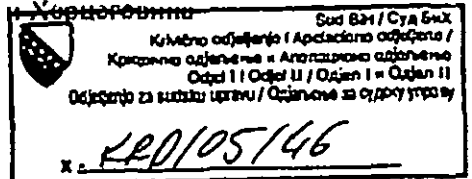


Bosna i Hercegovina

Босна и Херцеговина



Tužilaštvo-Tužiteljstvo Bosne i Hercegovine
Тужилаштво Босне и Херцеговине
Prosecutor's Office of Bosnia and Herzegovina

No: KT-RZ-17/05

Sarajevo, 22 April 2008

THE COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -

SARAJEVO

Pursuant to Article 35, paragraph 2), sub-paragraph h) and Article 226, paragraph 1) of the Criminal Procedure Code of Bosnia and Herzegovina, I hereby issue the

INDICTMENT

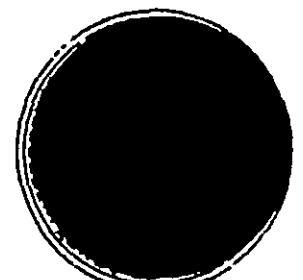
charging:

RADE VESELINOVIĆ, son of Petko and Anica, maiden name Milović, born on 1 February 1944 in Čajniče, place of residence at Pale at bb */no number/* Podgrab Street, Personal ID No: 0102944171328, Serbian by ethnicity, citizen of Bosnia and Herzegovina, a pensioner, married, served his military service in 1963-1965, holds no rank of a reserve military officer, registered in military records of Pale, indigent, has no previous convictions, deprived of liberty on 29 November 2007 at 12:00 hours, currently in custody in the Dohoj Penal Correctional Institution pursuant to the Decision No: X-KRN-05/46 issued by the Court of BiH on 28 February 2008, to remand in custody until 29 April 2008 under the mentioned Decision or pending a new decision by the Court, represented by Milorad Rašević, a lawyer from Sarajevo.

In as much as he

During the period from early May 1992 up to late 1992, within a widespread and systematic attack of the Republika Srpska Army (hereinafter: RSA), members of the

Tužilaštvo-Tužiteljstvo Bosne i Hercegovine, Sarajevo, Ul. Kraljice Jelene br. 88:
Тужилаштво Босне и Херцеговине, Сарајево, Ул. Краљице Јелене бр. 88:
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Military Police and paramilitary formations, which was targeted against civilians of non-Serbian ethnicity in the city of Sarajevo and Hadžići Municipality, as a member of the Military Police of the RSA from Hadžići, knowing of such an attack, he carried out, aided and abetted in the persecution of non-Serbian population in the area of Hadžići Municipality on political, national, ethnic, cultural and religious grounds by way of killing, forcible relocation of people, unlawful imprisonment, torture, enforced disappearances, immense suffering or violation of bodily integrity or health and by other, inhumane acts perpetrated with the intention of causing great anguish, inflicting serious bodily injuries and damaging their health in the way that:

1. During the period from early May 1992 to late 1992, together with other members of the RSA from Hadžići, he participated in the unlawful arrests of the non-Serbian population of Hadžići and the villages of Žunovnica, Musići, Binježevo, Kućice and other surrounding places, who were taken to the detention centre in the Cultural-Sports and Recreational Centre Hall in Hadžići, where they were beaten up and physically abused. They also allowed unidentified members of paramilitary formations to ill-treat the detained people by beating them up, requesting men to perform lewd acts among themselves, gave them meagre food and took them to the front lines to dig trenches, cut wood and do other hard labour,

2. On 20 May 1992, together with other members of the RSA from Hadžići, including Dragan Pušara and Nemanja Jovičić, he participated in the attack on the village of Musići, Hadžići Municipality, when civilians [REDACTED] were killed and a number of Bosniak civilians from the village of Musići were unlawfully deprived of liberty and taken to the detention centre in the Cultural-Sports and Recreational Centre Hall in Hadžići, including: [REDACTED]

3. On 16 May 1992, in the street in front of the Cultural Centre in Hadžići, while escorting the unlawfully captured people to the detention centre in the Cultural-Sports and Recreational Centre Hall in Hadžići, he fired from his automatic rifle at [REDACTED] a person of Croatian ethnicity, for no reason whatsoever and seriously wounded him,

4. In late May or early June 1992, when detained civilians [REDACTED] and a person whose last name was [REDACTED] were taken out for forcible labour from the camp to the Cultural-Sports and Recreational Centre Hall in Hadžići, to transport by car a stove from the place called Kućice towards Hadžići, he stopped them on their way to Hadžići and pulled [REDACTED] out of the car, swearing his *Šipar*¹ mother, started to kick and punch him all over his body, slapped him in the face, then he pulled out his pistol and whipped [REDACTED] who started bleeding down his face and he still has scars on his head as a consequence. He then pulled Maslo out of the car and started to kick and punch him all over his body, put his pistol to his temple and threatened to kill him,

