

Bosna i Hercegovina



Босна и Херцеговина

Tužilaštvo-Tužiteljstvo Bosne i Hercegovine
Тужилаштво Босне и Херцеговине

Special Department for War Crimes

Ref. number KT-RZ-131/06

Sarajevo, 12 October 2006

COURT OF BOSNIA AND HERZEGOVINA
SARAJEVO

Pursuant to Article 35(2)(h) and Article 226(1) of the Criminal Procedure Code of BiH, I hereby issue the following

INDICTMENT

Against:

RADMILO VUKOVIĆ aka Rade, son of Aleksa and Stana (maiden name Skakavac), born on 28 July 1952 in Rataja, Foča Municipality, with residence in Foča at 34 Svetosavska Street, of Serb ethnicity, citizen of BiH, Personal Identity Number 2807952131530, clerk, literate, secondary school qualifications, married, indigent, served the army, no prior convictions, **currently in custody under the Decisions of the District Court of Trebinje and the Court of BiH respectively, commencing as of 18 April 2006,**

Because:

During the armed conflict between the armed forces of the Republic of Bosnia and Herzegovina and the armed forces of the so-called Serb Republic of Bosnia and Herzegovina, in the territory of the Foča Municipality, as a member of the military forces of the so-called Serb Republic of Bosnia and Herzegovina, he acted in contravention of the rules of international humanitarian law and violated Article 3(1)(a) and (c) and Article 27(2) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in as much as he:



On 10 June 1992 in Miljevina, Foča Municipality, came armed to an apartment in Miljevina from where he took out the injured party "A" to be allegedly brought in to the military headquarters in Miljevina; thereupon, instead of taking her to the headquarters, he took her to a building located in the newly-built settlement in Miljevina and used force to bring her into an apartment in which he physically abused her by hitting her in various parts of her body, threatening to kill her, placing a pistol against her temple and holding a knife to her throat; at one point, he used force to tear her clothes to pieces while the injured party was screaming and begging him to let her go; thereupon, he used one hand to shut her up and the other one to punch her in the head whereupon she lost consciousness and he used the fact that the injured party was unconscious and raped her and when she regained consciousness, he threatened to kill her if she told anyone what he had done to her; he also threatened her to come to the same apartment whenever he called her which she had to do up until 24 or 27 August 1992; during this period, she had to go to that apartment on at least five or six occasions in which he would force her to have sexual intercourse with him, which directly resulted in the injured party becoming pregnant and after she was expelled from Miljevina, she gave birth to a male child in the Goražde Hospital on 20 February 1993,

Consequently,

During the armed conflict, as a member of the military forces of the so-called Serb Republic of Bosnia and Herzegovina, he acted in contravention of the rules of international humanitarian law and violated Article 3(1)(a) and (c) and Article 27(2) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Whereby he committed the criminal offense of War Crimes against Civilians under Article 173(1)(c) and (e) of the Criminal Code of BiH.

Therefore, I submit the following:

**PROPOSAL
of evidence to be presented**

I

To hear the following person as witness-injured party:

1. Witness-injured party „A“



II

To hear the following person as witness:

1. [REDACTED]

III

To inspect the following evidence:

1. Judgment of the ICTY Trial Chamber in the case of Dragoljub Kunarac et al., Ref. number IT-96-23-T and IT-96-23/1-T dated 22 February 2001;
2. Judgment of the ICTY Appeals Chamber in the case of Dragoljub Kunarac et al., Ref. number IT-96-23-T and IT-96-23/1-T dated 12 June 2001;
3. Judgment of the ICTY Trial Chamber in the case of Milorad Krnojelac, Ref. number IT-97-25-T dated 15 March 2002;
4. Judgment of the ICTY Appeals Chamber in the case of Milorad Krnojelac, Ref. number IT-97-25-T dated 17 September 2003;
5. Referral slip to a hospital for the injured party „A“ issued by the Goražde Health Center dated 20 February 1993;
6. Case history for the injured party „A“ made by the Goražde Health Center, No. 207/93;
7. Anamnesis and a finding for the injured party „A“ made by [REDACTED] for 20 February 1993 and 26 February 1993;
8. Bodily temperature record for the injured party „A“ dated 20 February 1993;
9. Release form for the injured party „A“ issued by the Goražde Health Center, No. 207/93 dated 26 February 1993;
10. Copy of the first entry into the Register of Births for the underage [REDACTED] made by the Goražde Registry Office, no. 331, p. 167;
11. Certificate issued by the Goražde Municipality Registry Office, Ref. number 06-11-851/06 dated 30 June 2006;
12. Procedural decision of the Public Institution Social Welfare Center Goražde, Ref. number 01/VI-2755/97 dated 24 December 1997;

