



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

No: **KT-RZ-57/09**

Sarajevo, 17 September 2009

THE COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -
SARAJEVO

Pursuant to Article 35, paragraph 2), sub-paragraph i), Article 226, paragraph 1) and Article 227, paragraph 1) of the Criminal Procedure Code of Bosnia and Herzegovina, I hereby i s s u e the

INDICTMENT

charging:

1. PETAR ČIVČIĆ, a.k.a. Pero, son of Janko and Višnja, née Jarčević, born on 12 February 1970 in Gornje Ravno, Kupres Municipality, Personal Identification Number: 1202970192668, residing at 5B Mitropolita Petra Zimonjića Street – Pećani B5, Prijedor Municipality, Personal Identification Number: 1202970192668, citizen of Republika Srpska – Bosnia and Herzegovina, a mechanic technician by occupation, a crime scene technician, literate, completed secondary school education, married, served his military service in Ljubljana in 1989/90, holds the rank of Lance Corporal, registered in the records of the MUP /Ministry of the Interior/, awarded with the Medal of Hero Milan Tepić, of average financial standing, no previous convictions, **currently in custody based on the Decision of the Court of BiH No: X-KRN-09/772 of 28 August 2009 which, pursuant to this Decision, may last until 27 September 2009 at 07.40 hrs,**

2. BRANKO TOPOLA a.k.a. Branči, son of Mladen and Nevenka, née Milanović, born on 21 June 1968 in Prijedor, Personal Identification Number: 2106968160028, residing at 38 Vojvode Stepe Stepanovića Street, in Prijedor, of Serb ethnicity, citizen of BiH, a

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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sheet-metal worker by occupation, literate, completed secondary school education, served his military service in Maribor in 1987/88, no reserve officer rank, not registered in the military records, of poor financial standing, previously convicted by the Verdict No. KPS-07-095 of 15 May 2007 of the Basic Court in Prijedor to 1 year of suspended sentence and fined with KM 1,000.00, for the criminal offense under Article 155(1) of the Criminal Code of Republika Srpska, and by the Verdict No. 71-0-K-021196-08-K of 25 December 2008 of the Basic in Banja Luka (the verdict became final on 1 March 2009), to 1 year and 6 months of imprisonment – a 4-year suspended sentence, for the criminal offense in violation of Article 239/3 in conjunction with paragraph 1 of the Criminal Code of Republika Srpska and Article 283, paragraph 2), in conjunction with paragraph 1) of the CC RS, **currently in custody based on the Decision of the Court of BiH No: X-KRN-09/772 of 28 August 2009 which, pursuant to this Decision, may last until 27 September 2009 at 06.55 hrs,**

3. MARINKO LJEPOJA, son of Gojko and Jelena, née Đurić, born in the place of Suhača, Bosanski Novi/Novi Grad Municipality, residing at Dragutin Mijatović Švarac bb /no number/ Street in Prijedor, born on 20 May 1966, Personal Identification Number: 20059663370008, of Serb ethnicity, citizen of BiH, a marine engineer by occupation, employed at the Home for Retired and Old People in Prijedor, literate, completed four-year secondary education for marine engineers, married, father of two under-age children, served his military service in 1987/1988 in Pula and Split, no reserve officer rank, registered in the military records, no decorations awarded, of poor financial standing, no prior convictions, no criminal proceedings pending against him according to his own statement, **currently in custody based on the Decision of the Court of BiH No: X-KRN-09/7782 of 8 September 2009 which, pursuant to this Decision, may last until 7 October 2009 at 06.05 hrs,**

In as much as they:

During the period from late April until late September of 1992, within a widespread and systematic attack of the army and police of the Serb Republic of BiH and subsequently of Republika Srpska, against the Bosniak and Croat population of Prijedor Municipality, with knowledge of such an attack, **Petar Čivčić** as a police officer of the Prijedor PSS /Public Security Station/, **Marinko Ljepoja** as a reserve police officer of the Prijedor PSS and **Branko Topola** as a member of the Territorial Defence, knowingly and willingly participated in a joint criminal enterprise of civil and military authorities of Prijedor Municipality with a view to persecuting and committing crimes against Bosniaks and Croats, sharing the same goal with the civil and military authorities of Prijedor Municipality and with the military and civil structures of the Serb Republic of BiH and subsequently of Republika Srpska, the goal implying the discriminatory persecution of Bosniaks and Croats on political, national, ethnic and religious grounds from the territory controlled by the military and police of the Serb Republic of BiH and subsequently of Republika Srpska; they committed, participated and aided in the preparation and commission of the crime of persecution by way of forcible transfer of population, deliberate deprivation of life (murders), inhumane treatment and imprisonment, specifically:

On 21 August 1992, acting in the aforementioned capacity and **Petar Čivčić as Commander of the 1st Police Intervention Platoon of the Prijedor Public Security Station, Marinko Ljepoja as a member of the 1st Police Intervention Platoon of the Prijedor Public Security Station and Branko Topola as a guard in the Trnopolje Camp**, together with Dušan Janković, the Commander of the Prijedor Police Station, Miroslav Paraš, the Commander of the Police Intervention Platoon, and members of the 1st Police Intervention Platoon: Damir Ivanković, Radoslav Knežević a.k.a. Rade and Rašo, Saša Zečević a.k.a. Zeka, Zoran Babić a.k.a. Bakin, Ljubiša Četić, Gordan Đurić a.k.a. Buzda or Buzdovan, Željko Bulić, Milorad Radaković a.k.a. Srbo, Milorad Škrbić a.k.a. Škrba, Željko Stojnić and other members of the Police Intervention Platoon and police from Prijedor, including Darko Mrđa and Željko Rudak a.k.a. Deba, and other members of the Territorial Defense carried out, participated and aided in escorting a convoy from Tukovi in Prijedor and Trnopolje, Prijedor Municipality, consisting of at least 16 buses, trucks and trailer trucks carrying more than 1,200 predominantly Muslim and some Croat civilians from Prijedor Municipality. En route to Travnik Municipality via the municipalities of Prijedor, Banja Luka, Kneževo/Skender Vakuf where the civilians were to be transported, according to a previous plan about which everyone knew and, with a view to carrying out the plan, they seized money, gold and other valuables from the Bosniak and Croat civilians on the convoy on several occasions threatening to kill them; Petar Čivčić together with Dušan Janković and several other members of the police proceeded towards Smetovi while Marinko Ljepoja and Branko Topola together with Željko Rudak, Damir Ivanković, Zoran Babić, Ljubiša Četić, Gordan Đurić, Milorad Radaković, Saša Zečević, Radoslav Knežević, Milorad Škrbić, Željko Stojnić and other members of the 1st Police Intervention Platoon and police from Prijedor, including Darko Mrđa and members of the Territorial Defense, when the convoy stopped by the Ugar River on Vlašić Mountain, knowing that the men would be separated to be killed, separated over 200 able-bodied men from other civilians on the convoy and ordered them to come out of the buses, trucks and trailer trucks and they separated over 200 able-bodied men and forced them to board two buses and then took them to a location called “Korićanske stijene” on Vlašić Mountain, where they ordered the men from one of the buses to come out onto the road and then marched them to an edge of the road above an abyss, ordered them to kneel down on the very edge of the road above the abyss and then opened fire at them from automatic weapons; they ordered Gordan Đurić to move away from that location in the direction of Travnik to stand guard, which he did; Marinko Ljepoja and Branko Topola continued shooting at point blank range from automatic weapons, whereupon the bodies of the killed men fell into the abyss; some of the men who were lined up threw themselves into the abyss to avoid death. Thereafter, they brought men from the other bus in small groups of two or three to the same spot or nearby and opened fire at them at point blank range from pistols and then from automatic rifles. Thereafter, they threw hand grenades from the top of the precipice and opened fire at the bodies of the dead and at the wounded men who shrieked with pain from the abyss, killing over 200 men: [REDACTED]

[REDACTED]

[REDACTED] while a certain number of the able-bodied men who were shot at managed to survive (at least 12 of them); four bodies have been recovered and identified so far: [REDACTED]

[REDACTED]; a number of body parts of the killed men have been identified as belonging to the following persons: [REDACTED]

[REDACTED] and a number of bodies and body parts have still not been identified. The remaining bodies have not been recovered to date.

Therefore, as part of a widespread and systematic attack of the military and police of Republika Srpska, with knowledge of such an attack and that their acts are part of that attack, together with other persons, they committed, participated and aided in the preparation and commission of the crime of persecution by way of forcible transfer of population, deliberate deprivation of life (murders), inhumane treatment and imprisonment, while knowingly participating in the joint criminal enterprise of the civil and military authorities of Prijedor Municipality, including Milomir Stakić, Simo Drljača, Slobodan Kuruzović and other members of the civil and military authorities in Prijedor and Republika Srpska whose goal was to expel Bosniaks and Croats from the territory controlled by the Serb authorities, committing the crimes of murder, forcible transfer, inhumane treatment and imprisonment and Petar Čivčić, as a superior, failed to undertake necessary and reasonable measures to prevent the commission of the aforesaid offenses

and punish the perpetrators thereof although he knew or had reason to know about the commission of those offenses,

Whereby the suspects **Petar Čivčić, Branko Topola and Marinko Ljepoja** committed the criminal offense of Crimes against Humanity in violation of Article 172(1h), in relation to sub-paragraphs (a), (d), (e) and (k), all in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina and, in relation to **Petar Čivčić**, Article 180(2) of the Criminal Code of Bosnia and Herzegovina.