¹Translator's note: Derogatory for Albanians

5. On an unspecified date in June 1992, together with a group of unidentified armed members of the Republika Srpska Army, he came to Donji Hadžići, where they found [REDACTED] and killed her from their fire arms,

6. On or about 4 July 1992, together with members of the Military Police from Hadžići, he arrived in front of a building located at 8 JNA Street in Hadžići, entered the building, brought out [REDACTED] and took him away in an unknown direction in a *Pinzgauer* vehicle and he disappeared without a trace,

7. On an unspecified date in late 1992, close to the village of Breza, Hadžići Municipality, he ill-treated [REDACTED] by stopping her in the road. He grabbed her breasts, pushed her to a tree, leaned her against the tree and fired a number of bullets above her head, deafening her,

Therefore, within a widespread and systematic attack of the Republika Srpska Army on the city of Sarajevo and area of Hadžići Municipality, knowing of such attack, he perpetrated, aided and abetted in the persecution of population of non-Serbian ethnicity in the area of Hadžići Municipality on political, national, ethnic, cultural and religious grounds by way of killings, forcible relocation of people, unlawful imprisonment, torture, enforced disappearances, immense suffering or violation of bodily integrity or health and by other inhumane acts perpetrated with the intention of causing great anguish, inflicting serious bodily injuries and damaging their health,

Whereby, by carrying out the offences described in Counts 1-7 of the Indictment, he committed the criminal offence of Crimes against Humanity in violation of Article 172 (1) h) of the CC of BiH, as read with sub-paragraphs a), c), d), e), f) and i) and as read with Article 173 (1) a) of the CC of BiH, all in conjunction with Articles 29 and 180 (1) of the CC of BiH.

Therefore,

I hereby move the Court

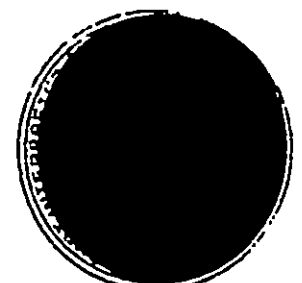
1) To schedule the main trial and to summon:

1. The Prosecutor of the Prosecutor's Office of BiH,
2. The suspect Rade Veselinović, currently in custody in the Doboj Penal Correctional Facility and his defence counsel, Milorad Rušević, a lawyer from Sarajevo;

2) To adduce evidence as follows:

a) To summon and hear as witnesses:

1. [REDACTED]
2. [REDACTED]



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b) To hear as expert witness:

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c) To inspect the following evidence:

34. *Judgment of the ICTY Trial Chamber in the case of Stanislav Galić No: IT- 98-29-T, dated 5 December 2003;*

35. *Judgment of the ICTY Appellate Chamber in the case of Stanislav Galić No: IT- 98-29-A, dated 30 November 2006;*

36. *Judgment of the ICTY Trial Chamber in the case of Momčilo Krajišnik No: IT- 00-39-T, dated 27 September 2006;*

37. *Suspect examination records No: KT-RZ-17/05 dated 29 November 2007; 12 February 2008; 31 March 2008; 8 April 2008 and 15 April 2008;*

38. *Crime scene forensic report, Sarajevo SSC No: 1040/96 dated 1 July 1996;*

39. *Crime scene forensic report, Sarajevo SSC No: 1041/96 dated 1 July 1996;*

40. Crime scene forensic report, Sarajevo SSC No: 1042/96 dated 1 July 1996;
41. Crime scene forensic report, Sarajevo SSC No: 1043/96 dated 1 July 1996;
42. Record of questioning of the expert witness, [REDACTED] Kri-89/96 dated 1 July 1996;
43. Record of exhumation and autopsy of mortal remains of [REDACTED] of the Higher Court in Sarajevo No: Kri-89/96 of 1 July 1996;
44. Death certificate for [REDACTED] No: 03/3-13-3173/2008 of 4 April 2008;
45. Death certificate for [REDACTED] No: 03/3-13-3174/2008 of 4 April 2008;
46. Decision of the Basic Court in Konjic No: R-235/95 of 10 March 1995 stating that [REDACTED] was killed on 20 May 1992;
47. Death certificate for [REDACTED] No: 03/3-13-3177/2008 of 4 April 2008;
48. Doctor's certificate of death for [REDACTED] issued by doctor [REDACTED] forensic pathologist, on 25 September 1996;
49. Death certificate for [REDACTED] No: 03/3-13-3176/2008 of 4 April 2008;
50. Death certificate for [REDACTED] No: 03/3-13-3459/2008 of 11 April 2008;
51. Doctor's certificate of death for [REDACTED] issued by doctor [REDACTED] forensic pathologist on 8 February 2002;
52. Record of exhumation and autopsy of mortal remains of [REDACTED] of the Higher Court in Sarajevo No: Kri-55/96 dated 3 May 1996;
53. Letter from the Federation Commission on Missing Persons No: 01-41-324/2008 of 17 April 2008;
54. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 06/5-106-F/2008 of 17 April 2008;
55. Letter from the Federation Commission on Missing Persons No: 01-41-323/2008 of 17 April 2008;
56. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-328/2008 of 17 April 2008;
57. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-327/2008 of 17 April 2008;
58. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-326/2008 of 17 April 2008;
59. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-325/2008 of 17 April 2008;
60. Certificate issued by the International Committee of the Red Cross for [REDACTED] No: BAZ243611 of 17 February 1995;
61. Hospital discharge letter for [REDACTED] issued by the Clinic Centre of the University of Sarajevo, No: 986/03 of 21 November 2003;
62. Hospital discharge letter for [REDACTED] issued by the Clinic Centre of the University of Sarajevo, No: 986/03 of 21 November 2003;
63. Psychological report and opinion for [REDACTED] dated 8 January 2005, provided by graduated psychologist [REDACTED];
64. Outpatient medical examination of [REDACTED] issued by the Clinic Centre of the University of Sarajevo No: 5588/07 of 7 May 2007;
65. Outpatient medical examination of [REDACTED] issued by the Clinic Centre of the University of Sarajevo No: 5061/06 of 25 April 2006;

