

BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA
SARAJEVO

Number: KT-RZ-82/09
Sarajevo, 28 October 2009.

COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge-

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

I N D I C T M E N T

CHARGING:

NOVAK STJEPANOVIĆ a.k.a. Krke, son of Živko and Dušanka, née Petrović, born on 25 April 1966 in the village of Obadi, Srebrenica Municipality, Personal Identification Number: 2504966183123, of Serb ethnicity, economics high school graduate, married, father of four underage children, literate, served military service in 1986 in Podgorica, works in the construction industry's private sector, citizen of BiH and Serbia, residing at Donja Bukovica bb /no number/, Ljubovija-Republic of Serbia, previously convicted, at large, has been ordered into custody pursuant to the Decision of the Court of BiH No. X-KRN-07/382 of 25 May 2007.

BECAUSE:

During the armed conflict in Bosnia and Herzegovina, in which the army and the police of Republika Srpska launched a widespread and systematic attack against the Bosniak civilian population in the area of Bratunac Municipality, the accused Novak Stjepanović, as a member of the Bratunac Brigade of the Army of Republika Srpska, knowing of the attack, committed the persecution of Bosniak civilians on ethnic and religious grounds by torture and killings, in the following manner:

- In the afternoon hours of 20 May 1992, in the village of Borkovac, Bratunac Municipality, in a group with four other members of the Army of Republika Srpska and with the assistance of Mirko Todorović, he took part in locating and arresting a group of 14 /fourteen/ Bosniak civilians, namely:

[REDACTED]
[REDACTED] who were hiding, for fear of an attack by the Republika Srpska army and police, in an abandoned quarry not far from the village of

_____ were killed.

Within a widespread and systematic attack directed against Bosniak civilian population, knowing of such an attack, the accused Novak Stjepanović as a co-perpetrator committed the persecution of Bosniak civilians on ethnic and religious grounds by torture and killings,

He committed the criminal offence of Crimes against Humanity in violation of Article 172(1)h), in conjunction with subparagraphs a) and f) of the CC BiH, all in conjunction with Article 29 and 180(1) of the same Code.

I To hear the following persons as witnesses:

1. [REDACTED]

[REDACTED]

II To hear the following persons as experts:

1. [REDACTED]

III Presentation of evidence:

1. Record of exhumation conducted on the location of Repovac (Borkovac) and Suha, Bratunac Municipality, dated 29 April 2004, with regard to the exhumation of several skeletal remains of human origin, with photo documentation and a sketch of the site, Cantonal Prosecutor's Office of Tuzla Canton, number: KTA-609/04;
2. Official letter of the Cantonal Prosecutor's Office of Tuzla Canton number: KTA-609/04, dated 3 October 2006, on submission of copies of records of identification with death certificates for the mentioned persons;
3. Record of identification, identification number: BR.REP-1/1-B for [REDACTED];
4. Death certificate for [REDACTED] (324/5);
5. Record of identification, identification number: BR.REP-1/2-B for [REDACTED];
6. Death certificate for [REDACTED] (84/05);
7. Record of identification, identification number: BR.REP-1/3-B for [REDACTED];
8. Death certificate for [REDACTED] (269/06);
9. Record of identification, identification number: BR.REP-1/4-B for [REDACTED];
10. Death certificate for Hamid Alić (86/05);
11. Record of identification, identification number: BR.REP-1/5-B for [REDACTED];
12. Death certificate for [REDACTED] (1??/05);
13. Record of identification, identification number: BR.REP-1/6-B for [REDACTED];
14. Death certificate for [REDACTED] (673/04);
15. Record of identification, identification number: BR.REP-1/7-B for [REDACTED];
16. Death certificate for [REDACTED] (50/05);
17. Record of identification, identification number: BR.REP-1/8-B for [REDACTED];
18. Death certificate for [REDACTED] (85/05);