I therefore hereby:

P R O P O S E

1. That the following persons be summoned:

1. Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina,
2. Suspect **Petar Čivčić** and his Defense Counsel Savan Zec, attorney from Kozarska Dubica,
3. Suspect **Branko Topola** and his Defense Counsel **Dragan Medović**, attorney from Sarajevo,
4. Suspect **Marinko Ljepoja** and his Defense Counsel Izet Baždarević, attorney from Sarajevo,

2. That the following evidence be presented:

a) By examining as witnesses the following persons:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]

18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. Witness "A"
24. Witness "B"
25. Witness "KA-1"
26. Witness "KS-1"
27. Witness "KS-2"
28. Witness "KS-3"
29. Witness "KO-2"
30. Witness "KO-3"
31. Witness "KO-5"
32. Witness "KO-6"
33. Witness "KO-7"
34. Witness "KO-8"
35. Witness "KO-9"
36. Witness "KO-10"
37. Witness "KO-11"
38. Witness "KO-12"
39. Witness "KO-15"
40. Witness "K-18"
41. Witness "K-1"
42. Witness "K-2"
43. Witness "K-3"

b) By examining as expert witnesses the following persons:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

c) By inspection of the following documents:

1. Record of examination of the suspect Petar Čivčić, number: KT-RZ 57/09 dated 28 August 2009,
2. Record of examination of the suspect Branko Topola, number: KT-RZ 57/09 dated 27 August 2009,
3. Record of examination of the suspect Marinko Ljepoja, number: KT-RZ 58/09 dated 7 September 2009 and 14 September 2009,
4. Record of interview of the witness [REDACTED] number: KTA-RZ 120/09 dated 16 June 2009 and Record of the main trial – transcript - in the case against Zoran

- Babić *et al.* pending before the Court of BiH under number: X-KR-08/549 of 30 June 2009,
5. Record of interview of the witness [REDACTED] number: KTA-RZ 120/09 dated 3 July 2009 and 31 August 2009, and Record of the main trial – transcript - in the case against Zoran Babić *et al.* pending before the Court of BiH under number: X-KR-08/549 of 7 September 2009,
 6. Record of interview of the witness [REDACTED] number: KT-RZ 57/09 dated 28 August 2009,
 7. Record of interview of the witness [REDACTED] number: KT-RZ 57/09 and KT-RZ 58/09 dated 16 September 2009,
 8. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008, with a personal organizer of [REDACTED] attached,
 9. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
 10. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
 11. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 April 2006,
 12. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 19 May 2008
 13. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 25 March 2008 and 4 December 2008,
 14. Record of interview of the witness [REDACTED] number: 17-04/2-146/06 dated 22 March 2006,
 15. Record of interview of the witness [REDACTED] number: 17-04/2-143/06 dated 21 March 2006,
 16. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 18 July 2008,
 17. Record of interview of the witness [REDACTED] number: 17-04/2-2-04-2-1297/08 dated 24 December 2008,
 18. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 14 July 2008,
 19. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 28 May 2009,
 20. Record of interview of the witness [REDACTED] number: 17-04/2-2-04-2-130/08 dated 25 December 2008,
 21. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 17 July 2008,
 22. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 23 August 2006,
 23. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 22 August 2006,
 24. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 12 June 2008,
 25. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 13 June 2008,
 26. Record of interview of the witness A, number KT-RZ 48/06,

27. Record of interview of the witness **B**, number KT-RZ 48/06,
28. Record of interview of the witness **KA-1**, number KT-RZ 47/09,
29. Records of interview of the witness **KS-1**, number KT-RZ 48/06, 2X
30. Records of interview of the witness **KS-2**, number KT-RZ 48/06, 2X
31. Record of interview of the witness **KS-3**, number KT-RZ 48/06 with attached notes 3X
32. Record of interview of the witness **KO-2**, number KT-RZ 48/06,
33. Record of interview of the witness **KO-3**, number KT-RZ-48/06,
34. Record of interview of the witness **KO-5**, number KT-RZ-48/06,
35. Record of interview of the witness **KO-6**, number KT-RZ-48/06,
36. Record of interview of the witness **KO-7**, number KT-RZ-48/06,
37. Record of interview of the witness **KO-8**, number KT-RZ-48/06,
38. Record of interview of the witness **KO-9**, number KT-RZ-48/06,
39. Record of interview of the witness **KO-10**, number KT-RZ-48/06,
40. Record of interview of the witness **KO-11**, number KT-RZ-48/06,
41. Record of interview of the witness **KO-12**, number KT-RZ-48/06,
42. Record of interview of the witness **KO-15**, number KT-RZ-48/06,
43. Record of interview of the witness **KO-18**, number KT-RZ 48/06,
44. Record of interview of the witness **K-1**, number KT-RZ 48/06, 2X
45. Record of interview of the witness **K-2**, number KT-RZ 48/06,
46. Record of interview of the witness **K-3**, number KT-RZ 48/06,
47. Death certificate for [REDACTED] number: 04-202-1-425/2008 dated 12 August 2008,
48. Death certificate for [REDACTED] number: 04-202-1-4583/2008 dated 11 August 2008,
49. Death certificate for [REDACTED] number: 04-202-1-4585/2008 dated 11 August 2008,
50. Death certificate for [REDACTED] number: 04-202-1-4586/2008 dated 11 August 2008,
51. Death certificate for [REDACTED] number: 04-202-1-426/2008 dated 12 August 2008,
52. Death certificate for [REDACTED] number: 04-202-1-427/2008 dated 12 August 2008,
53. Death certificate for [REDACTED] number: 04-202-1-429/2008 dated 12 August 2008,
54. Death certificate for [REDACTED] number: 04-202-1-430/2008 dated 12 August 2008,
55. Death certificate for [REDACTED] number: 04-202-1-432/2008 dated 12 August 2008,
56. Death certificate for [REDACTED] number: 04-202-1-433/2008 dated 12 August 2008,
57. Death certificate for [REDACTED] number: 04-202-1-401/2008 dated 8 August 2008,
58. Death certificate for [REDACTED] number: 04-202-1-4506/2008 dated 7 August 2008,
59. Death certificate for [REDACTED] number: 04-202-1-4507/2008 dated 7 August 2008,

60. Death certificate for [REDACTED] number: 04-202-1-398/2008 dated 8 August 2008,
61. Death certificate for [REDACTED] number: 04-202-1-434/2008 dated 12 August 2008,
62. Death certificate for [REDACTED] number: 04-202-1-435/2008 dated 12 August 2008,
63. Death certificate for [REDACTED] number: 04-202-1-436/2008 dated 12 August 2008,
64. Death certificate for [REDACTED] number: 04-202-1-437/2008 dated 12 August 2008,
65. Death certificate for [REDACTED] number: 04-202-1-438/2008 dated 12 August 2008,
66. Death certificate for [REDACTED] number: 04-202-1-399/2008 dated 8 August 2008,
67. Death certificate for [REDACTED] number: 04-202-1-4590/2008 dated 11 August 2008,
68. Death certificate for [REDACTED] number: 04-202-1-4591/2008 dated 11 August 2008,
69. Death certificate for [REDACTED] number: 04-202-1-441/2008 dated 12 August 2008,
70. Death certificate for [REDACTED] number: 04-202-1-442/2008 dated 12 August 2008,
71. Death certificate for [REDACTED] number: 04-202-1-4513/2008 dated 7 August 2008,
72. Death certificate for [REDACTED] number: 04-202-1-405/2008 dated 8 August 2008,
73. Death certificate for [REDACTED] number: 04-202-1-482/2008 dated 12 August 2008,
74. Death certificate for [REDACTED] number: 04-202-1-413/2008 dated 8 August 2008,
75. Death certificate for [REDACTED] number: 04-202-1-404/2008 dated 8 August 2008,
76. Death certificate for [REDACTED] number: 04-202-1-445/2008 dated 12 August 2008,
77. Death certificate for [REDACTED] number: 04-202-1-446/2008 dated 12 August 2008,
78. Death certificate for [REDACTED] number: 04-202-1-447/2008 dated 12 August 2008,
79. Death certificate for [REDACTED] number: 04-202-1-449/2008 dated 12 August 2008,
80. Death certificate for [REDACTED] number: 04-202-1-450/2008 dated 12 August 2008,
81. Death certificate for [REDACTED] number: 04-202-1-453/2008 dated 12 August 2008,
82. Death certificate for [REDACTED] number: 04-202-1-458/2008 dated 12 August 2008,
83. Decision of the Prijedor Basic Court number: R:784/02 dated 20 August 2002,

84. Record of the Prijedor Basic Court number: R:784/02 made on 20 August 2002,
85. Death certificate for [REDACTED] number: 04-202-1-459/2008 dated 12 August 2008,
86. Decision of the Prijedor Basic Court number: R:290/02 dated 26 November 2002,
87. Record of the Prijedor Basic Court number: R:290/02 made on 6 August 2002,
88. Death certificate for [REDACTED] number: 04-202-1-4498/2008 dated 7 August 2008,
89. Decision of the Prijedor Basic Court number: R:157/2000 dated 26 March 2000,
90. Record of the Prijedor Basic Court number: R:157/2000 made on 26 March 2000,
91. Death certificate for [REDACTED] number: 04-202-1-650/2008 dated 8 December 2008,
92. Death certificate for [REDACTED] number: 04-202-1-463/2008 dated 12 August 2008,
93. Death certificate for [REDACTED] number: 04-202-1-651/2008 dated 8 December 2008,
94. Death certificate for [REDACTED] number: 04-202-1-649/2008 dated 8 December 2008,
95. Record on forensic medicine examination of bodies in the location of Korićanske stijene, village of Korićani, Kneževo Municipality, dated 31 August 1992,
96. Record on exhumation by the Travnik Cantonal Court number: Kri-8/03 dated 12 June 2003 with a sketch of the site and photo documentation,
97. Photo documentation – examination of the remains of bones exhumed in the location of Korićanske stijene KRI: 8/93 dated 11 June 2003,
98. Forensic medicine analysis of mortal skeletal remains from the location of Korićanske stijene - Vlašić, Skender Vakuf Municipality, June 2003, certified court expert, dr. [REDACTED]
99. Cover document of the Banja Luka Public Security Center /PSC/, Crime Police Sector number: PP/164/99 dated 4 February 2004 with the attached Record on exhumation number: 10-02/4.1-6/2/03 dated 21 May 2003 and photo documentation,
100. Cover letter of the Banja Luka PSC, Crime Police Sector number: PP/164/99 dated 12 February 2004 with the attached Record on exhumation number: 10-02/4.1-/286 dated 3 October 2003, with a sketch of the site, photo documentation and a Report on crime scene investigation,
101. Photo documentation of the Bihać Cantonal Ministry of the Interior number: 72/03 – exhumation of 4 unidentified bodies, Korićani - I, Skender Vakuf Municipality, 3 October 2003 with a sketch of the site,
102. Final report on autopsy of [REDACTED] by prim. dr. [REDACTED]
103. Final report on autopsy of [REDACTED] by prim. dr. [REDACTED]
104. Report on re-autopsy of [REDACTED] by prim. dr. [REDACTED]
105. Final report on autopsy of [REDACTED] by prim. dr. [REDACTED]
106. Photo documentation of the site where the remains of human bones were found in the location of „Korićanske stijene“ – site of execution of 210 persons, Bosniak Muslims, dated 12 July 1996,