66. *Official letter of the RS Ministry of Soldiers and Disabled Veterans – Department on the Protection of Soldiers, Disabled Veterans and Civilian War Victims – Military Records of the Participants of the Defence-Homeland War No: 16-03/5-02-56-2789/08 dated 18 April 2008;*

67. *Certificate taken from "VOB-8-VP" 7066 Blažuj for Rade Veselinović;*

68. *Certificate concerning Rade Veselinović's criminal record No: 13-1-9/02-235-28-44/08 of 9 April 2008;*

69. *Record on deprivation of liberty of suspect Rade Veselinović, State Investigation and Protection Agency No: 17-04/2-04-2-19/07 of 29 November 2007;*

70. *Record on handing over the person deprived of liberty to the competent prosecutor, State Investigation and Protection Agency No: 17-04/2-04-2-19/07 of 29 November 2007;*

Results of investigation:

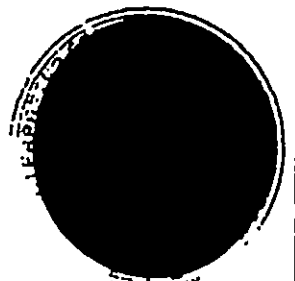
Having conducted an investigation against the suspect Rade Veselinović, the Prosecutor's Office has collected sufficient evidence which reasonably suggest that the suspect Rade Veselinović committed the criminal offences described in the Indictment. It follows from the offences described and evidence collected under the investigation that there is grounded suspicion that the suspect committed the criminal offence of Crimes against Humanity in violation of Article 172 (1) of the CC of BiH, as read with Article 180 (1) of the CC of BiH.

The Prosecutor's Office notes that the collected evidence reasonably suggest that the suspect participated in a widespread and systematic attack of the Republika Srpska Army and paramilitary formations directed against non-Serbian population of the city of Sarajevo and area of Hadžići Municipality, whereby he committed the criminal offences he is charged with. The evidence in support of the allegations that there was a widespread, and systematic attack targeted against the Sarajevo area and Hadžići Municipality is as follows: first-instance Judgement issued by the ICTY in the case of Stanislav Galić (Case No: IT-98-29-T) dated 5 December 2003 and second-instance Judgment in the same case (No: IT98-29-A) dated 30 December 2006. The ICTY concluded in paragraph 595 of the first-instance Judgement against Stanislav Galić (page 245) that there had been an armed conflict as of early April 1992 between Bosnia and Herzegovina and its armed forces on one side and the Republika Srpska and its armed forces on the other side. It was further found in paragraph 598 of the first-instance Judgment issued by the ICTY against Stanislav Galić that "... there was an attack, that the attack was directed against any civilian population, and that the attack was widespread or systematic. The Trial Chamber also finds that the crimes committed in Sarajevo during the Indictment Period formed part of an attack directed against the civilian population and this would have had been known to all who were positioned in and around Sarajevo at that time." The mentioned Judgements state as established the facts that there was a widespread and systematic attack of the RSA on the municipalities belonging to Sarajevo. It is stated in the mentioned Judgements and it is common knowledge that Hadžići Municipality belonged to the city of Sarajevo. It follows from these Judgements that there was a systematic and widespread attack targeted against civilian non-Serbian population in the

area of Sarajevo. These established facts entirely prove the general element of the body of the referenced criminal offence the suspect Rade Veselinović is charged with. Moreover, it can be undoubtedly concluded from the statements given by the witnesses heard during the investigation that the area of Hadžići Municipality and surrounding villages were also target of the attack carried out by the RSA against the civilian non-Serbian population. Those are, primarily, the statements given by [REDACTED]