13. Social anamnesis taken by the social worker [REDACTED] in connection with the adoption of the underage [REDACTED]
14. Birth Certificate for the underage [REDACTED] issued by the Goražde Municipality Registry Office, Ref. number 200-5877/01 dated 6 December 2001;
15. Order of the Prosecutor's Office of BiH, Ref. number KT-RZ-131/06 dated 15 September 2006, ordering performance of a DNA analysis to determine whether the suspect Radmilo Vuković was the father of the underage [REDACTED]
16. DNA expert evaluation finding by the Institute for Genetic Engineering and Biotechnology Sarajevo, Ref. number 68/06 dated 10 October 2006;
17. Certificate issued by [REDACTED] MD, chief psychiatrist at Bellevue Hospital Center, New York, USA, dated 31 July 2006;
18. Document of the BiH Ministry of Defense – formerly RS Ministry of Defense, Ref. number 18-05-4-80-56/06 dated 7 September 2006;
19. Certificate on deprivation of liberty issued by the Republika Srpska Ministry of the Interior – Foča Support Unit, Istočno Sarajevo Public Security Center, Ref. number 13-01/2-01/06 dated 18 April 2006;
20. Official letter of the ICTY on giving the standard marking „A“ for Radmilo Vuković, Ref. number 00-04209/GB/AmdV/RR516 dated 9 August 2000;
21. Criminal records certificate for Radmilo Vuković issued by the Istočno Sarajevo Public Security Center – Foča Public Security Station, Ref. number 13-1-8/02-248-2-290/06 dated 11 July 2006.

Results of Investigation

The Prosecutor's Office conducted an investigation and reached results that undoubtedly confirm that the suspect Radmilo Vuković committed the criminal offense which he is charged with under this Indictment, the criminal offense being War Crimes against Civilians under Article 173(1)(c) and (e) of the CC of BiH and that there was sufficient evidence corroborating a grounded suspicion to issue this Indictment.

The evidence on which the Indictment is based are the respective statements of witness [REDACTED] and the injured party-victim of the criminal offense which the suspect is charged with (both statements given at the Prosecutor's Office of BiH) and other material evidence gathered by the Prosecutor's Office in the course of the investigation.

Having analyzed the statements of the aforementioned witnesses as well as the ICTY Judgments in the case of Dragoljub Kunarac et al. (No. IT-96-23-T and IT-96-23/1-T) and the case of Milorad Krnojelac (No. IT-97-25-T), the Prosecutor's Office came to a conclusion that there was an armed conflict between Bosnian Serbs and Bosnian Muslims in the territory of the Foča Municipality between April 1992 and February 1993, and the time of commission of the criminal offense referred to in the operative part of the Indictment is consistent with this time frame. That there was an armed conflict in the territory of the Foča Municipality at the relevant time period arises unequivocally from the respective conclusions of the Trial Chambers in paragraph 567 of Judgment No. IT-96-23-T and paragraph 65 of Judgment No. IT-96-23/1-T (both in the case against Dragoljub Kunarac et al.), and in paragraph 61 of Judgment No. IT-97-25-T (the case of Milorad Krnojelac). Non-Serb civilians were killed, raped or otherwise mistreated, which was a direct consequence of the armed conflict.