107. Photo documentation of the site where the crime was committed and of the remains of human bodies and clothes (attachments: 4) – description of the photo documentation,
108. Record on exhumation by the Travnik Ministry of the Interior number: 02/3-1-20/09.JH dated 1 September 2009 with photo documentation, with a receipt on handover,
109. DNA report for [REDACTED] number: KRI-8/03 No. 149, dated 24 November 2003,
110. DNA report for [REDACTED] number KRI-8/03 No. 66 – number 8831/06R,
111. DNA report for [REDACTED] number: KRI-8/03 No. 147, dated 24 November 2003,
112. DNA report for [REDACTED] number: KRI-8/03 No. 76, dated 2 March 2004,
113. DNA reports for [REDACTED] number: KRI-8/03 No. 33, dated 14 November 2003, No. 98, dated 13 November 2003 and No. 146, dated 8 December 2003,
114. DNA report for [REDACTED] number: KRI-8/03 No. 92, dated 10 November 2003,
115. DNA report for [REDACTED] number: KRI-8/03 No. 39, dated 3 June 2005,
116. DNA report for [REDACTED] number: KRI-8/03 No. 95, dated 8 November 2003,
117. DNA report for [REDACTED] number: KRI-8/03 No. 124, dated 26 November 2003,
118. DNA report for [REDACTED] number: KRI-8/03 No. 42, dated 14 September 2004,
119. DNA reports for [REDACTED] number: KRI-08/03 No. 12, dated 24 November 2003, No. 21, dated 8 November 2003, No. 29, dated 8 November 2003, No. 37, dated 8 November 2003 and No. 111, dated 8 March 2004,
120. DNA reports for [REDACTED] number: KRI-8/03 No. 26, dated 6 May 2004, No. 119, dated 5 December 2003, No. 127, dated 8 March 2004 and No. 127, dated 8 December 2003,
121. DNA reports for [REDACTED] number: KRI-08/03 No. 43, dated 8 December 2003 and No. 121, dated 8 December 2003,
122. DNA reports for [REDACTED] number: KRI-8/03 No. 142, dated 13 February 2004 and No. 155, dated 16 April 2004,
123. DNA report for [REDACTED] number: KRI-8/03 No. 113, dated 6 May 2004
124. DNA reports for [REDACTED] number: KRI-8/03 No. 109, dated 21 January 2004, No. 131, dated 21 January 2004 and No. 150, dated 17 March 2004,
125. DNA reports for [REDACTED] number: KRI-8/03 No. 96, dated 11 December 2005 and No. 129, dated 11 February 2005,
126. DNA report for [REDACTED] number: KRI-08/03 No. 7, dated 8 November 2003,

127. DNA report for [REDACTED] number: KRI-08/03 No. 40, dated 11 February 2005,
128. DNA report for [REDACTED] number: KRI-8/03 No. 115, dated 11 December 2003 and No. 156, dated 2 December 2003,
129. DNA reports for [REDACTED] number: KRI-8/03 No. 46, dated 8 November 2003 and No. 136, dated 31 March 2004,
130. DNA reports for [REDACTED] number: KRI-8/03 No. 91, dated 6 May 2004 and No. 112, dated 8 November 2003,
131. Two black and white photographs of the team for the terrain clear-up,
132. List of intervention platoons,
133. Prijedor Public Security Station, Prijedor Police Station, List of police employees for payroll accounting in the period from 16 March to 15 April 1992,
134. Report on overtime working hours, Prijedor Police Station number: 11-11/1-1___/90,
135. Prijedor Public Security Station, Prijedor Reserve Police - Center, List of members of the Reserve Police Force (for the payment of salaries) engaged in May 1992,
136. Prijedor Reserve Police - Center, List of members of the Reserve Police Force for July 1992 /employed/,
137. Prijedor Reserve Police - Center, List of members of the Reserve Police Force for July 1992 /unemployed/,
138. Objection to the payroll accounting for Miroslav Paraš dated 31 July 1992,
139. List of employees with special powers of the Prijedor Police Station number: 11-12/01-1-strictly confidential number 41/92 dated 13 August 1992,
140. List of the Prijedor Public Security Station employees in August 1992,
141. Prijedor Reserve Police - Center, List of members of the Reserve Police Force for August 1992 /unemployed/,
142. Prijedor Reserve Police - Center, List of the members of the Reserve Police Force for September 1992 /unemployed/,
143. Cover letter of the Prijedor Public Security Station with the list of the Reserve Police Force members – military conscripts number: 11-12-154 dated 7 September 1992,
144. Corrections to the Reserve Police Force list for October,
145. Interim operational report No. 21/08 of the 22nd Light Infantry Brigade Command No. 43/4 dated 21 August 1992,
146. Combat report of the 1st Krajina Corps Command, strictly confidential No. 44-1/314 dated 22 August 1992,
147. Regular Combat report of the 1st Krajina Corps Command, strictly confidential number 44-1/315,
148. Mićo Stanišić's Order dated 31 August 1992,
149. Dispatch note number 11-1/02-2/345 dated 11 September 1992,
150. Dispatch note by the Security Services Center /CSB/, Public Security Service Sector /SSJB/ Banja Luka number 11-1/02-2/345 dated 11 September 1992,
151. Dispatch note by the Prijedor Public Security Station number: 11-12-2267 dated 14 September 1992,

152. Dispatch note by the Security Services Center, Public Security Service Sector Banja Luka number 11-1/02-2/370 dated 7 October 1992,
153. Dispatch note by the Prijedor Public Security Station number: 11-12-2344 dated 13 October 1992,
154. Criminal report of the Banja Luka Security Services Centre number: 11-1/02-230-dated 8 September 1992,
155. Motion for undertaking certain investigative actions by the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 14 September 1992,
156. Document of the Basic Court in Banja Luka dated 24 September 1992,
157. Request for the collection of necessary information of the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 30 September 1992,
158. Document of the 1st Krajina Corps Command (Forward Command Post) strictly confidential No. 604-1/92 dated 16 October 1992 with the attached list,
159. List of the Prijedor Public Security Station number 11-12-74 dated 2 February 1993,
160. List of police employees deployed to perform special tasks in Republika Srpska Krajina, Prijedor Public Security Station dated 27 January 1993,
161. Dispatch note by the Prijedor Public Security Station number: 11-12-97 dated 10 February 1993,
162. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-T dated 31 July 2003,
163. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-A dated 22 March 2006,
164. Instruction on organization and activities of the authorities of the Serb people in Bosnia and Herzegovina in extraordinary circumstances dated 19 December 1991 - variant A and variant B.
165. Decision on strategic goals of the Serb people in BiH dated 12 May 1992 published in the Official Gazette of Republika Srpska No. 22 dated 26 November 1993,
166. Order of the Chief of the Prijedor Public Security Station number: 11-12-20 dated 31 May 1992,
167. Dispatch notes by the Banja Luka Public Security Centre number: 11-1/01-10 dated 6 July 1992,
168. Dispatch note number: 11-1/01-67 dated 21 August 1992 marked „DD“ Banja Luka Security Services Centre /CSB/,
169. Information on the execution of conclusions, decisions and orders of the Banja Luka Security Services Centre – Prijedor Public Security Station number: 11-12-13 dated 3 September 1992,
170. Report on the work of the Prijedor Public Security Station for the last 9 months of 1992 dated in January 1993,
171. Excerpt from the criminal records for Petar Čivčić number: 02-12/4-1-8-815-2/09 dated 31 August 2009,
172. Excerpt from the criminal records for Petar Čivčić and Branko Topola number: 08-1-10/02-2-23-235/49-201/09 dated 31 August 2009,
173. Excerpt from the criminal records for Marinko Ljepoja, number: 08-1-13/01-RG-1156/09 dated 10 September 2009,

174. Decision of the Banja Luka Security Services Center number: 11-120-6/918 dated 13 June 1992 for Petar Čivčić,
175. Questionnaire ME-1 for Petar Čivčić dated 27 December 1992,
176. Decision of the Banja Luka Security Services Center number: 11-1/09-120-2380 dated 19 April 1993,
177. Decision of the Bijeljina Ministry of the Interior number: 09-120-11/1277 dated 26 October 1993 for Petar Čivčić,
178. Personnel questionnaire of the Prijedor Public Security Centre number: 14-02 dated 9 October 1995 for Petar Čivčić,
179. Decision of the Republika Srpska Ministry of the Interior number: 03/1-2-120-4691 dated 6 May 1999 for Petar Čivčić,
180. Decision of the Republika Srpska Ministry of the Interior number: 05/2-120-7018 dated 1 November 2001 for Petar Čivčić
181. Decision of the Republika Srpska Ministry of the Interior number: 05/2-127-, 1-275 dated 9 March 2005 for Petar Čivčić,
182. Document of the Prijedor Public Security Station number: 11-17/02-MR-153-5 dated 8 September 1993,
183. Petar Čivčić's request dated 5 January 1993 to be issued with a Decision on Use of Apartment,
184. Document of the Prijedor I Police Station attached to the Prijedor Public Security Station number: 08-1-10/01-2-1087/09 of 22 June 2009 for Branko Topola, Željko Rudak and Marinko Ljepoja,
185. Unit file and Personal file of Marinko Ljepoja,
186. Decision of the Prijedor Department for Protection of Veterans and Disabled Persons number: 03-568-55/09 dated 26 January 2009,
187. Authorization number: 999/10 for regulating and controlling the traffic issued for Marinko Ljepoja in the capacity of a military police officer.