19. Report on forensic expert evaluation dated 7 May 2004 – case number: BR-REP-1/1B;
20. Report on forensic expert evaluation dated 6 May 2004 – case number: BR-REP-1/2B;
21. Report on forensic expert evaluation dated 6 May 2004 – case number: BR-REP-1/3B;
22. Report on forensic expert evaluation dated 6 May 2004 – case number: BR-REP-1/4B;
23. Report on forensic expert evaluation dated 6 May 2004 – case number: BR-REP-1/5B;
24. Report on forensic expert evaluation dated 6 May 2004 – case number: BR-REP-1/6B;
25. Report on forensic expert evaluation dated 7 May 2004 – case number: BR-REP-1/7B;
26. Report on forensic expert evaluation dated 6 May 2004 – case number: BR-REP-1/8B;
27. DNA Report of the ICMP /International Commission on Missing Persons/, case number: BR-REP-1/1B;
28. DNA Report of the ICMP, case number: BR-REP-1/2B;
29. DNA Report of the ICMP, case number: BR-REP-1/3B;
30. DNA Report of the ICMP, case number: BR-REP-1/4B;
31. DNA Report of the ICMP, case number: BR-REP-1/5B;
32. DNA Report of the ICMP, case number: BR-REP-1/6B;
33. DNA Report of the ICMP, case number: BR-REP-1/7B;
34. DNA Report of the ICMP, case number: BR-REP-1/8B;
35. Photo documentation of the place of Bratunac-Repovac, Tuzla Ministry of the Interior number: 08-02/3-5-04.6-3132/04 dated 10 May 2004;
36. Sketch of the Bratunac-Repovac scene, Tuzla Ministry of the Interior number: 08-02/3-5-04.6-3132/04 dated 4 May 2004;
37. Sealed envelope titled: Items from the Processing No. REP-1/2B (a rifle bullet), No. REP-1/6B (a rifle bullet);
38. Copy of the letter written by [REDACTED];
39. Sentencing Judgement, Prosecutor v. Miroslav Deronjić, ICTY case number: IT-02-61-S dated 30 March 2004;
40. Judgement on Sentencing Appeal, Prosecutor v. Miroslav Deronjić, ICTY case number: IT-02-61-A dated 20 July 2005;
41. Official letter of the Prosecutor's Office of BiH sent to the Court of BiH number: KT-RZ-140/05 dated 21 October 2009;
42. Document of the Court of BiH number: X-KR-07/382 dated 22 October 2009;
43. Official letter of the Prosecutor's Office of BiH to the Ministry of Justice of BiH number: KT-RZ-140/05 dated 5 March 2009;
44. Letter rogatory of the Prosecutor's Office of BiH number: KT-RZ-140/05 dated 5 March 2009;
45. Document of the District Court of Belgrade, War Crimes Chamber number: KRI.V.71/09 dated 3 September 2009;

46. Document of the Ministry of Justice of the Republic of Serbia number: 713-03-1870/2009-08 dated 8 September 2009;
47. Document of the Ministry of Justice of BiH, number: 01-50-18/09 confidential dated 17 September 2009;
48. ICTY document number: 01321501-list of the Reconnaissance Platoon of the Bratunac Brigade;
49. Document of the Bijeljina PSC /Public Security Centre/, number: 12-02/4-230-960/04-I-620 dated 21 February 2005;
50. Document of the Bijeljina PSC /Public Security Centre/, Srebrenica PS /Police Station/ number: 12-1-6/02-235-105/05 dated 1 June 2005;

INVESTIGATION RESULTS:

The Verdict of the Court of Bosnia and Herzegovina number: X-KR-07/382, of 29 April 2008, found the accused Mirko Todorović, son of Đorđe, from Repovac, Bratunac Municipality and Miloš Radić, son of Marko, from Repovac, Bratunac Municipality guilty of the criminal offense - Crimes against Humanity under Article 172(1)h), in conjunction with subparagraphs a), e) and f) of the CC BiH, all in conjunction with Article 29 and Article 180(1) of the same Code, and sentenced each of them to 17 /seventeen/ years of imprisonment.