Having conducted its investigation, the Prosecutor's Office also obtained proof that the accused, as a member of the Army of the then so-called Serb Republic of Bosnia and Herzegovina, came armed during this attack to an apartment of a Bosniak family in Miljevina on 10 June 1992 from where he took out the injured party "A" to be allegedly brought in to the military headquarters in Miljevina; thereupon, instead of taking her to the headquarters, he took her to a building located in the newly-built settlement in Miljevina and used force to bring her into an apartment in which he threatened to kill her by placing a pistol against her temple and holding a knife to her throat, used force to tear her clothes in pieces and punched her several times in the head so that she could not put up resistance and then raped her; thereupon, he threatened to kill her if she told anyone what he had done to her and after the injured party and approximately 200 Bosniaks were expelled from Miljevina towards Goražde, she was in a state of undesired pregnancy as a direct result of the said sexual abuse and she gave birth to a male child in the Goražde Hospital on 20 February 1993. The evidence on which these assertions of the Prosecutor's Office are based includes, first of all, the statement of the witness-injured party "A" who unequivocally described the act of her rape by the accused, the statement of witness [REDACTED] and other material evidence referred to in this Indictment.

If one inspects the documents issued by the Goražde Health Center, the Goražde Registry Office and the Public Institution Social Welfare Center Goražde respectively, one may conclude with certainty that the witness-injured party "A", as a direct result of the rape by the accused, gave birth to a male child in the Goražde Hospital on 20 February 1993 and she abandoned the said child immediately thereafter. That the injured party gave birth to a child whose biological father was the suspect arises unequivocally from the finding of a DNA analysis performed by the Institute for Genetic Engineering and Biotechnology.



Based on the foregoing, the Prosecutor's Office of BiH submits that this Indictment is entirely well-founded and moves the Preliminary Hearing Judge of the Court of BiH to confirm it in its entirety.

Material supporting the allegations of the Indictment

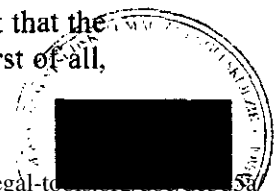
1. Record on questioning the suspect Radmilo Vuković on the premises of the Prosecutor's Office of BiH, Ref. number KT-RZ-131/06 dated 14 July 2006;
2. Record on questioning the witness-injured party „A“, Prosecutor's Office of BiH, Ref. number KT-RZ-131/06 dated 16 August 2006.
3. Record on questioning witness [REDACTED] Prosecutor's Office of BiH, Ref. number KT-RZ-131/06 dated 17 July 2006;
4. Judgment of the ICTY Trial Chamber in the case of Dragoljub Kunarac et al., Ref. number IT-96-23-T and IT-96-23/1-T dated 22 February 2001;
5. Judgment of the ICTY Appeals Chamber in the case of Dragoljub Kunarac et al., Ref. number IT-96-23-T and IT-96-23/1-T dated 12 June 2001;
6. Judgment of the ICTY Trial Chamber in the case of Milorad Krnojelac, Ref. number IT-97-25-T dated 15 March 2002;
7. Judgment of the ICTY Appeals Chamber in the case of Milorad Krnojelac, Ref. number IT-97-25-T dated 17 September 2003;
8. Referral slip to a hospital for the injured party „A“ issued by the Goražde Health Center dated 20 February 1993;
9. Case history for the injured party „A“ made by the Goražde Health Center, No. 207/93;
10. Anamnesis and a finding for the injured party „A“ made by [REDACTED] for 20 February 1993 and 26 February 1993;
12. Release form for the injured party „A“ issued by the Goražde Health Center, No. 207/93 dated 26 February 1993;
13. Copy of the first entry into the Register of Births for the underage [REDACTED] made by the Goražde Registry Office, no. 331, p. 167;
14. Certificate issued by the Goražde Municipality Registry Office, Ref. number 06-11-851/06 dated 30 June 2006;