RESULTS OF THE INVESTIGATION

The evidence gathered by the Prosecutor's Office of BiH during the investigation unequivocally confirms the wellfoundedness of the present Indictment, that is, the allegations that the suspects Petar Čivčić, Branko Topola and Marinko Ljepoja committed the offenses set forth in the operative part of the Indictment and thus satisfied all the essential elements of the criminal offense of Crimes against Humanity; that is, that there was a widespread and systematic attack in the town of Prijedor and its surrounding area directed against the civilian population at the time of commission of the offense charged, that the suspects were aware of the existence of such an attack and that they, at the time and in the place of commission of the offense referred to in the Indictment's operative part, acted as part of a joint criminal enterprise aimed at the persecution of non-Serb civilian population as described above and their acts satisfy all the elements of the offense of Crimes against Humanity in violation of Article 172(1)(h), in conjunction with sub-paragraphs (a), (d), (e) and (k), and all in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina.

Under the final judgment of the ICTY in the *Prosecutor v. Milomir Stakić* case, the 1991 census showed that Prijedor municipality had 112,543 inhabitants of whom 49,351 (43.9%) were Muslims, 47,581 (42.3%) Serbs and 6,316 (5.6%) Croats.

It was also found that the objective of consolidating Serb control in Prijedor Municipality which had a majority Muslim population (variant B municipalities) was first articulated in the Instruction issued by the Main Board of the Serb Democratic Party of Bosnia and Herzegovina on 19 December 1991.

The Instruction provided a blueprint for the Serb people in Bosnia and Herzegovina to "live in a single state". This objective was embraced by the SDS Prijedor Municipal Board which started to implement the first stage preparations in respect of variant B municipalities. With the establishment of the self-proclaimed Assembly of the Serb people in Prijedor Municipality on 7 January 1992, the plan on the municipal level took a tangible form. The Serb Assembly's decision of 17 January 1992 to join the Autonomous Region of Krajina (hereinafter: „ARK“) reinforces the idea that it was sought to establish a Serb-dominated and Serb-controlled territory on a municipal level. The common goal on the Prijedor level found its vibrant expression in Radovan Karadžić's six strategic goals of the Bosnian Serb leadership in Bosnia and Herzegovina which included as the first goal the separation of Serbs from "the other two national communities". Karadžić remarked that the accomplishment of his goals "shall finally and definitely finish the job of the freedom struggle of the Serb people". By the time Karadžić set out these goals, preparations were already underway for the fulfillment of the first goal in Prijedor Municipality. On 29 April 1992, both at the meeting convened by Dr. Stakić at the Prijedor JNA barracks and at the gathering in Čirkin Polje, the final agreement was made amongst those willing to participate, in particular the police and armed Serbs, that power would be taken over in Prijedor municipality during the night. This was the trigger and the first in a series of events and the first of agreements necessary to achieve the common goal. No formal agreement was necessary and all participants were aware of where the decision to take over power would lead. The takeover of power by the Serb authorities on 30 April 1992 was the culmination of months of planning by the SDS which, at that time, was already cooperating with the police to boost security forces in the municipality in anticipation of the *coup d'état*. After the takeover, Dr. Stakić and other SDS leaders assumed positions in the municipal government, while legally elected Muslim and Croat politicians were forcibly removed. Other leading SDS members were installed in strategic positions throughout the municipality. Simo Drljača became Chief of Police. After the takeover, the Serb leadership sought to achieve a state of readiness for war in the Municipality of Prijedor ... The Prijedor Crisis Staff began to impose restrictions on the non-Serb residents of Prijedor. In particular, announcements were made that all weapons should be surrendered. The creation of a coercive environment for the non-Serb residents of Prijedor Municipality is consistent with the objective of consolidating Serb power in the municipality by forcing non-Serbs to flee or be deported, thereby changing fundamentally the ethnic balance in the municipality. A propaganda campaign helped to polarize the Prijedor population along ethnic lines and created an atmosphere of fear. Dr. Stakić made a number of media appearances during the summer of 1992 instilling inter-ethnic suspicion. The newspaper "Kozarski Vjesnik" became a propaganda tool of the Serb authorities. Residents were prevented from receiving the Sarajevo TV station and

could only watch TV programs from Belgrade or Banja Luka. In a speech reported in “Kozarski Vjesnik”, Dr. Stakić proclaimed: “Now we have reached a state in which the Serbs alone are drawing the borders of their new state“. This is also demonstrated by the fact that the Official Gazette of Prijedor Municipality of 20 May 1992 started explicitly with a “Year 1” edition. The creation of an atmosphere of fear in Prijedor Municipality culminated in the agreement amongst members of the Crisis Staff to use armed force against civilians and to establish the Omarska, Keraterm and Trnopolje camps. The order to set up the Omarska camp on 31 May 1992, signed by Simo Drljača, was issued “in accordance with the Decision of the Crisis Staff” presided over by Dr. Stakić. The Trial Chamber finds no reason to doubt Dr. Stakić’s own statement in a television interview that “[Omarska, Keraterm, and Trnopolje were] a necessity at the given moment” and his confirmation that these camps “were formed according to a decision of [his] civilian authorities in Prijedor” (paragraphs 470 - 477).

The Trial Chamber was satisfied in the same case that the attack directed against the civilian population was prepared as of 7 January 1992 when the Assembly of the Serb People in Prijedor was first established. The plan to rid the Prijedor municipality of non-Serbs and others not loyal to the Serb authorities was activated through the takeover of power by Serbs on 30 April 1992. Thereafter the attack directed against the civilian population intensified, according to the plan, culminating with the attacks on Hambarine and Kozarac in late May 1992. Attacks on predominantly Muslim areas including the Brdo region ensued, with hundreds of non-Serbs killed and many more arrested and detained by the Serb authorities, *inter alia* in detention facilities. Having established that the attack was systematic, the Trial Chamber held that it was not strictly necessary to consider the requirement that the attack be widespread. Nonetheless, the Trial Chamber found that the attack on the non-Serb population of Prijedor was also widespread. The attacks, as such, occurred throughout the municipality of Prijedor, initially in Hambarine and Kozarac, and then spreading to the whole of the Brdo region. Moreover, thousands of citizens of Prijedor Municipality passed through one or more of the three main detention camps, Omarska, Keraterm and Trnopolje, established in the towns of Omarska, Prijedor and Trnopolje respectively (paragraphs 629 and 630). This view of the Trial Chamber was upheld by the Appeals Chamber (IT-97-24-A dated 22 March 2006, paragraph 250).

Furthermore, the Trial Chamber (paragraph 571) was satisfied that an armed conflict existed in the territory of the Municipality of Prijedor at the relevant time, and the Appeals Chamber upheld this view in its judgment (paragraph 349).

The Appeals Chamber concluded in the same judgment that there was a joint criminal enterprise of the first category operating in the Municipality of Prijedor in the period relevant to the Indictment (between April and September 1992) (paragraph 85).

Moreover, the Trial Chamber noted in the judgment that the atmosphere in the municipality of Prijedor during the time relevant to the Indictment was of such a coercive nature that the persons leaving the municipality cannot be considered as having voluntarily decided to give up their homes (paragraph 707). The Appeals Chamber upheld the Trial Chamber's conclusion finding that the departures were involuntary, and

therefore unlawful (paragraph 283). Furthermore, the Appeals Chamber noted in paragraph 321 that it was satisfied beyond reasonable doubt that the following incidents amounted to acts of forcible transfer...(4) A convoy from Tukovi Stadium in the Municipality of Prijedor to Travnik (non-Serb controlled territory) on 21 August 1992 ... The Trial Chamber has found that members of the Prijedor intervention platoon escorting the deportation convoy murdered about 200 people on Vlašić Mountain on 21 August 1992 (paragraph 13).

All the aforesaid is corroborated by the documentary evidence and the witness statements gathered during the investigation. The evidence gathered during the investigation clearly show that the suspects were aware of a widespread and systematic attack, that they knowingly and willingly participated in the widespread and systematic attack and that they knowingly and willingly implemented the devised plan to accomplish the common goal. Numerous witnesses have confirmed that their residences were attacked by the Serb military and police and that they were apprehended and detained in camps thereafter, ultimately having a possibility to flee from Prijedor or be murdered or detained in camps. The suspect Petar Čivčić as a member of the active police and the commander of the 1st Intervention Platoon of the Prijedor police, Marinko Ljepoja as a reserve police officer and member of the 1st Intervention Platoon and the suspect Branko Topola as a member of the police up until 1 July 1992 and as of that date a member of the Territorial Defense, participated in the implementation of a plan to take over power in Prijedor and in the attacks against the Bosniak and Croat villages in Prijedor Municipality. When the convoy set out on 21 August 1992, the suspects, as well as other police and Territorial Defense members from Tukovi, knew what to do in the escort of the convoy, that is, that they were supposed to seize money, gold and other valuables from the persons on the convoy and separate from the convoy a great number of people and murder them, as indicated in the statements by witnesses KA-1, K-1, K-3, [REDACTED] KO-5, KO-6, KO-7, as well as statements of other witnesses heard and proposed.