The Second Instance Verdict of the Court of Bosnia and Herzegovina number: X-KRŽ-07/382 of 23 January 2009, found the aforementioned guilty of the criminal offense - Crimes against Humanity under Article 172(1)h) in conjunction with subparagraph a) and f) of the CC BiH, all in conjunction with Article 31 and Article 180(1) of the same Code. The accused Mirko Todorović was sentenced to 13 /thirteen/ years of imprisonment and the accused Miloš Radić to 12 /twelve/ years of imprisonment.

In addition to Mirko Todorović and Miloš Radić, the Order to Conduct Investigation of the Prosecutor's Office of Bosnia and Herzegovina formerly included also Novak Stjepanović a.k.a. Krke, son of Živko, from Obadi-Sase, Srebrenica Municipality, for the same offenses that Mirko Todorović and Miloš Radić were convicted of under a final verdict. However, as the aforementioned person was at large and had not been examined, the Indictment could not be laid against him as well. A statement was subsequently taken from the suspect through international legal assistance in criminal matters and he was examined before the Belgrade District Court – War Crimes Chamber in the presence of Attorney Zoran Zvonar from Belgrade, defense counsel appointed *ex officio*, and Deputy Prosecutor for War Crimes Dragoljub Stanković, which resulted in the filing of the Indictment.

Being inaccessible to the prosecution authorities of Bosnia and Herzegovina and on suspicion to be in hiding, that is, at large, Novak Stjepanović was ordered into custody pursuant to the Decision of the Court of Bosnia and Herzegovina number: X-KRN/07/382 of 25 May 2007, on the basis of Article 132(1)a) of the CPC BiH, for the period of 1/one/ month, starting as of the day of his arrest. At the same time, in a new decision of the same number and date he was assigned Attorney Dragan Gotovac from Zvornik as his defense counsel *ex officio*. Thereafter, the Court of BiH issued the Order

for the Issuance of a National and International Wanted Notice number: X-KRN-05/37 of 25 May 2007 against the suspect Novak Stjepanović.

The following undoubtedly arises from the investigation results:

1. The criminal actions that the accused Novak Stjepanović is charged with under this Indictment were committed on 20 May 1992, during the widespread and systematic attack of the police and the army of Republika Srpska directed against the Bosniak civilians in the territory of Bratunac Municipality.
2. The accused knew that he was committing the actions of the criminal offense during the widespread and systematic attack on the civilian population.
3. The accused knew and shared the common goal of the RS police and army to carry out the persecution on ethnic and religious grounds that are universally accepted as inadmissible pursuant to international law.
4. The actions of the accused constitute a behavior which includes the commission of the offenses under Article 172(1)h) in conjunction with subparagraphs a) and f) of the CC BiH against the Bosniak civilians on the basis of the policy of the Republika Srpska army and police, with the permission and support of the authorities in Bratunac Municipality.

One of the direct consequences before the announced withdrawal of the Yugoslav National Army /NA/ on 19 May 1992 was the takeover of the entire administrative power in the territories under its control by the RS army and police.

The takeover of power by the JNA Army was mostly supported by shelling, sniper attacks and rounding up of the non-Serb population from these territories. The consequence of such tactic was the frequent killings of civilians and the escape of the non-Serb population. The remaining non-Serb population was forced to gather in the collection centers in the cities in order to be expelled from that territory. Many were killed, detained, beaten up, their valuables were seized from them, while all this was followed by the widespread destruction of personal property and real estate.

The attack on the city of Bratunac and many villages in Bratunac Municipality, and also on many cities and villages in the entire Bosnia and Herzegovina during April, May, June and July 1992 was carried out by the JNA, the army and the police of Republika Srpska and Serb paramilitary formations, which initiated one of the most infamous campaigns of ethnic cleansing in Bosnia and Herzegovina. Its intention was to permanently remove the Bosniak inhabitants from Bratunac Municipality. The Serb forces attacked and destroyed several villages inhabited by Bosniaks (Glogova, Hranča, Borkovac, etc.)

