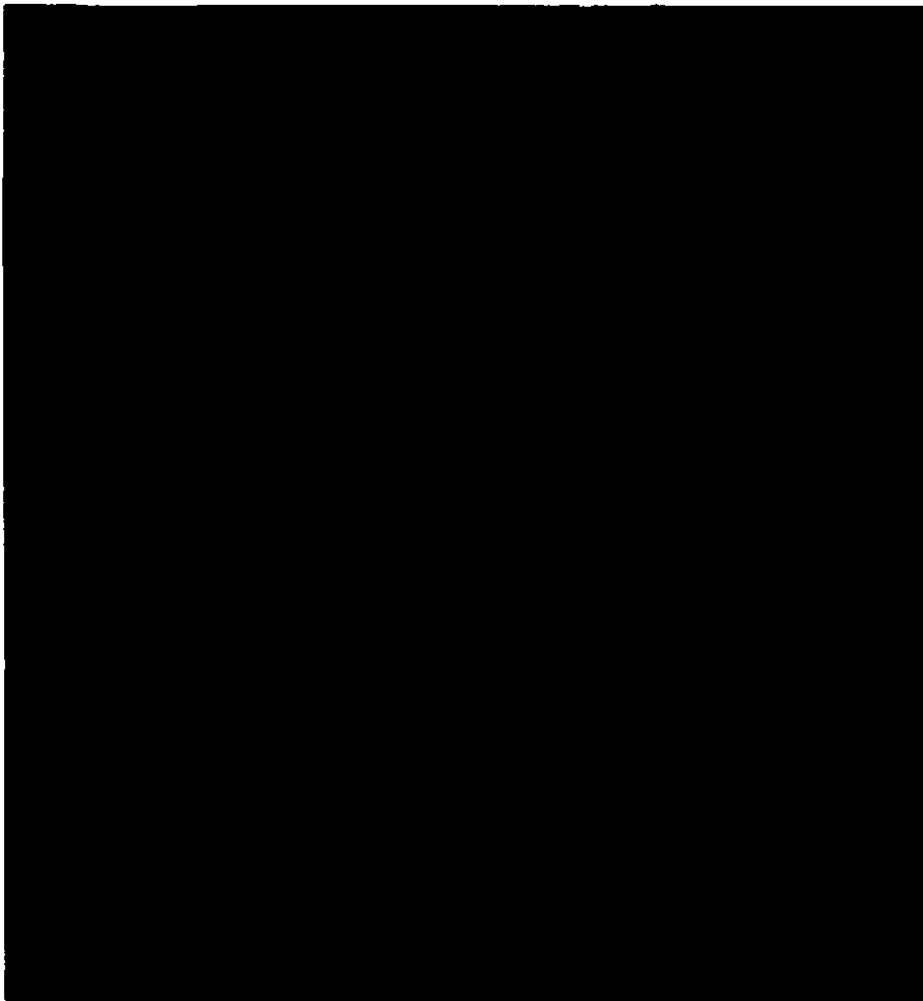
1. Protected Witness X 1, ¹
2. Protected Witness X 2,
3. Protected Witness X 3,
4. Protected Witness X 4,
5. Protected Witness X 5,

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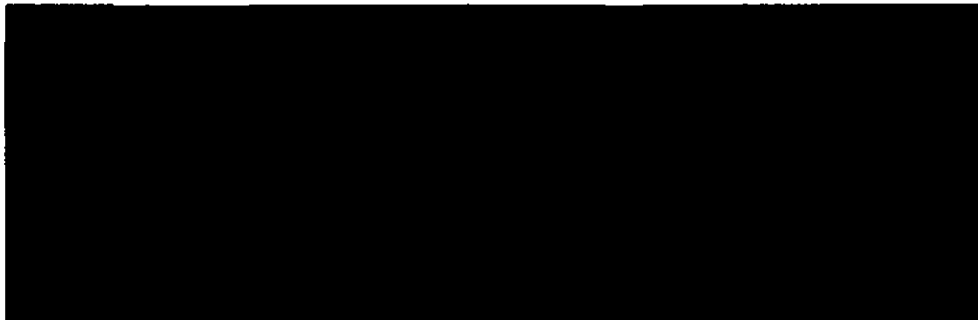
¹ Decision of the Court of BiH X-KRN-09/662 of 29 January 2009

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II. To hear the following expert witnesses:

- 1.
- 2.
- 3.