[REDACTED] and other witnesses heard during the investigation. All the witnesses were consistent in their statements that members of the RSA Military Police and paramilitary formations had attacked the town of Hadžići and surrounding villages, primarily Ušivak (Musići at present), Binježevo, Kućice and other places inhabited by non-Serbian population. All the witnesses were in agreement that the preparation for the attack had started concurrently with the conflict which had broken out in the area of Sarajevo city and that Hadžići Municipality had been attacked in the same manner. Given the number of surrounding villages and their distribution and taking into account the above stated facts established in the ICTY Judgment rendered against Stanislav Galić, it can be reasonably concluded that there was a widespread attack of the RSA forces against civilian population. The witnesses also confirmed that citizens of non-Serbian ethnicity were being continually arrested as part of the plan and that they heard soldiers calling over a megaphone the non-Serbian population to surrender. All this, together with the fact that detention centres were established, first of all in the Cultural-Sports Centre in Hadžići, clearly suggest that unlawful arrests and other actions were carried out as part of a previously devised plan, which additionally confirms that there was a widespread and systematic attack. It further follows from the statements given by the interviewed witnesses and from other evidence contained in the Indictment that multiple offences were perpetrated that constitute the body of the referenced criminal offence in violation of Article 172 (1) of the CC of BiH, thus corroborating the existence of a widespread and systematic attack. The foregoing clearly implies that the general requirement of the body of the referenced criminal offence the suspect is charged with has been satisfied.

The Prosecutor's Office of BiH believes that the suspect Rade Veselinović knew of the attack and that he acted as a member of the RSA during the attack. According to the statements given by all interviewed witnesses who knew the suspect, at the time specified in the Indictment, the suspect together with other RSA members, continually participated in the unlawful arrests, escorts of civilians to detention centres and in the commission of other offences described in the Indictment, so that it can be clearly concluded that he was aware of the attack and that he wilfully participated in it. In view of everything mentioned, the Prosecutor's Office submits that there is grounded suspicion that there was a widespread and systematic attack of the RSA directed against civilian non-Serbian population of Hadžići Municipality and that the suspect Rade Veselinović knew of the attack, that he took part in it, primarily by persecution, as an element of the criminal offence in violation of Article 172 (1) of the CC of BiH.



The presented facts are also supported by the conclusions reached by the ICTY first instance Judgement in the case of Momčilo Krajišnik No: IT-00-39-T dated 27 September 2006, its paragraphs 541-550 and 707-713.

The Prosecutor's Office further argues that in addition to the existence of a widespread and systematic attack, its targeting against certain civilian population and knowledge of the suspect that he participated in it, there is another requirement that has to be satisfied - that within the attack, the suspect perpetrated any of the offences in violation of Article 172 (1) a) through k) of the CC of BiH. To that end, the Prosecution believes that at the time relevant to the Indictment, the suspect Rade Veselinović took part in the persecution and wilfully deprived people of their fundamental rights only on the ground of their belonging to a group or community, thereby violating international law. It clearly follows from the evidence contained in the Indictment, but primarily from the statements given by the heard witnesses, that there is grounded suspicion that the suspect Rade Veselinović participated in the persecution and that the victims thereof were civilians of non-Serbian ethnicity in the area of Hadžići Municipality. The suspect Rade Veselinović, alone and together with other members of the RSA, also undertook a sequence of actions that were aimed at depriving civilians of non-Serbian ethnicity in the area of Hadžići Municipality of their fundamental rights. In so doing, he discriminated them on ethnic and religious grounds precisely because they belonged to the group of civilians of non-Serbian ethnicity that happened to be in the area controlled by the RSA. The Prosecutor's Office therefore submits that it has been confirmed that there is grounded suspicion that the suspect participated in the persecution of civilians of non-Serbian ethnicity.

In respect of Count 1 of the Indictment, the Prosecutor's Office of BiH submits that there is grounded suspicion that the suspect took part in the unlawful arrests and escorting of civilians of non-Serbian ethnicity to the detention centre in the Cultural-Sports Centre in Hadžići. Grounded suspicion associated with this Count of the Indictment primarily follows from the statements given by:

[REDACTED] and other witnesses heard during the investigation. All the mentioned witnesses were consistent in confirming that the suspect Rade Veselinović participated in the criminal offences described in Count 1 of the Indictment. The statements given by the heard witnesses clearly point towards the conclusion that the suspect took part in the unlawful arrests and taking away of civilians from Hadžići Municipality to detention centres, where they were ill-treated and abused in the manner as explained in Count 1 of the Indictment.

With reference to Count 2 of the Indictment, the collected evidence clearly shows that the suspect Rade Veselinović participated in the attack against civilian population of the village of Musići, Hadžići Municipality, whereby civilians [REDACTED] and [REDACTED] were killed, which constitutes a violation of the provisions of International Humanitarian Law and Article 3 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949. Grounded suspicion that the offences were committed is corroborated by the statements given by [REDACTED]. All the mentioned

witnesses confirmed that the suspect Rade Veselinović had participated in the attack on Musići at the time and in the manner as described in Count 2 of the Indictment, which resulted in the death of the three mentioned individuals. It follows from the statement given by witness [REDACTED] that members of the RSA, including Rade Veselinović, killed the mentioned three civilians. This witness provided a detailed account of the attack and the consequences thereof and the statement given by this witness was also corroborated by statements given by other witnesses who had recognised the suspect in Musići on the relevant day. All the witnesses vividly portrayed the suspect as a person with distinctive characteristics, which unfailingly suggests that the suspect himself took part in the attack on Musići. The charges under Count 2 of the Indictment are also substantiated by documentary evidence, primarily by written records on the exhumation and identification of civilians [REDACTED]. The Prosecutor's Office of BiH, therefore, believes that there is grounded suspicion that the suspect Rade Veselinović committed the offences he is charged with in Count 2 of the Indictment.