The assertions from the Judgment of the International Criminal Tribunal for the Former Yugoslavia – ICTY against Miroslav Deronjić also confirm that the attack in the territory of Bratunac Municipality, on the villages inhabited by the Bosniak population and the city of Bratunac was carried out by the armed military formations comprising the local Serbs, paramilitary formations and police, that it was systematic and widespread, i.e. the

crimes were committed on a mass scale and in an organized manner. Miroslav Deronjić was sentenced by this Judgment for the crimes that were committed in the village of Glogova. The village of Glogova was almost entirely inhabited by the Bosniak population. At the relevant time, Miroslav Deronjić was President of the Bratunac Crisis Staff and a member of the Serb Democratic Party of Bosnia and Herzegovina. In the evening of 8 May 1992, he ordered the attack on the village of Glogova, and this constituted a part of his participation in the joint criminal enterprise, the purpose of which was the permanent removal, by force or by other means, of Bosniak inhabitants of the village of Glogova, by the commission of the criminal offense of persecution. The attack on Glogova started on 9 May 1992, a part of the village was burnt down, while the Bosniaks who lived in the village were forcibly removed from the village. In that attack, 64 Bosniak civilians from the village were killed, the homes, the private property of Bosniaks and the mosque too were destroyed, and a large portion of Glogova was leveled to the ground.

The Bosniak witnesses, who survived the attack, and also the Serb witnesses, who in a way were eye-witnesses to these events and who participated on several occasions in the removal of bodies of the killed Bosniaks to several locations in the territory of Bratunac Municipality, whose mortal remains are located in several mass graves, of which some have still not been discovered, will testify about the systematic and widespread nature of the attack on the Bosniak population.

The entire process which was simultaneously carried out in other villages of the Bratunac Municipality too (Hranča, Glogova, etc.) resulted in the fact that in late 1992 only a few Bosniak citizens remained in Bratunac. Hundreds of them were deprived of life, while thousands were expelled by the use of force or were forcibly removed by the use of violence and intimidation.

The allegations of the Indictment are substantiated by the proposed evidence, which was collected during the investigation and which will be adduced at the main trial.

The witnesses, who are also the victims of the criminal offense that the accused are charged with, will confirm in their testimonies that the actions and activities of the accused were a part of such attack both by their character and their consequences, and that the accused was aware that this attack existed and that his actions and activities were a part of that attack. The accused participated in that attack in the group of Serb soldiers who attacked, arrested, beaten up, robbed, and executed them and thus committed the criminal offense that he is charged with.

The witnesses interviewed during the investigation asserted that they had clearly recognized Novak Stjepanović as the person who arrested them on that critical day, escorted them together in the group to the execution site, and as the person who beat them up, seized money and valuables from them and hurled ethnic slurs at them.

The evidence proposed, such as the records of exhumations with attached photo documentation and autopsy reports, constitute material evidence of the death of certain persons in whose arrests and killing the accused Novak Stjepanović participated.

In view of the aforesaid, and following the analysis of evidence collected during the investigation, we argue that there exists sufficient evidence giving rise to grounded suspicion that the suspect Novak Stjepanović committed the criminal offense with which he is charged under this Indictment. Therefore, we propose that the Preliminary Hearing Judge of the Court of BiH confirm this Indictment as well-founded and grounded in law.

MATERIALS CORROBORATING THE ALLEGATIONS OF THE INDICTMENT:

1. Record of examination of the accused Novak Stjepanović, District Court of Belgrade – War Crimes Chamber, number KRI.V.71/09 dated 3 September 2009;
2. Record of interview of the witness [REDACTED], Cantonal Prosecutor's Office of Tuzla Canton number: KTN- 1/05 dated 23 November 2005;
3. Record of interview of the witness [REDACTED], Prosecutor's Office of BiH, number: KT-RZ-140/05 dated 19 September 2006;
4. Record of interview of the witness [REDACTED], Prosecutor's Office of BiH, number: KT-RZ-140/05 dated 20 September 2006;
5. Record of interview of the witness [REDACTED], State Investigation and Protection Agency, number: 17-04/2-04-2-458/07 dated 30 April 2007;
6. Record and the transcript of interview of the witness [REDACTED], Prosecutor's Office of BiH number: KT-RZ-140/05 dated 22 May 2007;
7. Record of interview of the witness [REDACTED], State Investigation and Protection Agency, number: 17-04/2-04-2-602/07 dated 5 June 2007;
8. Record of interview of the witness [REDACTED], State Investigation and Protection Agency, number: 17-04/2-04-2-603/07 dated 6 June 2007;
9. Transcript of examination of the accused Mirko Todorović as a defense witness at the main trial before the Court of BiH in the case X-KR-07/382 dated 18 April 2008;
10. Transcript of examination of the accused Miloš Radić as a defense witness at the main trial before the Court of BiH in the case X-KR-07/382 dated 21 April 2008;
11. Record of exhumation conducted on the location of Repovac (Borkovac) and Suha, Bratunac Municipality, dated 29 April 2004, with regard to the exhumation of several skeletal remains of human origin, with photo documentation and a sketch of the site, Cantonal Prosecutor's Office of Tuzla Canton, number: KTA-609/04;
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17. Record of identification, identification number: BR.REP-1/3-B for [REDACTED];