IV. To inspect the following supporting evidence:

- 1. ICTY Judgments number: IT- 00-39-T and number IT – 00-39-A, in the criminal case against Momčilo Krajišnik,**
- 2. ICTY Judgment No.: IT-95-9-T, criminal case against Simo Zarić, Blagoje Simić and Miroslav Tadić,**
- 3. ICTY Judgments No.: IT-95-10-T, and No. IT-95-10-A, criminal case against Goran Jelisić,**
- 4. ICTY Judgments No.: IT-94-1-T, and No. IT – 94-1-A, criminal case against Duško Tadić,**
- 5. ICTY Judgments No.: IT-97-24-T, and No. IT-97-24-A, criminal case against Milomir Stakić,**
- 6. Verdicts of the Court of BiH number: X-KR-05/16 and number X-RŽ-05/16, in the criminal case against Dragoje Paunović,**
- 7. Verdicts of the Court of BiH number: X-KR -05/154 and number X-KRŽ-05/154 of 8 March 2007, in the criminal case against Radislav Ljubinac,**
- 8. Instructions on the organization and operations of the Serb people authorities in BiH in extraordinary circumstances, the Main Board of the SDS BiH dated 19 December 1991,**
- 9. Decision on verification of the proclaimed Serb autonomous regions in BiH (Excerpt from Official Gazette of the Serb People in BiH number 1/92 dated 15 January 1992),**
- 10. Decision on strategic objectives of the Serb People in BiH dated 12 May 1992. (Official Gazette of Republika Srpska number: 22/93 dated 26 November 1993),**
- 11. Decision of the Presidency of R BiH on the declaration of imminent war threat dated 8 April 1992 (Official Gazette of R BiH number 1/92),**
- 12. Decision of the Presidency of R BiH on the declaration of the state of war dated 20 June 1992 (Official Gazette of R BiH number 7/92),**
- 13. Excerpt from the document of the R BiH Statistics – ethnic composition of population in 1991, for the region of the Municipality of Rogatica,**
- 14. Report on work of the Rogatica Municipality Assembly, the executive board and the municipal administration for the period July 1992 - September 1993, number 01/1-012-54/93 dated 1 October 1993, (ICTY number 02159609-02159637)**

15. Report on work of the Crisis Staff of the Serb Municipality of Rogatica for the period from April - June 1992, (ICTY number 04654759-04654767)
16. Certificate of the Department for General Administration of the Rogatica Municipality number 03/1-10-835-63 dated 27 November 2007 in the name of suspect Stojan Perković,
17. Personal file in the name of suspect Stojan Perković,
18. Unit personal file in the name of suspect Stojan Perković,
19. Excerpt from VOB-8 book for VP 7084 Rogatica, ordinal number 25- the Suspect Stojan Perković,
20. Letter of the Command of the 1st Podrinje Light Infantry Brigade confidential number: 06-1269-1/94 dated 23 November 1994, with an attachment- document titled „List of Military Senior Officers“ VP 7084 Rogatica, (ICTY number 04412053-04412071)
21. Letter of the Rogatica Brigade Command number 55-1/92 dated 30 September 1992 sent to suspect Stojan Perković,
22. Order by Commander of the 1st Podrinje Light Infantry Brigade strictly confidential No. 01-87/92 dated 15 December 1992,
23. Order by Commander of the 1st Podrinje Light Infantry Brigade strictly confidential number 01-465/93, of 04 March 1992 (ICTY number 04410143),
24. Letter of the Command of the 1st Podrinje Light Infantry Brigade number 05-1205/93 dated 7 July 1993, (ICTY number 04419419),
25. Certificate of the Command of the 1st Infantry Battalion Command, of 05.12.1993, (ICTY number 04410463)
26. Document titled „Statement of Chetnik Vinko Mačar from the region of Varošište“ (ICTY No. 01857215-01857218),
27. Letter (in handwriting) addressed to „Aga“, signed by S. Perković
28. Receipt on handover of a pistol in the name of Ibrahim Ajnadžić dated 6 June 1992, signed by Perković S.
29. Receipt on handover of a pistol in the name of Jusuf Makaš dated 7 June 1992, signed by Perković S.
30. Two (2) Receipts in the name of Zajko Makaš dated 7 June 1992, signed by Perković S.
31. Two (2) Receipts on handover of a pistol/rifle, in the name of Ahmed Kulić dated 7 June 1992, signed by S. Perković,
32. Indisputable handwriting of suspect Stojan Perković (1 page, A4 format)
33. Findings and Opinion of expert witness graphologist [REDACTED] dated 24 February 2009,