With regard to Count 3 of the Indictment, the Prosecutor's Office of BiH submits that grounded suspicion primarily follows from the statement given by witness [REDACTED] a.k.a. Pepo, who is at the same time a victim of the offence the suspect Rade Veselinović is charged with under Count 3 of the Indictment. This witness explained how he was wounded by the suspect, providing a detailed description of how he was treated by the suspect and how he was wounded by the suspect. There is no doubt that this witness is a victim of the relevant offence, given that he was confident when he recognised the suspect Rade Veselinović, whom he had known from before the war. The statement given by this witness is also substantiated by the statements given by [REDACTED] who testified to have seen that the suspect had wounded [REDACTED] at the time and in the manner described in Count 3 of the Indictment.

The Prosecutor's Office of BiH argues that there is sufficient evidence in support of grounded suspicion that the suspect Rade Veselinović committed the offences explained in Count 4 of the Indictment. Grounded suspicion mainly arises from the statement given by witness [REDACTED] who was actually subjected to ill-treatment and physical abuse. This witness was confident about the identity of the suspect and recognised him as the person who had ill-treated and abused him and he also confirmed in his statement that, in addition to him, the suspect Rade Veselinović also ill-treated a person whose last name was [REDACTED]. This witness too knew the suspect from before the war and it follows also from his statement that it was the intention of the suspect to act in a discriminatory manner and that the offences were perpetrated specifically against the population of non-Serbian ethnicity. The statement given by this witness is clear and unequivocal and it entirely suggests the existence of grounded suspicion that the suspect Rade Veselinović committed the offences he is charged with under Count 4 of the Indictment.

As regards Count 5 of the Indictment, the Prosecutor's Office of BiH points to the statements given by witnesses [REDACTED]. It follows from the statement given by witness [REDACTED] that the suspect Rade Veselinović arrived in Donji Hadžići at the relevant time together with unidentified RSA members and that they were calling out [REDACTED] with the intention of stopping her, however she could

not hear them because she was deaf so they killed her using their fire arms. Witness [REDACTED] recognised Rade Veselinović as an individual who, together with other RSA members, participated in the mentioned actions at the relevant time. This statement was substantiated by the statement given by [REDACTED] who indirectly confirmed the afore-stated allegations. In support of the existence of grounded suspicion that the suspect Rade Veselinović participated in the killing of [REDACTED] the Prosecutor's Office of BiH also provides the documentary evidence that confirms how [REDACTED] was killed. These pieces of evidence and their correlation with the statements given by the two earlier mentioned witnesses may be understood so as to quite reliably establish grounded suspicion that the suspect committed the offences he is charged with under Count 5 of the Indictment.

In relation to Count 6 of the Indictment, the Prosecutor's Office of BiH wishes to point out that [REDACTED] was heard as a witness in the course of investigation. This witness provided a detailed and clear account of the incident when his father had forcibly been taken away. The witness remembered the precise date when the incident that he would never forget, had happened, when his father had been taken away. The witness recognised and identified Rade Veselinović as the person who, together with other RSA Military Police members, came to his flat on the relevant day, forced his father out of his flat and took him away in an unknown direction. Grounded suspicion that the suspect perpetrated the offences he is charged with under Count 6 of the Indictment is substantiated by documentary evidence – certificate proving that [REDACTED] is still listed as missing.

With regard to Count 7 of the Indictment, the Prosecutor's Office submits that the witness statement given by [REDACTED] provided a detailed account of how she had been ill-treated by the suspect Rade Veselinović. The witness stated that she had known the suspect from before the war and her statement left no doubt in any of its elements. This statement was additionally supported by the statement given by witness [REDACTED] who entirely confirmed what [REDACTED] had said. The Prosecutor's Office believes that these pieces of evidence establish grounded suspicion that the suspect Rade Veselinović committed the offences he is charged with under Count 7 of the Indictment.

In view of the foregoing, the Prosecutor's Office of BiH argues that there is sufficient evidence that substantiate grounded suspicion that the suspect Rade Veselinović committed the offences he is charged with in the Indictment and moves the Preliminary Hearing Judge of the Court of BiH to confirm the Indictment.