The suspect **Petar Čivčić**, at the time of commission of the offense, was a member of the Prijedor Public Security Station and the commander of the 1st Intervention Platoon attached to the Prijedor Police Station which formed part of the Prijedor Public Security Station, in the capacity of active police officer, which, among other things, ensues from the following evidence:

List of the Prijedor Public Security Station employees in August 1992 with the name Petar Čivčić mentioned under number 43, List of employees with special powers of the PSS Prijedor Police Station number: 11-12/01-1-strictly confidential No. 41794 dated 13 August 1992, with the name Petar Čivčić mentioned under number 87, List of men liable for military service of the Prijedor Public Security Station number 11-12-154 dated 7 September 1992 with the name Petar Čivčić mentioned under number 356, List of members of intervention platoons with the name Petar Čivčić mentioned under number 1, ME-1 questionnaire for Petar Čivčić dated 27 December 1992 according to which, as of 29 April 1992 until the day of the filling up the questionnaire, Petar Čivčić was the commander of the platoon at the Prijedor Police Station tasked with “performing special

tasks and duties” and witness statements of [REDACTED]
[REDACTED] K-1, KA-1, K-3.

The suspect **Branko Topola** was a member of the Prijedor Public Security Station up until 1 July 1992 when he became a member of the Territorial Defense and was assigned to the duty of a guard at the Trnopolje camp, which ensues from: Document of the Prijedor I Police Station attached to the Prijedor Public Security Station number: 08-1-10/01-2-1087/09 dated 22 June 2009 and statements of witnesses [REDACTED] KO-15, [REDACTED] and others.

The suspect **Marinko Ljepoja** was a reserve police officer of the Prijedor Public Security Station and a member of the 1st Intervention Platoon commanded by the suspect, Petar Čivčić, which follows from: List of members of intervention platoons with the name Marinko Ljepoja mentioned under number 10, List of members of the reserve forces of the Prijedor Police Station for August 1992 with the name Marinko Ljepoja mentioned under number 114, List of members of the reserve forces of the Prijedor Police Station for July 1992 with the name Marinko Ljepoja mentioned under number 124, List of members of the reserve forces of the Prijedor Police Station for September 1992 with the name Marinko Ljepoja mentioned under number 107 and statements of witnesses [REDACTED]
[REDACTED] KA-1, K-3 and K-1.

In addition, it follows from the Interim Operations Report No. 21/08 of the Command of the 22nd Light Infantry Brigade, confidential No. 43/4 dated 21 August 1992, Combat Report of the Command of the 1st Krajina Corps strictly confidential No. 44-1/314 dated 22 August 1992, Regular Combat Report of the Command of the 1st Krajina Corps strictly confidential No. 44-1/315, Order by Mićo Stanišić dated 31 August 1992, Dispatch Note No. 11-1/02-2/345 dated 11 September 1992, Dispatch Note of the Security Services Center /CSB/, Banja Luka Public Security Service Sector /SSJB/ No. 11-1/02-2/345 dated 11 September 1992, Dispatch Note of the Prijedor Public Security Station No. 11-12-2267 dated 14 September 1992, Dispatch Note of the Security Services Center, Banja Luka Public Security Service Sector No. 11-1/02-2/370 dated 7 October 1992 and Dispatch Note of the Prijedor Public Security Station No. 11-12-2344 dated 13 October 1992 that the criminal offense in question was committed by persons from Prijedor.

The evidence gathered in the course of the investigation, statements of witnesses: **KO-15, KA-1, K-3, [REDACTED]** and statements of other witnesses heard and proposed, as well as the submitted documents show that the suspects **Petar Čivčić, Branko Topola and Marinko Ljepoja** committed the offense charged, in the manner, at the time and in the place as set out in the Indictment's operative part.

The suspects Petar Čivčić, Branko Topola and Marinko Ljepoja were questioned during the investigation in the presence of their defense attorneys. On receiving due warnings, they exercised their legal right and presented their defense.

When presenting his defense, the suspect Petar Čivčić stated that he was native of Kupres and that he had arrived to Prijedor together with Radoslav Knežević from Sarajevo where they had attended the MUP /Ministry of the Interior/ school. Shortly after arrival, he became the commander of the 1st Intervention Platoon of the Prijedor Public Security Station.

He confirmed that on the relevant day, before the convoy set out, he was at the Prijedor Public Security Station where he received the order to escort the convoy. He stated that he read out the names of the people to escort the convoy but that Miroslav Paraš and Dado Mrđa showed up at the last moment with a new order and Miroslav Paraš told him to leave immediately. He immediately complied with the order and went to the duty office of the Public Security Station where he remained while the others departed to escort the convoy. The suspect contends going further, to Tukovi, Trnopolje and escorting the convoy on the relevant day.

When presenting his defense, the suspect **Branko Topola** stated that did not go to Tukovi on the relevant day, that he was on guard duty in Trnopolje but that he did not escort the convoy.

When presenting his defense, the suspect **Marinko Ljepoja** conceded to have been a member of the 1st Intervention Platoon and to have escorted the convoy on the relevant day, nevertheless, during the second questioning, he corrected himself stating that he escorted the convoy until it passed the place of Kneževo at which point the bus broke down due to an air bag glitch and together with the driver from that place after Kneževo he returned to Prijedor. The suspect confesses to have seized money and other valuables from the people on the convoy.

These defense arguments clash both with one another and with the evidence collected during the investigation. The suspect Marinko Ljepoja stated that Branko Topola and Petar Čivčić were present when the convoy set out from Tukovi and that the white van which was used by the 1st Intervention Platoon had left Tukovi just before the convoy started.

Moreover, it follows from the statement of the protected witness *KO-15* that Petar Čivčić and Branko Topola were in Trnopolje and that they came there in a white van. The witnesses [REDACTED] clearly state to have seen the white van of the Interventin Platoon in the immediate vicinity of the site where the people were killed at Korićanske stijene. The protected witness *K-15* saw Branko Topola again during the killing of people at Korićanske stijene and the witness [REDACTED] saw him on the way back following the killing which took place at Korićanske stijene. Witnessess [REDACTED] state that it was Petar Čivčić, and not Dado Mrđa, who came with Miroslav Paraš with the order to escort the convoy and that Petar Čivčić was the whole time at the Prijedor Public Security Station. The protected witness *KA-1* explicitly stated that Petar Čivčić escorted the convoy on the relevant day as well as the protected witness *K-3*. The witness [REDACTED], the only person present that entire day in the Prijedor Public Security Station, stated that he did not see any of the Platoon members on the Public Security Station compound on the day of the convoy's departure. Marinko Ljepoja's defense is in complete contradiction of the

statements of witnesses [REDACTED] KA-1 and other evidence heard and proposed, and so are defenses of Petar Čivčić and Branko Topola.

Therefore, a complex evaluation of the facts contained in the Indictment's operative part and corroborated by the documentary evidence and witness statements, suggests the only possible conclusion that the suspects knowingly and willingly participated in the joint criminal enterprise and that the acts of the suspects Petar Čivčić, Branko Topola, and Marinko Ljepoja satisfy all the elements of the criminal offense of Crimes against Humanity in violation of Article 172(1)(h), in conjunction with sub-paragraphs (a), (d), (e) and (k) of the Criminal Code of Bosnia and Herzegovina, all as read with with Article 180(1) of the Criminal Code of Bosnia and Herzegovina. This Indictment is filed against the aforementioned individuals for committing the quoted offense. I hereby petition the preliminary hearing judge of the Court of BiH to confirm the Indictment.

EVIDENCE CORROBORATING THE ALLEGATIONS IN THE INDICTMENT

1. Record of examination of the suspect Petar Čivčić, number: KT-RZ 57/09 dated 28 August 2009,
2. Record of examination of the suspect Branko Topola, number: KT-RZ 57/09 dated 27 August 2009,
3. Record of examination of the suspect Marinko Ljepoja, number: KT-RZ 58/09 dated 7 September 2009 and 14 September 2009,
4. Record of interview of the witness [REDACTED] number: KTA-RZ 120/09 dated 16 June 2009 and Record of the main trial – transcript - in the case against Zoran Babić *et al.* pending before the Court of BiH under number: X-KR-08/549 of 30 June 2009,
5. Record of interview of the witness [REDACTED] number: KTA-RZ 120/09 dated 3 July 2009 and 31 August 2009, and Record of the main trial – transcript - in the case against Zoran Babić *et al.* pending before the Court of BiH under number: X-KR-08/549 of 7 September 2009,
6. Record of interview of the witness [REDACTED] number: KT-RZ 57/09 dated 28 August 2009,
7. Record of interview of the witness [REDACTED] number: KT-RZ 57/09 and KT-RZ 58/09 dated 16 September 2009,
8. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008, with a personal organizer of [REDACTED] attached,
9. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
10. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
11. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 27 April 2006,
12. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 19 May 2008

13. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 25 March 2008 and 4 December 2008,
14. Record of interview of the witness [REDACTED] number: 17-04/2-146/06 dated 22 March 2006,
15. Record of interview of the witness [REDACTED] number: 17-04/2-143/06 dated 21 March 2006,
16. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 18 July 2008,
17. Record of interview of the witness [REDACTED] number: 17-04/2-2-04-2-1297/08 dated 24 December 2008,
18. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 14 July 2008,
19. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 28 May 2009,
20. Record of interview of the witness [REDACTED] number: 17-04/2-2-04-2-130/08 dated 25 December 2008,
21. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 17 July 2008,
22. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 23 August 2006,
23. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 22 August 2006,
24. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 12 June 2008,
25. Record of interview of the witness [REDACTED] number: KT-RZ 48/06 dated 13 June 2008,
26. Record of interview of the witness *A*, number KT-RZ 48/06,
27. Record of interview of the witness *B*, number KT-RZ 48/06,
28. Record of interview of the witness *KA-1*, number KT-RZ 47/09,
29. Records of interview of the witness *KS-1*, number KT-RZ 48/06, 2X
30. Records of interview of the witness *KS-2*, number KT-RZ 48/06, 2X
31. Record of interview of the witness *KS-3*, number KT-RZ 48/06 with attached notes 3X
32. Record of interview of the witness *KO-2*, number KT-RZ 48/06,
33. Record of interview of the witness *KO-3*, number KT-RZ-48/06,
34. Record of interview of the witness *KO-5*, number KT-RZ-48/06,
35. Record of interview of the witness *KO-6*, number KT-RZ-48/06,
36. Record of interview of the witness *KO-7*, number KT-RZ-48/06,
37. Record of interview of the witness *KO-8*, number KT-RZ-48/06,
38. Record of interview of the witness *KO-9*, number KT-RZ-48/06,
39. Record of interview of the witness *KO-10*, number KT-RZ-48/06,
40. Record of interview of the witness *KO-11*, number KT-RZ-48/06,
41. Record of interview of the witness *KO-12*, number KT-RZ-48/06,
42. Record of interview of the witness *KO-15*, number KT-RZ-48/06,
43. Record of interview of the witness *KO-18*, number KT-RZ 48/06,
44. Record of interview of the witness *K-1*, number KT-RZ 48/06, 2X
45. Record of interview of the witness *K-2*, number KT-RZ 48/06,