34. Diary of Muhamed Makaš titled: „War Diary 1992 – the Last Days I spent in my native area“,
35. Medical documentation in the name of the protected witness X-1, namely:
 - findings of a neuropsychiatrist dated 14 December 2000, 22 January 2001 and 20 February 2008,
 - findings of a gastroenterohepathologist dated 15 March 2005, 15 February 2007 and 19 March 2007,
 - findings of a radiologist dated 01 February 2007 and 6 February 2007
36. Findings and Opinion of a team of expert witnesses – a neuropsychiatrist / psychologist, on the state of the mental health of the protected witness X-1 dated 9 February 2009
37. Certificate of killing of Predrag Perković confidential number 47-59 dated 10 July 1993,
38. Death Certificate for Predrag Perković dated 29 January 2009,
39. Death Certificate for [REDACTED] dated 18 February 2009,
40. Photo-documentation of the State Investigation and Protection Agency number 17-14/1-7-22/09 dated 3 March 2009,
41. Excerpt from the criminal record in the name of Stojan Perković dated 9 February 2009,
42. Record of Exhumation by the Cantonal Court in Sarajevo number: Kri 165/98 compiled in the period from 31 August to 4 September 1998,
43. Photo-documentation of the Cantonal MoI Sarajevo number: KU 1937, 1946, 1949, 1956/98 compiled on 11 September 1998 (page 133 to 166 and page. 267 through 281),
44. Crime Scene Sketch by the Cantonal MoI Sarajevo number: KU 1937, 1946, 1949, 1956/98 made in the period from 31 August to 4 September 1998,
45. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 10 September 1998,
46. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 10 September 1998,
47. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,
48. Death Certificate for [REDACTED] dated 17 March 2009,
49. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,

50. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,
51. Death Certificate for [REDACTED] dated 17 March 2009,
52. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 10 September 1998,
53. Death Certificate for [REDACTED] dated 17 March 2009,
54. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 10 September 1998,
55. Death Certificate for [REDACTED] dated 17 March 2009
56. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 1 September 1998,
57. Death Certificate for [REDACTED] dated 17 March 2009,
58. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 10 September 1998,
59. Death Certificate for [REDACTED] dated 17 March 2009,
60. Report on the autopsy of the mortal remains of [REDACTED]
[REDACTED]
made for the record of the Cantonal Court in Sarajevo number: Kri-165/98 dated October 1998,
61. Report on the autopsy of the mortal remains of [REDACTED]
[REDACTED]
made for the record of the Cantonal Court in Sarajevo number: Kri-165/98 dated 1 October 1998,
62. Record of exhumation by the Cantonal Court in Sarajevo number: Kri 198/98 dated 13 October 1998,
63. Photo-documentation of the Cantonal MoI Sarajevo number: KU 2259, 2260, 2282, 2283 and 2284/98 dated 20 October 1998 (page 19 through 50.),
64. Crime scene sketch made by the Cantonal MoI Sarajevo number KU 2259, 2260, 2282, 2283 and 2284/98 in the period from 5 to 7 October 1998,
65. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,
66. Death Certificate for [REDACTED] dated 17 March 2009,
67. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,
68. Death Certificate for [REDACTED] dated 17 March 2009,
69. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,

70. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,
71. Death Certificate for [REDACTED] dated 17 March 2009,
72. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 13 October 1998,
73. Death Certificate for [REDACTED] dated 17 March 2009,
74. Autopsy report of the mortal remains of [REDACTED]
[REDACTED] made for the Record of the Cantonal Court in Sarajevo number Kri-198/98, of 12 October 1998,
75. Record on the exhumation by the Cantonal Court in Sarajevo number Kri 228/98 dated 4 November 1998,
76. Photo-documents of the Cantonal MoI Sarajevo number KU 2541, 2542, 2552, 2553, 2554, 2557, 2597, 2598/98 dated 3 December 1998 (pages 1 through 26.)
77. Crime scene sketch made by the Cantonal MoI Sarajevo number KU 2541, 2542, 2552, 2553, 2554, 2557, 2597, 2598/98 made in the period from 4 to 11 November 1998,
78. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 18 November 1998,
79. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 18 November 1998,
80. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 18 November 1998,
81. Death Certificate for [REDACTED] dated 17 March 2009,
82. Record of the Cantonal MoI Sarajevo on Establishment of Identity of [REDACTED] dated 18 November 1998,
83. Death Certificate for Nura Šuša dated 17 March 2009,
84. Report on the autopsy of the mortal remains of [REDACTED]
[REDACTED] made for the Record of the Cantonal Court in Sarajevo number Kri-228/98 dated 16 November 1998,
85. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
[REDACTED]
86. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
87. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
88. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
[REDACTED]

89. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
90. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
91. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
92. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
93. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
94. Decision of the Basic Court in Višegrad on declaring missing person [REDACTED] dead, number 91-0-V-000-989-08-V dated 2 October 2008,
95. Death Certificate for [REDACTED] dated 13 October 2008,
96. Decision of the Basic Court II Sarajevo on the establishment of death of [REDACTED] number R-419/94 dated 9 March 1995,
97. Death Certificate for [REDACTED]
98. Excerpt from the ICRC Register of Missing Persons for [REDACTED]
99. Decision of the Basic Court in Višegrad on declaring missing person [REDACTED] dead, number 091-0-V-07-000051 dated 8. October 2007,
100. Death Certificate for [REDACTED] dated 17 March 2009,

RESULTS OF INVESTIGATION

Results of investigation indisputably confirm that this Indictment is well-founded, specifically that the Suspect Stojan Perković committed the criminal offence of Crimes against Humanity in violation of Article 172(1)h) in conjunction with items a), e), f), g) and i) of the Criminal Code of Bosnia and Herzegovina, and in conjunction with Articles 29 and 180(1) and (2) of the CC of BiH.

From the state of facts established in the course of the investigation, which is based on both documentary evidence and testimonies of the witnesses, it follows that the Suspect, as a member of the armed forces of the Army of the Serb Republic of BiH, within a widespread and systematic attack directed against the non-Serb population of the Municipality of Rogatica, as part of that attack, as Commander of the Ladevina Unit,

perpetrated, aided and abetted and was aware but did not do anything to prevent or punish: killings; enforced disappearance of persons, severe depriving of physical freedom contrary to the basic rules of international law; rapes; persecution of non-Serb civilian population on national, ethnic, religious and sexual grounds; as well as other inhuman acts committed with the intent to cause great suffering, serious physical injuries and health damage, at the time and in the places and manner as described in the operative part of the Indictment.

The criminal-legal actions the Suspect Stojan Perković has been charged with in the Indictment were committed during the widespread and systematic attack directed against the civilian population, and based on the testimonies of the witnesses and obtained physical evidence it indisputably follows that the attack was committed by the Serb military, police and paramilitary forces in the larger territory of the R BiH, including the territory of the Municipality of Rogatica, and that it was directed against non-Serb population.

That is clearly visible from the adjudicated facts established in the final Judgments of the ICTY in the cases: IT-95-9-T, against Simo Zarić, Blagoje Simić and Miroslav Tadić, IT-95-10-T, in the criminal case against Goran Jelisić, IT-94-1-T, in the criminal case against Duško Tadić, and IT-97-24-T, in the criminal case against Milomir Stakić; specifically these Judgments have found that during the period covered by the Indictment there was a widespread and systematic attack in the territory of East, North-East and North Bosnia, which was directed against non-Serb civilian population.

Apart from the above mentioned, the facts established in the final ICTY Judgment No. IT-00-39-T, in the case against Momčilo Krajišnik, are also indisputable and they are as follows:

- According to the 1991 census in Bosnia-Herzegovina, there were 21,979 inhabitants in the municipality of Rogatica before the war, out of which 13,209 (60 per cent) were Bosniaks, 8,391 (38 per cent) were Serbs, while 19 were Croats, 186 Yugoslavs, and 173 persons of other or unknown ethnicity (par. 674),

- By the beginning of 1992, Serb Crisis Staff was established, the establishment of the Serb Municipality of Rogatica was announced, the Crisis Staff ordered that Muslims be fired from their jobs and be restricted in their movements, and Rajko Mušić, who had formed a paramilitary unit, and

the SDS ordered all Muslims in the Rogatica municipality to surrender their weapons under threat of arrest and expulsion (par.675),