15. Procedural decision of the Public Institution Social Welfare Center Goražde, Ref. number 01/VI-2755/97 dated 24 December 1997;
16. Social anamnesis taken by the social worker [REDACTED] in connection with the adoption of the underage [REDACTED];
17. Birth Certificate for the underage [REDACTED] issued by the Goražde Municipality Registry Office, Ref. number 200-5877/01 dated 6 December 2001;
18. Order of the Prosecutor's Office of BiH, Ref. number KT-RZ-131/06 dated 15 September 2006, ordering performance of a DNA analysis to determine whether the suspect Radmilo Vuković was the father of the underage [REDACTED];
19. DNA expert evaluation finding by the Institute for Genetic Engineering and Biotechnology Sarajevo, Ref. number 68/06 dated 10 October 2006;
20. Certificate issued by [REDACTED] MD, chief psychiatrist at Bellevue Hospital Center, New York, USA, dated 31 July 2006;
21. Document of the BiH Ministry of Defense – formerly RS Ministry of Defense, Ref. number 18-05-4-80-56/06 dated 7 September 2006;
22. Certificate on deprivation of liberty issued by the Republika Srpska Ministry of the Interior – Foča Support Unit, Istočno Sarajevo Public Security Center, Ref. number 13-01/2-01/06 dated 18 April 2006;
23. Official letter of the ICTY on giving the standard marking „A“ for Radmilo Vuković, Ref. number 00-04209/GB/AmdV/RR516 dated 9 August 2000;
24. Criminal records certificate for Radmilo Vuković issued by the Istočno Sarajevo Public Security Center – Foča Public Security Station, Ref. number 13-1-8/02-248-2-290/06 dated 11 July 2006.

Motion to extend the custody

Pursuant to Article 227(3) and Article 137(1) of the CPC of BiH, the Prosecutor's Office of BiH proposes that, following the confirmation of the Indictment, the custody against the suspect Radmilo Vuković be extended as provided for in Article 132(1)(a), (b) and (d).

As regards the ground for ordering custody prescribed under Article 132(1)(d), the Prosecutor's Office of BiH submits that the suspect is charged with committing the acts of rape of the injured party "A" supported by physical abuse and death threats while the consequences of that act are most severe and are reflected in the fact that the injured party had given birth to a male child that she abandoned thereafter. First of all,



liberty on 18 April 2006 as confirmed by the certificate on deprivation of liberty issued by the Republika Srpska Ministry of the Interior-Foča Support Unit, Istočno Sarajevo Public Security Station no. 13-01/2-01/06 dated 18 April 2006. Given the aforesaid, one may conclude that the suspect was hiding all the time and he did not voluntarily surrender himself to the law enforcement bodies, which supports the conclusion that there are circumstances that suggest a possibility of flight if the suspect is released. What is more, the suspect is a resident of Foča who lives near the border, and upon appearing before the Prosecutor's Office and the Court he was shown the grave acts with which he is charged, which additionally confirms the fear that the suspect could flee if released. The assertions made by the Prosecutor's Office of BiH are additionally corroborated by the fact that if the Court decides to confirm this Indictment, the suspect would have access to the entire case file and the possibility of flight would undoubtedly be more prominent under those circumstances. Having said that, the Prosecutor's Office of BiH submits that there exist grounds for custody referred to in Article 132(1)(a) of the CPC of BiH.

Moreover, the Prosecutor's Office of BiH observes that the identity of the witnesses as well as other evidence corroborating the existence of a grounded suspicion that the suspect committed the criminal offense would be disclosed to the suspect after the confirmation of the Indictment. Under these circumstances, when the suspect is facing grave charges and when he knows the witnesses and other evidence, there is a high probability that he would hinder the proceedings by influencing the witnesses and concealing clues to the criminal offense when at liberty. Therefore, the Prosecutor's Office of BiH takes the view that the grounds for custody within the meaning of Article 132(1)(b) of the CPC of BiH exist.

Based on the foregoing and taking into consideration the evidence gathered after the investigation, the Prosecutor's Office of BiH submits that there is sufficient evidence on the existence of a grounded suspicion that the suspect Radmilo Vuković committed the criminal offense of War Crimes against Civilians under Article 173(1) of the Criminal Code of Bosnia and Herzegovina and it moves the Preliminary Hearing Judge of the Court of BiH to confirm this Indictment.

**PROSECUTOR
PROSECUTOR'S OFFICE OF BiH**

Behaija Krnjić

/Round seal of the Prosecutor's Office of BiH duly affixed/

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

Sarajevo, 20 October 2006

Certified Court in [redacted] language