46. Record of interview of the witness **K-3**, number KT-RZ 48/06,
47. Death certificate for [REDACTED] number: 04-202-1-425/2008 dated 12 August 2008,
48. Death certificate for [REDACTED] number: 04-202-1-4583/2008 dated 11 August 2008,
49. Death certificate for [REDACTED] number: 04-202-1-4585/2008 dated 11 August 2008,
50. Death certificate for [REDACTED] number: 04-202-1-4586/2008 dated 11 August 2008,
51. Death certificate for [REDACTED] number: 04-202-1-426/2008 dated 12 August 2008,
52. Death certificate for [REDACTED] number: 04-202-1-427/2008 dated 12 August 2008,
53. Death certificate for [REDACTED] number: 04-202-1-429/2008 dated 12 August 2008,
54. Death certificate for [REDACTED] number: 04-202-1-430/2008 dated 12 August 2008,
55. Death certificate for [REDACTED] number: 04-202-1-432/2008 dated 12 August 2008,
56. Death certificate for [REDACTED] number: 04-202-1-433/2008 dated 12 August 2008,
57. Death certificate for [REDACTED] number: 04-202-1-401/2008 dated 8 August 2008,
58. Death certificate for [REDACTED] number: 04-202-1-4506/2008 dated 7 August 2008,
59. Death certificate for [REDACTED] number: 04-202-1-4507/2008 dated 7 August 2008,
60. Death certificate for [REDACTED] number: 04-202-1-398/2008 dated 8 August 2008,
61. Death certificate for [REDACTED] number: 04-202-1-434/2008 dated 12 August 2008,
62. Death certificate for [REDACTED] number: 04-202-1-435/2008 dated 12 August 2008,
63. Death certificate for [REDACTED] number: 04-202-1-436/2008 dated 12 August 2008,
64. Death certificate for [REDACTED] number: 04-202-1-437/2008 dated 12 August 2008,
65. Death certificate for [REDACTED] number: 04-202-1-438/2008 dated 12 August 2008,
66. Death certificate for [REDACTED] number: 04-202-1-399/2008 dated 8 August 2008,
67. Death certificate for [REDACTED] number: 04-202-1-4590/2008 dated 11 August 2008,
68. Death certificate for [REDACTED] number: 04-202-1-4591/2008 dated 11 August 2008,
69. Death certificate for [REDACTED] number: 04-202-1-441/2008 dated 12 August 2008,

70. Death certificate for [REDACTED] number: 04-202-1-442/2008 dated 12 August 2008,
71. Death certificate for [REDACTED] number: 04-202-1-4513/2008 dated 7 August 2008,
72. Death certificate for [REDACTED] number: 04-202-1-405/2008 dated 8 August 2008,
73. Death certificate for [REDACTED] number: 04-202-1-482/2008 dated 12 August 2008,
74. Death certificate for [REDACTED] number: 04-202-1-413/2008 dated 8 August 2008,
75. Death certificate for [REDACTED] number: 04-202-1-404/2008 dated 8 August 2008,
76. Death certificate for [REDACTED] number: 04-202-1-445/2008 dated 12 August 2008,
77. Death certificate for [REDACTED] number: 04-202-1-446/2008 dated 12 August 2008,
78. Death certificate for [REDACTED] number: 04-202-1-447/2008 dated 12 August 2008,
79. Death certificate for [REDACTED] number: 04-202-1-449/2008 dated 12 August 2008,
80. Death certificate for [REDACTED] number: 04-202-1-450/2008 dated 12 August 2008,
81. Death certificate for [REDACTED] number: 04-202-1-453/2008 dated 12 August 2008,
82. Death certificate for [REDACTED] number: 04-202-1-458/2008 dated 12 August 2008,
83. Decision of the Prijedor Basic Court number: R:784/02 dated 20 August 2002,
84. Record of the Prijedor Basic Court number: R:784/02 made on 20 August 2002,
85. Death certificate for [REDACTED] number: 04-202-1-459/2008 dated 12 August 2008,
86. Decision of the Prijedor Basic Court number: R:290/02 dated 26 November 2002,
87. Record of the Prijedor Basic Court number: R:290/02 made on 6 August 2002,
88. Death certificate for [REDACTED] number: 04-202-1-4498/2008 dated 7 August 2008,
89. Decision of the Prijedor Basic Court number: R:157/2000 dated 26 March 2000,
90. Record of the Prijedor Basic Court number: R:157/2000 made on 26 March 2000,
91. Death certificate for [REDACTED] number: 04-202-1-650/2008 dated 8 December 2008,
92. Death certificate for [REDACTED] number: 04-202-1-463/2008 dated 12 August 2008,
93. Death certificate for [REDACTED] number: 04-202-1-651/2008 dated 8 December 2008,
94. Death certificate for [REDACTED] number: 04-202-1-649/2008 dated 8 December 2008,
95. Record on forensic medicine examination of bodies in the location of Korićanske stijene, village of Korićani, Kneževo Municipality, dated 31 August 1992,

96. Record on exhumation by the Travnik Cantonal Court number: Kri-8/03 dated 12 June 2003 with a sketch of the site and photo documentation,
97. Photo documentation – examination of the remains of bones exhumed in the location of Korićanske stijene KRI: 8/93 dated 11 June 2003,
98. Forensic medicine analysis of mortal skeletal remains from the location of Korićanske stijene - Vlašić, Skender Vakuf Municipality, June 2003, certified court expert, dr. [REDACTED],
99. Cover document of the Banja Luka Public Security Center /PSC/, Crime Police Sector number: PP/164/99 dated 4 February 2004 with the attached Record on exhumation number: 10-02/4.1-6/2/03 dated 21 May 2003 and photo documentation,
100. Cover letter of the Banja Luka PSC, Crime Police Sector number: PP/164/99 dated 12 February 2004 with the attached Record on exhumation number: 10-02/4.1-/286 dated 3 October 2003, with a sketch of the site, photo documentation and a Report on crime scene investigation,
101. Photo documentation of the Bihać Cantonal Ministry of the Interior number: 72/03 – exhumation of 4 unidentified bodies, Korićani - I, Skender Vakuf Municipality, 3 October 2003 with a sketch of the site,
102. Final report on autopsy of [REDACTED] by [REDACTED]
103. Final report on autopsy of [REDACTED] by [REDACTED]
104. Report on re-autopsy of [REDACTED] by [REDACTED]
105. Final report on autopsy of [REDACTED] by [REDACTED]
106. Photo documentation of the site where the remains of human bones were found in the location of „Korićanske stijene“ – site of execution of 210 persons, Bosniak Muslims, dated 12 July 1996,
107. Photo documentation of the site where the crime was committed and of the remains of human bodies and clothes (attachments: 4) – description of the photo documentation,
108. Record on exhumation by the Travnik Ministry of the Interior number: 02/3-1-20/09.JH dated 1 September 2009 with photo documentation, with a receipt on handover,
109. DNA report for [REDACTED] number: KRI-8/03 No. 149, dated 24 November 2003,
110. DNA report for [REDACTED] number KRI-8/03 No. 66 – number 8831/06R,
111. DNA report for [REDACTED] number: KRI-8/03 No. 147, dated 24 November 2003,
112. DNA report for [REDACTED] number: KRI-8/03 No. 76, dated 2 March 2004,
113. DNA reports for [REDACTED] number: KRI-8/03 No. 33, dated 14 November 2003, No. 98, dated 13 November 2003 and No. 146, dated 8 December 2003,
114. DNA report for [REDACTED], number: KRI-8/03 No. 92, dated 10 November 2003,

115. DNA report for [REDACTED], number: KRI-8/03 No. 39, dated 3 June 2005,
116. DNA report for [REDACTED] number: KRI-8/03 No. 95, dated 8 November 2003,
117. DNA report for [REDACTED] number: KRI-8/03 No. 124, dated 26 November 2003,
118. DNA report for [REDACTED] number: KRI-8/03 No. 42, dated 14 September 2004,
119. DNA reports for [REDACTED] number: KRI-08/03 No. 12, dated 24 November 2003, No. 21, dated 8 November 2003, No. 29, dated 8 November 2003, No. 37, dated 8 November 2003 and No. 111, dated 8 March 2004,
120. DNA reports for [REDACTED] number: KRI-8/03 No. 26, dated 6 May 2004, No. 119, dated 5 December 2003, No. 127, dated 8 March 2004 and No. 127, dated 8 December 2003,
121. DNA reports for [REDACTED], number: KRI-08/03 No. 43, dated 8 December 2003 and No. 121, dated 8 December 2003,
122. DNA reports for [REDACTED] number: KRI-8/03 No. 142, dated 13 February 2004 and No. 155, dated 16 April 2004,
123. DNA report for [REDACTED] number: KRI-8/03 No. 113, dated 6 May 2004
124. DNA reports for [REDACTED] number: KRI-8/03 No. 109, dated 21 January 2004, No. 131, dated 21 January 2004 and No. 150, dated 17 March 2004,
125. DNA reports for [REDACTED], number: KRI-8/03 No. 96, dated 11 December 2005 and No. 129, dated 11 February 2005,
126. DNA report for [REDACTED] number: KRI-08/03 No. 7, dated 8 November 2003,
127. DNA report for [REDACTED] number: KRI-08/03 No. 40, dated 11 February 2005,
128. DNA report for [REDACTED] number: KRI-8/03 No. 115, dated 11 December 2003 and No. 156, dated 2 December 2003,
129. DNA reports for [REDACTED] number: KRI-8/03 No. 46, dated 8 November 2003 and No. 136, dated 31 March 2004,
130. DNA reports for [REDACTED] number: KRI-8/03 No. 91, dated 6 May 2004 and No. 112, dated 8 November 2003,
131. Two black and white photographs of the team for the terrain clear-up,
132. List of intervention platoons,
133. Prijedor Public Security Station, Prijedor Police Station, List of police employees for payroll accounting in the period from 16 March to 15 April 1992,
134. Report on overtime working hours, Prijedor Police Station number: 11-11/1-1__/90,
135. Prijedor Public Security Station, Prijedor Reserve Police - Center, List of members of the Reserve Police Force (for the payment of salaries) engaged in May 1992,
136. Prijedor Reserve Police - Center, List of members of the Reserve Police Force for July 1992 /employed/,