- From March 1992 onwards, armed Serb locals and JNA soldiers, including the Užice Corps of the JNA and Rajko Kušić's paramilitary unit, pillaged, harassed and mistreated Muslims in the Rogatica area. (par.676)

- Serb forces – including the VRS, Kušić's men, and volunteer forces – shelled and, finally, took control of the town of Rogatica and the surrounding villages. They met resistance from only about 50 Muslims armed with light weapons. After the shelling, the Serbs ordered the Muslims to gather in the town's central square. They demanded that the Muslim population sign a loyalty oath to surrender and move to the Veljko Vlahović secondary school, under the threat of being killed if they did not comply. A total of 2,500-3,000 Muslims assembled in the town square. (para.678)

- Local Serbs under the authority of Rajko Kušić detained up to 1,100 Muslims of Rogatica in the secondary school. The guards beat, raped, and tortured the Muslim detainees (para.679)

- A group of 1,500-2,000 Muslims left the town of Rogatica due to the intensified shelling in May 1992. When the group arrived to the village of Vragolovi in the Rogatica municipality, there were approximately 5,000-6,000 displaced Muslims and refugees. In July, 1,500 of these Muslims escaped to Goražde when Serb forces shelled Vragolovi. In August, all but ten of the remaining refugees left the village for Goražde after having received a warning about another Serb attack (par. 682)

- In addition to the facilities mentioned above, the Serb authorities detained mostly Muslim civilians in four detention centers in the municipality in 1992, namely the Rogatica farm, the Rogatica school, the stud farm in Borika and Crkveni dom (church premises) (par. 683)

- By the end of 1992, more than ten mosques in the municipality were destroyed by mines. They included the Rogatica town mosque, the Arnaudija mosque and three mosques in the Vragolovi area, west of Rogatica town, including the mosque in Vragolovi (par. 684)

Thus, the attack directed against the non-Serb civilian population of the Rogatica municipality involved disarming the population, taking and detaining them in camps, their interrogation, maltreatment and killing, mass and forceful deportation, rapes, setting houses on fire and other various types of inhuman treatments.

If the Indictment is confirmed, the Prosecutor will file a separate motion in respect to these facts 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.

In addition, the existence of the wide-spread and systematic attack in the territory of the Rogatica Municipality was established in the final verdicts of the Court of BiH in the criminal cases of *Dragoje Paunović* and *Radislav Ljubinac*.

The fact that the Suspect was a member of the Serb Republic of Bosnia and Herzegovina Army and Commander of the Lađevina Unit primarily follows from the testimonies of the witnesses and also from the collected physical evidence as follows: Certificate of the General Administration Department of the Rogatica Municipality, No. 03/1-10-835-63, of 27 November 2007 for the Suspect Stojan Perković, Personal card for the Suspect Stojan Perković, Unit card for the Suspect Stojan Perković, Excerpt from VOB-8 registry for the military post 7084 Rogatica, No. 25.- Suspect Stojan Perković, confidential letter of the 1st Podrinje Light Infantry Brigade Command, No. 06-1269-1/94, of 23 November 1994 enclosing a „List of Reserve Military Officers“ of the military post 7084 Rogatica, (ICTY No. 04412053-04412071), Letter of the Rogatica Brigade Command, No. 55-1/92, of 30 September 1992 addressed to the Suspect Stojan Perković, highly confidential Order of the Podrinje Light Infantry Brigade Commander, No. 01-87/92, of 15 December 1992, highly confidential Order of the 1st Podrinje Infantry Brigade Commander, No. 01-465/93, of 4 March 1992 (ICTY No. 04410143), Letter of the 1st Podrinje Light Infantry Brigade, No. 05-1205/93, of 7 July 1993, (ICTY No. 04419419), Certificates of the 1st Infantry Battalion Command, of 5 December 1993, (ICTY No. 04410463), a document under the title „Statement of Chetnik Vinko Mačar from the territory of Varošište“ (ICTY No. 01857215-01857218).

All the victims mentioned in the Indictment were civilians and persons who did not have an active role in the hostilities, and in the period covered by the Indictment they were under protection of the international humanitarian law.

During the interview the Suspect exercised his legal right to defend himself by remaining silent.