Documentary evidence in support of the charges of the Indictment:

- 1. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 11 December 2007 on statement of witness [REDACTED]*
- 2. Record of the State Investigation and Protection Agency No:14-04/2/05 of 22 December 2005 on statement of witness [REDACTED]*
- 3. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 19 December 2007 on statement of witness [REDACTED]*

4. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 9 January 2008 on statement of witness [REDACTED]
5. Record of the State Investigation and Protection Agency No: 14-04/2-28/05 of 18 November 2005 on statement of witness [REDACTED]
6. Record of the State Investigation and Protection Agency No: 14-04/2-27/05 of 18 November 2005 on statement of witness [REDACTED]
7. Record of the State Investigation and Protection Agency No: 14-04/2-24/05 of 17 November 2005 on statement of witness [REDACTED]
8. Record of the State Investigation and Protection Agency No: 14-04/2-20/05 of 17 November 2005 on statement of witness [REDACTED]
9. Record of the State Investigation and Protection Agency No: 14-04/2-18/05 of 16 November 2005 on statement of witness [REDACTED]
10. Record of the State Investigation and Protection Agency No: 14-04/2-37/05 of 23 November 2005 on statement of witness [REDACTED]
11. Record of the State Investigation and Protection Agency No: 14-04/2-14/05 of 15 November 2005 on statement of witness [REDACTED]
12. Record of the State Investigation and Protection Agency No: 14-04/2-15/05 of 16 November 2005 on statement of witness [REDACTED]
13. Record of the State Investigation and Protection Agency No: 14-04/2-13/05 of 15 November 2005 on statement of witness [REDACTED]
14. Record of the State Investigation and Protection Agency No: 14-04/2-12/05 of 15 November 2005 on statement of witness [REDACTED]
15. Record of the State Investigation and Protection Agency No: 14-04/2-10/05 of 17 November 2005 on statement of witness [REDACTED]
16. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 17 January 2008 on statement of witness [REDACTED]
17. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 30 January 2008 on statement of witness [REDACTED]
18. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 1 February 2008 on statement of witness [REDACTED]
19. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 4 February 2007 on statement of witness [REDACTED]
20. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 5 February 2008 on statement of witness [REDACTED]
21. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 11 February 2008 on statement of witness "A":
22. Record of the State Investigation and Protection Agency No: 14-04/2-47/05 of 6 December 2005 on statement of witness [REDACTED]
23. Record of the State Investigation and Protection Agency No: 14-04/2-09/05 of 15 November 2005 on statement of witness [REDACTED]
24. Record of the State Investigation and Protection Agency No: 14-04/2-284/06 of 15 May 2006 on statement of witness [REDACTED]
25. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 11 February 2008 on statement of witness [REDACTED]
26. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 5 February 2008 on statement of witness [REDACTED]

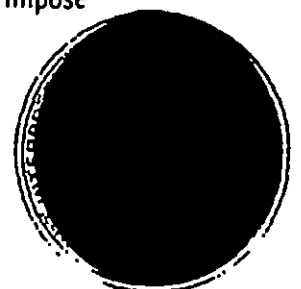
27. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 5 February 2008 on statement of witness [REDACTED]
28. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 18 January 2008 on statement of witness [REDACTED]
29. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 25 February 2008 on statement of witness [REDACTED]
30. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 20 March 2008 on statement of witness [REDACTED]
31. Record of the Prosecutor's Office of BiH No: KT-RZ-17/05 of 1 February 2008 on statement of witness [REDACTED]
32. Record of the State Investigation and Protection Agency No: 14-04/2-03/05 of 14 November 2005 on statement of witness [REDACTED]
33. Record of the State Investigation and Protection Agency No: 14-04/2-07/05 of 14 November 2005 on statement of witness [REDACTED]
34. Suspect examination records – Rade Veselinović No: KT-RZ-17/05 of 29 November 2007, 12 February 2008, 31 March 2008, 8 April 2008 and 15 April 2008;
35. Judgment of the ICTY Trial Chamber in the case of Stanislav Galić No: IT- 98-29-T, dated 5 December 2003;
36. Judgment of the ICTY Appellate Chamber in the case of Stanislav Galić No: IT- 98-29-A, dated 30 November 2006;
37. Judgment of the ICTY Trial Chamber in the case of Momčilo Krajišnik No: IT-00-39-T, dated 27 September 2006;
38. Crime scene forensic report, Sarajevo SSC No: 1040/96 dated 1 July 1996;
39. Crime scene forensic report, Sarajevo SSC No: 1041/96 dated 1 July 1996;
40. Crime scene forensic report, Sarajevo SSC No: 1042/96 dated 1 July 1996;
41. Crime scene forensic report, Sarajevo SSC No: 1043/96 dated 1 July 1996;
42. Record of questioning of the expert witness, Dr. [REDACTED] No: Kri-89/96 dated 1 July 1996;
43. Record of exhumation and autopsy of mortal remains of [REDACTED] of the Higher Court in Sarajevo No: Kri-89/96 of 1 July 1996;
44. Death certificate for [REDACTED] No: 03/3-13-3173/2008 of 4 April 2008;
45. Death certificate for [REDACTED] No: 03/3-13-3174/2008 of 4 April 2008;
46. Decision of the Basic Court in Konjic No: R-235/95 of 10 March 1995 establishing that [REDACTED] was killed on 20 May 1992;
47. Death certificate for [REDACTED] No: 03/3-13-3177/2008 of 4 April 2008;
48. Doctor's certificate of death for [REDACTED] issued by doctor [REDACTED] forensic pathologist, on 25 September 1996;
49. Death certificate for [REDACTED] No: 03/3-13-3176/2008 of 4 April 2008;
50. Death certificate for [REDACTED] No: 03/3-13-3459/2008 of 11 April 2008;
51. Doctor's certificate of death for [REDACTED] issued by doctor [REDACTED] forensic pathologist on 8 February 2002;
52. Record of exhumation and autopsy of mortal remains of [REDACTED] of the Higher Court in Sarajevo No: Kri-55/96 dated 3 May 1996;
53. Letter from the Federation Commission on Missing Persons No: 01-41-324/2008 of 17 April 2008;

54. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 06/5-106-E/2008 of 17 April 2008;
55. Letter from the Federation Commission on Missing Persons No: 01-41-323/2008 of 17 April 2008;
56. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-328/2008 of 17 April 2008;
57. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-327/2008 of 17 April 2008;
58. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-326/2008 of 17 April 2008;
59. Certificate issued by the Federation Commission on Missing Persons for [REDACTED] No: 01-41-325/2008 of 17 April 2008;
60. Certificate issued by the International Committee of the Red Cross for [REDACTED] No: BAZ243611 of 17 February 1995;
61. Hospital discharge letter for [REDACTED] issued by the Clinic Centre of the University of Sarajevo, No: 986/03 of 21 November 2003;
62. Hospital discharge letter for [REDACTED] issued by the Clinic Centre of the University of Sarajevo, No: 986/03 of 21 November 2003;
63. Psychological report and opinion for [REDACTED] dated 8 January 2005, provided by graduated psychologist [REDACTED];
64. Outpatient medical examination of [REDACTED] issued by the Clinic Centre of the University of Sarajevo No: 5588/07 of 7 May 2007;
65. Outpatient medical examination of [REDACTED] issued by the Clinic Centre of the University of Sarajevo No: 5061/06 of 25 April 2006;
66. Official letter of the RS Ministry of Soldiers and Disabled Veterans – Department on the Protection of Soldiers, Disabled Veterans and Civilian War Victims – Military Records of the Participants of the Defence-Homeland War No: 16-03/5-02-56-2789/08 dated 18 April 2008;
67. Certificate taken from "VOB-8- VP" 7066 Blažij for Rade Veselinović;
68. Certificate concerning Rade Veselinović's criminal record No: 13-1-9/02-235-28-44/08 of 9 April 2008;

Motion to remand the suspect Rade Veselinović in custody

Pursuant to Article 227 (3) of the CPC of BiH, as read with Article 137 of the CPC of BiH, the Prosecutor's Office of BiH hereby moves the Preliminary Hearing Judge of the Court of BiH to confirm the Indictment, having found that there is grounded suspicion that the suspect Rade Veselinović committed the criminal offence he is charged with and to render a decision to remand the suspect Rade Veselinović in custody on the grounds of Article 132 (1), a), b) and d) of the CPC of BiH.

The Prosecutor's Office of BiH makes reference to the earlier Decisions issued by the Court of BiH, whereby the custody measure was imposed and extended due to the existence of grounded suspicion that the suspect Rade Veselinović had committed the criminal offence he is charged with, thereby satisfying the general requirement to impose



and extend the application of custody measure. In addition, the evidence enclosed herein will prove to the Preliminary Hearing Judge of the Court of BiH the existence of grounded suspicion.

The Prosecutor's Office submits that particular grounds set forth in Article 132 (1), a), b) and d) of the CPC of BiH still apply to justify remand of the suspect in custody.

As for the particular grounds foreseen in Article 132 (1), a), the Prosecutor's Office of BiH believes that there are reasons that suggest a risk of flight unless the suspect be placed in custody.

The Prosecutor's Office particularly stresses the facts contained in the Official Note No: 17-04/2-04-2-475/07 HK drafted by the SIPA War Crimes Investigation Centre on 9 November 2007 that the suspect Rade Veselinović intended to leave the territory of Bosnia and Herzegovina and find a refuge at his son's place in Čačak, Republic of Serbia. At a hearing held to decide upon the Motion to place the suspect in custody filed by the Prosecutor's Office of BiH, the Defence refuted this particular fact by stating that the son of the suspect did not live in Čačak, but in Šabac, also in the Republic of Serbia. The Prosecutor's Office submits that this does not significantly change the situation, given that there is no doubt that the suspect's son lives in Serbia and by admitting the fact, the Defence additionally supported the allegations of the Prosecutor's Office of BiH. Moreover, it is common knowledge that the neighbouring countries, including the Republic of Serbia, do not easily extradite suspected war criminals. We also wish to note that should the suspect Rade Veselinović cross the border, he would become unavailable to the prosecution authorities, thereby preventing the further conduct of the proceedings. It clearly arises from the foregoing, particularly from the facts presented in the Official Note No: 17-04/2-04-2-475/07 HK dated 9 November 2007 and from other Official Notes, that the suspect was aware of the investigation conducted against him for this criminal offence and that he even threatened to use weapons should an attempt be made to deprive him of liberty. It can, therefore, be concluded that the suspect was in hiding, that there are realistic facts which suggest a risk of flight in the absence of custody measure. Furthermore, according to the letter of the Federation MoI – Police Administration, dated 17 November 2005 and according to an anonymous official note, the suspect clearly voiced his intention to offer resistance to those who come to deprive him of liberty. Even more so, once the Indictment be confirmed by the Preliminary Hearing Judge of the Court of BiH and provided to the suspect and his Defence, the suspect will become much more aware of the gravity of the offences he is charged with and the evidence thereof, than he was during the investigation. That would additionally motivate him to cross the border and make himself unavailable to the prosecution authorities.