137. Prijedor Reserve Police - Center, List of members of the Reserve Police Force for July 1992 /unemployed/,
138. Objection to the payroll accounting for Miroslav Paraš dated 31 July 1992,
139. List of employees with special powers of the Prijedor Police Station number: 11-12/01-1-strictly confidential number 41/92 dated 13 August 1992,
140. List of the Prijedor Public Security Station employees in August 1992,
141. Prijedor Reserve Police - Center, List of members of the Reserve Police Force for August 1992 /unemployed/,
142. Prijedor Reserve Police - Center, List of the members of the Reserve Police Force for September 1992 /unemployed/,
143. Cover letter of the Prijedor Public Security Station with the list of the Reserve Police Force members – military conscripts number: 11-12-154 dated 7 September 1992,
144. Corrections to the Reserve Police Force list for October,
145. Interim operational report No. 21/08 of the 22nd Light Infantry Brigade Command No. 43/4 dated 21 August 1992,
146. Combat report of the 1st Krajina Corps Command, strictly confidential No. 44-1/314 dated 22 August 1992,
147. Regular Combat report of the 1st Krajina Corps Command, strictly confidential number 44-1/315,
148. Mićo Stanišić's Order dated 31 August 1992,
149. Dispatch note number 11-1/02-2/345 dated 11 September 1992,
150. Dispatch note by the Security Services Center /CSB/, Public Security Service Sector /SSJB/ Banja Luka number 11-1/02-2/345 dated 11 September 1992,
151. Dispatch note by the Prijedor Public Security Station number: 11-12-2267 dated 14 September 1992,
152. Dispatch note by the Security Services Center, Public Security Service Sector Banja Luka number 11-1/02-2/370 dated 7 October 1992,
153. Dispatch note by the Prijedor Public Security Station number: 11-12-2344 dated 13 October 1992,
154. Criminal report of the Banja Luka Security Services Centre number: 11-1/02-230-dated 8 September 1992,
155. Motion for undertaking certain investigative actions by the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 14 September 1992,
156. Document of the Basic Court in Banja Luka dated 24 September 1992,
157. Request for the collection of necessary information of the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 30 September 1992,
158. Document of the 1st Krajina Corps Command (Forward Command Post) strictly confidential No. 604-1/92 dated 16 October 1992 with the attached list,
159. List of the Prijedor Public Security Station number 11-12-74 dated 2 February 1993,
160. List of police employees deployed to perform special tasks in Republika Srpska Krajina, Prijedor Public Security Station dated 27 January 1993,
161. Dispatch note by the Prijedor Public Security Station number: 11-12-97 dated 10 February 1993,
162. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-T dated 31 July 2003,

163. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-A dated 22 March 2006,
164. Instruction on organization and activities of the authorities of the Serb people in Bosnia and Herzegovina in extraordinary circumstances dated 19 December 1991 - variant A and variant B.
165. Decision on strategic goals of the Serb people in BiH dated 12 May 1992 published in the Official Gazette of Republika Srpska No. 22 dated 26 November 1993,
166. Order of the Chief of the Prijedor Public Security Station number: 11-12-20 dated 31 May 1992,
167. Dispatch notes by the Banja Luka Public Security Centre number: 11-1/01-10 dated 6 July 1992,
168. Dispatch note number: 11-1/01-67 dated 21 August 1992 marked „DD“ Banja Luka Security Services Centre /CSB/,
169. Information on the execution of conclusions, decisions and orders of the Banja Luka Security Services Centre – Prijedor Public Security Station number: 11-12-13 dated 3 September 1992,
170. Report on the work of the Prijedor Public Security Station for the last 9 months of 1992 dated in January 1993,
171. Excerpt from the criminal records for Petar Čivčić number: 02-12/4-1-8-815-2/09 dated 31 August 2009,
172. Excerpt from the criminal records for Petar Čivčić and Branko Topola number: 08-1-10/02-2-23-235/49-201/09 dated 31 August 2009,
173. Excerpt from the criminal records for Marinko Ljepoja, number: 08-1-13/01-RG-1156/09 dated 10 September 2009,
174. Decision of the Banja Luka Security Services Center number: 11-120-6/918 dated 13 June 1992 for Petar Čivčić,
175. Questionnaire ME-1 for Petar Čivčić dated 27 December 1992,
176. Decision of the Banja Luka Security Services Center number: 11-1/09-120-2380 dated 19 April 1993,
177. Decision of the Bijeljina Ministry of the Interior number: 09-120-11/1277 dated 26 October 1993 for Petar Čivčić,
178. Personnel questionnaire of the Prijedor Public Security Centre number: 14-02 dated 9 October 1995 for Petar Čivčić,
179. Decision of the Republika Srpska Ministry of the Interior number: 03/1-2-120-4691 dated 6 May 1999 for Petar Čivčić,
180. Decision of the Republika Srpska Ministry of the Interior number: 05/2-120-7018 dated 1 November 2001 for Petar Čivčić,
181. Decision of the Republika Srpska Ministry of the Interior number: 05/2-127-, 1-275 dated 9 March 2005 for Petar Čivčić,
182. Document of the Prijedor Public Security Station number: 11-17/02-MR-153-5 dated 8 September 1993,
183. Petar Čivčić's request dated 5 January 1993 to be issued with a Decision on Use of Apartment,
184. Document of the Prijedor I Police Station attached to the Prijedor Public Security Station number: 08-1-10/01-2-1087/09 of 22 June 2009 for Branko Topola, Željko Rudak and Marinko Ljepoja,

185. Unit file and Personal file of Marinko Ljepoja,
186. Decision of the Prijedor Department for Protection of Veterans and Disabled Persons number: 03-568-55/09 dated 26 January 2009,
187. Authorization number: 999/10 for regulating and controlling the traffic issued for Marinko Ljepoja in the capacity of a military police officer.

MOTION TO EXTEND CUSTODY

Pursuant to Article 227(3) in conjunction with Article 137 of the CPC BiH, I propose that the Court, should it confirm this Indictment, extend the custody of the accused persons Petar Čivčić, Branko Topola and Marinko Ljepoja, since the general requirement to extend custody has been met and there exist special custody grounds under Article 132(1) b) and d) of the CPC BiH.

As for the special requirements for extending custody, the Prosecutor's Office of BiH **submits that the special requirements set forth in Article 132(1)b) and d) of the CPC BiH still exist**, that is, there exist circumstances indicating that the accused Petar Čivčić, Branko Topola and Marinko Ljepoja, if at liberty, would hinder the criminal proceedings by influencing witnesses and co-perpetrators as well as that there are extraordinary circumstances since the criminal offense at hand constitutes a Crime against Humanity in violation of Article 172 of the CC BiH, punishable by a ten-year imprisonment or by a more severe punishment, which is particularly grave considering the manner of perpetration or the consequences thereof. The release of the accused persons would therefore result in a realistic threat of disturbance of public order.

With regard to custody grounds set forth in **Article 132(1)b) of the CPC BiH**, the Prosecutor's Office of BiH reiterates that the grounded suspicion is based mainly on the testimonies of witnesses who are either direct victims or eye-witnesses of the criminal actions the accused have been charged with, and whose identity is well-known to the accused persons given that [REDACTED] and the witnesses K-1, K-3 and KA-1 were members of the 1st Intervention Platoon and friends of the accused and that [REDACTED] is even a close relative of the accused Marinko Ljepoja. Other witnesses, as well, live in Prijedor, which is a small place and where the largest number of aggrieved persons, eye-witnesses and the accused themselves, lived and still live. The aforementioned is particularly relevant in terms of the testimony of the witness *K-1* according to which Petar Čivčić was present when he was pressured into signing the statement that one of the present accused, against whom the trial is pending before the Court of BiH, had not been present on the relevant day. In addition, as early as in 2006, the suspect Branko Topola called representatives of the *Izvor* Association from Prijedor for mentioning his name while marking the anniversary of the killing of the citizens of Prijedor at Korićanske stijene. [REDACTED] also stated to have been subjected to pressure to alter his testimony. Other witnesses in this case also sought protective measures and great many of them were granted protective measures during the investigation. **The witness K-18 stated to have received telephone threats.**