However, based on the evidence obtained during the investigation it is indisputable that the Suspect Stojan Perković did commit the criminal offense, that he was aware of it and wanted its perpetration.

The obtained evidence confirms the discriminatory intention of the Suspect and indisputably points to a conclusion that the Suspect followed the policy and actions of the Serb Republic of Bosnia and Herzegovina Army as a military organization which brought about the widespread and systematic attack against the non-Serb civilian population of the Rogatica municipality, of which the Suspect knew and was aware that he was part of that attack, and thus he perpetrated, aided and abetted, and was aware of the acts described in the operative part of the Indictment without preventing or punishing such acts.

In addition, it is also clear from the obtained evidence that the Suspect had a clear superior role in respect to the lower ranking soldiers as well as the actual power to control their actions. Therefore, the Suspect is also individually responsible for the acts committed by his subordinates in his presence as by his presence he approved and encouraged perpetration of the criminal offence. He is also responsible for the criminal offences committed by his subordinates, which he did not personally attend, but was aware of them or they could not have been unknown to him, without preventing them or punishing the perpetrators thereof.

Thus, it follows that the Suspect:

- in June 1992 committed the criminal offence against the population of the village of Surovi, specifically he was aware of that but did not do anything to prevent perpetration of the criminal offence, as described in Count 1 of the Indictment, which has been confirmed by the witnesses: X 5,

whose statements have been supported by the following physical evidence: diary of [REDACTED] under the title: „War Diary from 1992 – The Last Days I Spent in my Native Area“, a letter (in handwriting) addressed to „Aga“, signed by S Perković, Certificate on surrender of weapons, Opinion and Findings of the Expert Witness, Graphologist [REDACTED] of 24 February 2009, records and photo documentation of exhumation and identification, autopsy report

related to the mortal remains of [REDACTED] Excerpt from the ICRC Register of Missing Persons for [REDACTED], etc.

- in June 1992, committed the criminal offence as described under Count 2 of the Indictment, against [REDACTED] which has been confirmed by the witnesses: [REDACTED] and [REDACTED]

- in the period from 9 to 11 July, committed the criminal offence against the population of the villages of Kukavice, Kujundžijevići and Mesići, being aware of it but not doing anything to prevent the perpetration of the criminal offense, as described under Count 3 of the Indictment, which has been confirmed by the witnesses: X-2, X-3, X-4, [REDACTED]

[REDACTED] whose statements have been supported by the following physical evidence: A document titled „Statement of Chetnik Mačar Vinko from the territory of Varošište“ (ICTY No. 01857215-01857218), Certificate on surrender of a gun for Ibrahim Ajnadžić, Death Certificate for Predrag Perković, confidential No. 47-59 of 10 July 1993, Death Certificate for Predrag Perković, of 29 January 2009, Records and photo documentation on exhumation, reports on establishment of identity, autopsy reports and similar for the victims: [REDACTED]

- in August 1992, in the village of Kosova, committed the criminal offense as described under Count 4 of the Indictment, which has been supported by the witnesses: [REDACTED] and [REDACTED]

- in late summer 1992, committed the criminal offense against [REDACTED] as described under Count 5 of the Indictment, which has been supported by the witnesses: X-1, [REDACTED] whose statements have also been supported by the following physical evidence: photo documentation of the Suspect's old house in the settlement of Maljevići, Death Certificate for [REDACTED] from the ICRC Register of Missing Persons,

- in mid December 1992, in the village of Varošište, was aware but did not prevent perpetration of the criminal offense against [REDACTED] as

described under Count 6 of the Indictment, which has been supported by witnesses: X-1, [REDACTED] whose statements have been supported by the following physical evidence: report and photo documentation regarding exhumation and identification and report on autopsy of mortal remains of [REDACTED]

- from the summer until the end of 1992, committed multiple rape, as described under Count 7 of the Indictment, which has been supported by the witness X-1, whose statement has been supported by medical documentation and findings and opinion of the Expert Witness, Neuropsychiatrist and Psychologist, and directly by statements of other witnesses.

Taking into account all the above stated, I am of the opinion that there exists sufficient evidence for grounded suspicion that the Suspect Stojan Perković committed the criminal offence he has been charged with, which makes this Indictment well-founded in all its counts, and I therefore move the Preliminary Hearing Judge to confirm it in its entirety.