18. Death certificate for [REDACTED] (269/06);
19. Record of identification, identification number: BR.REP-1/4-B for [REDACTED];
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21. Record of identification, identification number: BR.REP-1/5-B for [REDACTED];
22. Death certificate for [REDACTED] (1??/05);
23. Record of identification, identification number: BR.REP-1/6-B for [REDACTED];
24. Death certificate for [REDACTED] (673/04);
25. Record of identification, identification number: BR.REP-1/7-B for [REDACTED];
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39. DNA Report of the ICMP, case number: BR-REP-1/3B;
40. DNA Report of the ICMP, case number: BR-REP-1/4B;
41. DNA Report of the ICMP, case number: BR-REP-1/5B;
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46. Sketch of the Bratunac-Repovac scene, Tuzla Ministry of the Interior number: 08-02/3-5-04.6-3132/04 dated 4 May 2004;
47. Copy of the letter written by [REDACTED];
48. Sentencing Judgement, Prosecutor v. Miroslav Deronjić, ICTY case number: IT-02-61-S dated 30 March 2004;

49. Judgement on Sentencing Appeal, Prosecutor v. Miroslav Deronjić, ICTY case number: IT-02-61-A dated 20 July 2005;
50. Official letter of the Prosecutor's Office of BiH sent to the Court of BiH number: KT-RZ-140/05 dated 21 October 2009;
51. Document of the Court of BiH number: X-KR-07/382 dated 22 October 2009;
52. Official letter of the Prosecutor's Office of BiH to the Ministry of Justice of BiH number: KT-RZ-140/05 dated 5 March 2009;
53. Letter rogatory of the Prosecutor's Office of BiH number: KT-RZ-140/05 dated 5 March 2009;
54. Document of the District Court of Belgrade, War Crimes Chamber number: KRI.V.71/09 dated 3 September 2009;
55. Document of the Ministry of Justice of the Republic of Serbia number: 713-03-1870/2009-08 dated 8 September 2009;
56. Document of the Ministry of Justice of BiH, number: 01-50-18/09 confidential dated 17 September 2009;
57. ICTY document number: 01321501-list of the Reconnaissance Platoon of the Bratunac Brigade;
58. Document of the Bijeljina PSC /Public Security Centre/, number: 12-02/4-230-960/04-I-620 dated 21 February 2005;
59. Document of the Bijeljina PSC /Public Security Centre/, Srebrenica PS /Police Station/ number: 12-1-6/02-235-105/05 dated 1 June 2005;
60. Decision of the Court of BiH number X-KRN-07/382 dated 25 May 2007 on ordering Novak Stjepanović into custody;
61. Decision of the Court of BiH number: X-KRN-07/382 dated 25 May 2007 on the appointment of defence counsel *ex officio*;
62. Order for the Issuance of a National and International Wanted Notice number, Court of BiH number: X-KRN-05/37 dated 25 May 2007;

**PROSECUTOR
BIH PROSECUTOR'S OFFICE
Adnan Gulamović**

I hereby confirm that this document is a true translation of the original written in Bosnian/Serbian/Croatian.
Sarajevo, 19 November 2009

██████████
Certified Court Interpreter for English