Numerous examples show that witnesses in this case received threats and had unpleasant experiences. Thus, for example, witness KO-6 states that a person, who is under the investigation in the case, came to his house after he had given his testimony to the ICTY investigators in The Hague and retold him his entire testimony, which really shocked and appalled him. Witness KO-8 also stated that following his return to Prijedor he experienced various unpleasant situations, that someone wrote the Four S symbol on his house, that he was provoked by clerks in the institutions in Prijedor some of who are related to the perpetrators of the criminal offense under the investigation. Circumstances justifying the extension of custody follow from the testimonies of witnesses KS-1 and KS-2. It is particularly important to point out that witnesses who are of the same ethnicity as the accused persons also sought and were granted protective measures. **Furthermore, one of the surviving witnesses, [REDACTED] stated that he received threatening messages over the telephone and that he was even offered money as a counter favor for not testifying.** The release of the accused persons would cause the feeling of insecurity among the witnesses and they would certainly be influenced, which would surely reflect on their testimony. It is important to note that the SIPA document number: 17-04/2-04-2-584/08 dated 23 May 2008 indicates that in May this year, the former members of the Intervention Platoon held a meeting in one of the catering facilities in Prijedor where they discussed their arrest, which only points to the conclusion that they knew and expected to be arrested. We also note that numerous witnesses in this case, whose testimonies have already been delivered to be attached to the Court case file, stated that the crime site was video recorded and photographed after the offense had been committed and that certain documents, for example Record on Crime Scene Investigation were made. The Prosecutor's Office points out that even after many attempts and searches of several facilities it still has not collected the mentioned evidence. In addition to these pieces of evidence, the Prosecutor's Office did everything to find other evidence but it did not manage to do so before the Indictment was filed. It is evident that the accused have an enormous interest in preventing the Prosecutor's Office from finding the mentioned evidence and that if released, the accused would certainly destroy, conceal or alter these pieces evidence which are of great importance for these criminal proceedings. This is only further supported by the testimony of the witness K-1. We further note that the mortal remains of those murdered at Korićanske stijene still have not been recovered (4 bodies and parts of the remains of other bodies were found and identified, and parts of bodies that have still not been identified, however all bodies have still not been found). Nevertheless, it is clear that not all mortal remains have been found and it follows from the testimonies of witnesses K-3, K-1, [REDACTED] and other numerous witnesses, that mortal remains were relocated. We submit that there is reasonable fear that the accused, who were all police officers at one point in their lives, and Petar Čivčić an active police officer in Prijedor up until his arrest, if released and being aware of the gravity of the offense they have been charged with, would influence the search and cover up the mortal remains, since the investigation showed that all members of the Intervention Police Platoon from Prijedor already covered up the mortal remains of those murdered after the offense was committed in 1992, which is not contested by Petar Čivčić and Marinko Ljepoja, whereby they would certainly hinder the very search for the missing persons. We particularly note that one should be mindful of the mentioned fact that the accused Petar Čivčić is a police officer and that Marinko Ljepoja and Branko Topola were police officers, that they live and work in the small community where victims,

witnesses and other accomplices also live, and that through their long years of service in the police and their life in Prijedor they must have made many acquaintances and acquired knowledge and skills by performing their police duties. These acquaintances, knowledge and skills make it possible for them to obtain, in a simple and easy manner, all information about the witnesses who have already testified Prosecutor's Office of BiH, **particularly because the majority of testimonies of witnesses who were been granted protective measures have already been submitted to the accused co-perpetrators in this criminal case.** For all the foregoing we are convinced that, in case they are released, the accused would hinder the efficient conduct of these criminal proceedings by influencing witnesses and destroying, concealing or altering evidence.

We must note that in relation to this case, this Prosecutor's Office is also conducting an investigation of other co-perpetrators who are still at large and some of who are on the run, which can be seen from the mentioned SIPA Report on the undertaken measures and actions number 17-04/2-04-547-78/06 dated 22 September 2008.

Therefore, having also in mind the testimony of [REDACTED] who confirmed that he had been influenced, we are convinced that the accused, if released, and considering the charges against them, would most certainly establish mutual contact as well as contacts with the suspects who are at liberty, and all in order to avoid or reduce their personal criminal responsibility, and would thus frustrate the conduct of these criminal proceedings. The foregoing is particularly relevant when we know that the three accused co-perpetrators (the case against Zoran Babić et al. under number: X-KR-08/549 pending before the Court of BiH) are still at liberty due to family and health reasons, and that Petar Čivčić, Branko Topola and Marinko Ljepoja, if released, would most certainly contact the mentioned co-perpetrators with a view to avoiding or reducing their personal criminal responsibility. The aforementioned is supported by the statement of Branko Topola who said that the brother and defense counsel of the accused Zoran Babić came to his house several times asking him to testify that Zoran Babić had not been in Tukovi on the relevant day. He also stated that Attorney Deretić came to look for him when Dado Mrđa was arrested by the ITCY. The aforementioned is even more relevant when we know that the witness [REDACTED] whose testimony implicates Marinko Ljepoja, is currently in Prijedor.

Taking into account all the foregoing, the Prosecutor's Office of BiH submits that there still exist circumstances indicating that the custody of the accused Petar Čivčić, Branko Topola and Marinko Ljepoja on the grounds under Article 132(1b) of the CPC BiH is justified.

As for the custody grounds under Article 132(1d), the Prosecutor's Office of BiH **holds that there still exist circumstances indicating that the custody of the accused Petar Čivčić, Branko Topola and Marinko Ljepoja is necessary on these grounds, as well.** The accused are charged with the criminal offense punishable by a ten-year imprisonment or a more severe punishment. This criminal offense is indeed particularly grave considering the manner of perpetration and the consequences thereof. The accused are

charged with having participated in the commission of the criminal offense which includes systematic persecutions, plundering, **cold-blooded murder of over 200 persons** including minor boys, all of whom were neighbors of the accused persons and who lived in the territory of the Prijedor municipality. The brutality and ruthlessness in the commission of this criminal offense is particularly manifest as minor boys were among the people killed whose bodies were thrown into the abyss and hand grenades thereafter thrown on them. It also needs to be mentioned that only two direct perpetrators were convicted for the commission of the referenced criminal offense by a final judgment before the ICTY in The Hague and before the Court of BiH. Although reached, the judgment against the third perpetrator had not become final by the time when this Indictment was issued. A large number of victims, witnesses and their family members currently reside or live in the territory of the Prijedor municipality. All victims and their relatives feel resentment because only two perpetrators have been convicted by a final judgement and one by a non-final judgement for the mentioned criminal offense, which is understandable considering that the criminal offense of Crimes against Humanity, with which the accused have been charged, is one of the most serious violations of the values protected both by the domestic and international law, especially taking into account that the accused are charged with having committed the offense within the joint criminal enterprise which implies a large number of perpetrators. It should also be borne in mind that the majority of the accused persons in this case used to be police officers, as the accused Petar Čivčić up until his arrest and the accused Branko Topola and Marinko Ljepoja at one point in their lives. In the opinion of the Prosecutor's Office, all these circumstances constitute extraordinary circumstances as set forth in Article 132(1)d). This is even more so taking into account the severe consequences which the mentioned crime undoubtedly left on the victims and their families, as more than 200 persons were murdered. These consequences are clearly still felt today, which is confirmed by the testimony of a witness who stated: "I lost 6 close and extended family members who had travelled in this convoy"! It can be concluded that it is still necessary to extend custody on these grounds and that there is strong evidence that the release of the accused Petar Čivčić, Branko Topola and Marinko Ljepoja would disturb and have a negative reflection on the public order in the community where the victims and the accused persons live. One of the examined witnesses said: "Both brothers and families of these persons [referring to the then suspects] still live in my immediate vicinity and they are still **heroes** in Prijedor". The remand of the accused in custody would prevent new traumatization of victims and witnesses in this case who must have confidence in the ability of the judicial authorities to prevent any possible contact between them and the accused persons before the completion of these criminal proceedings. Just before the filing of this Indictment, the Court of BiH ordered granting protective measures to the witness KO-18 who stated to have received telephone threats. The Prosecutor's Office deems that any contact or meeting with the accused persons in this case would jeopardize the peace and co-existence which have been difficult to establish, and would ultimately lead to the disturbance of public order in the community where these persons live. In view of the abovementioned facts, the position of the accused persons, the mentioned SIPA documents and the mentioned testimonies of both witnesses who were granted protective measures as well as those who were not, we hold, and we are of the opinion that the Court can clearly reach this conclusion since the victims of the mentioned criminal offense are still in great fear and are exposed to constant threats, even attacks, and that **all**

requirements for the extension of custody of the accused as set forth in Article 132(1)d) of the BiH CPC have been met.

We once again point out that at this stage of the proceedings no other measure for securing the presence of the accused would be adequate, particularly because the supervision of the execution of those measures would be conducted by former work colleagues of the accused Petar Čivčić, as well as acquaintances and friends and former work colleagues of the accused Branko Topola and Marinko Ljepoja.

It should be noted that custody of the accused co-perpetrators in the case number: X-KR-08/549 pending before the Court of BiH, Ljubiša Četić, Dušan Janković and Željko Stojnić, was ordered and extended pursuant to custody grounds set forth in Article 132(1)b) and d). To avoid establishing contact with other co-perpetrators (some of whom are in the Correctional and Penal Institution *Kula* in Istočno Sarajevo and others in the Detention Unit of the Court of BiH) and putting at risk the conduct of these criminal proceedings, we propose, should the Preliminary Hearing Judge grant the Motion of the Prosecutor's Office, that the institutions to enforce custody remain those in which the accused have been detained up until that moment, namely the District Prison in Doboj for Branko Topola and Petar Čivčić and the Penal and Correctional Institution in Bijeljina for Marinko Ljepoja. In addition, the administration of the Doboj prison facility should be ordered to separate the accused Petar Čivčić and Branko Topola from one another and from the accused Saša Zečević and to prevent any contact with a view to ensuring a successful and efficient conduct of the criminal proceedings.

Having in mind that by the confirmation of the Indictment the general requirement for extending custody has been met, and that on the basis of all the foregoing in our opinion all legal grounds have been fully satisfied to extend the custody of the accused Petar Čivčić, Branko Topola and Marinko Ljepoja, as stipulated in Article 132(1)b) and d) of the Criminal Procedure Code of BiH, I move the Preliminary Hearing Judge of Section I for War Crimes of the Criminal Division of the Court of BiH, to grant the Motion of the Prosecutor's Office to extend custody of the accused in accordance with the CPC BiH.

**PROSECUTOR
PROSECUTOR'S OFFICE OF BIH
Slavica Terzić**

/signature and stamp affixed/