Given everything stated above, the Prosecutor's Office of BiH believes that it is justified to remand the suspect in custody on the grounds of Article 132 (1) a) of the CPC of BiH.

With regard to the grounds for custody set forth in Article 132 (1) b), the Prosecution submits that there is a threat that the suspect, if not in custody, could obstruct the proceedings by influencing the witnesses and accomplices. To that end, the Prosecutor's

Office reiterates that grounded suspicion follows predominantly from the statements given by witnesses, mainly direct victims of the criminal offence the suspect is charged with. Given that the suspect is very much aware of their identity, he could easily exert influence on them. The investigation also showed that the witnesses to testify in this case feared problems they could encounter should they testify. The Prosecutor's Office of BiH refers the Court to the Official Note No: 17-04/2-04-2-390/07 HK drafted by the State Investigation and Protection Agency - War Crimes Investigation Centre on 10 September 2007 and the Official Note No: 17-04/2-04-2-391/07 HK drafted by the State Investigation and Protection Agency - War Crimes Investigation Centre dated 13 September 2007. The Prosecutor's Office of BiH heard a number of witnesses during the investigation and their statements are attached herein. It has to be noted, however, that the Court bases its decision upon the evidence presented in the main trial, so that the witnesses have to be relieved of anxiety and fear when they come to testify in the main trial. This would be considerably hindered should the suspect be released, since having been provided with the statements obtained in the investigation, he would find out about the identity of witnesses and their addresses and could easily influence the witnesses so as to change their statements.

All these facts, coupled with anxiety and fear the witnesses, their families and Bosniaks from Hadžići experience, which are particularly noticeable when they meet the suspect Rade Veselinović, clearly suggest that the remand of the suspect in pre-trial custody is justified on the grounds stipulated in Article 132 (1) b).

The Prosecutor's Office further submits that the remand of the suspect in pre-trial custody is indispensable also on the grounds of Article 132 (1) d), since the suspect is indicted for the criminal offence punishable by a sentence of imprisonment of ten (10) years or a long term imprisonment. Bearing in mind the gravity of the committed criminal offence and the consequences thereof, particularly that civilians in Hadžići were systematically persecuted, killed and abused and in view of the serious consequences the victims and their families still experience, it can be concluded that the extension of custody is required for the reasons of public safety. According to the attached documentation collected by the State Investigation and Protection Agency in their efforts to locate the suspect, the suspect was prepared even to use weapons when being deprived of liberty and whenever he was in contact with citizens of Bosniak ethnicity from Hadžići, he threatened them, so that it can be concluded that should the suspect stay free, he would pose a threat to public safety. The Prosecution particularly highlights the fact that the attached Official Notes drafted by the State Investigation and Protection Agency clearly show that the suspect already threatened Bosniak citizens he had contacts with. In addition, the gravity of the committed criminal offences has not been mitigated whatsoever with the passage of time, quite the opposite, in contacts with the victims of the criminal offences and with citizens of non-Serbian ethnicity from the Hadžići area, the suspect still shows his intention to persevere in his discriminatory attitude towards the victims. He threatened the victims in direct contacts, even by telling them "we should have killed you all". Therefore, the commission of the criminal offence and the serious, long-lasting and permanent consequences the Bosniak population of Hadžići suffers and current behaviour of the suspect, who still threatens and cruelly treats them, imply that public security is jeopardised and that it should be protected by imposing custody

measure upon him pursuant to Article 132 (1), d) of the CPC of BiH. In view of everything stated above, it can be clearly concluded that, if released, the suspect would pose a threat to public safety.

Based on the foregoing, the Prosecutor's Office of BiH moves the Preliminary Hearing Judge of the Court of BiH to confirm the Indictment and render a decision to remand the suspect in pre-trial custody pursuant to Article 132 (1), a), b) and d) of the CPC of BiH.

The Prosecutor's Office, therefore, moves the Preliminary Hearing Judge of the Court of BiH to confirm the Indictment.

ACTING CHIEF PROSECUTOR
OF THE PROSECUTOR'S OFFICE OF BIH
Milorad Barašin

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

Certified Court Interpreter for the English Language

