



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

Number: KT-RZ-10/05
Sarajevo, June 24th 2008

**COURT OF BOSNIA AND HERZEGOVINA
On number: X-KR-05/24, X-KR-05/24-1, X-KR-05/24-2**

In the case of the Prosecutor's Office of BiH against the indicted Stupar Miloš and others for committing the criminal offence of Genocide in conjunction to Article 171 of the Criminal Code of BiH, and pursuant to Article 275 of the Criminal Procedure Code of BiH, I herewith file the following

AMENDED INDICTMENT

On the basis of an assessment done by the Prosecutor's Office that the presented evidence indicates that the state of facts contained in Indictment number: KT-RZ-10/05, dated December 12th 2005, have changed, the following Amended Specific Indictment has been changed in the part related to the description and legal name of the criminal offence, as follows:

.....

THE CHARGES:

Stupar Miloš, in his capacity of the Commander of the 2nd Special Police Šekovići Detachment, Trifunović Milenko, in his capacity of the Commander of the 3rd Skelani Platoon as a constituent element of the 2nd Šekovići Special Police Detachment, Mitrović Petar, Radovanović Aleksandar, Jakovljević Slobodan, Stevanović Miladin, Maksimović Velibor, Živanović Dragiša, Medan Branislav, as special police officers within the same Platoon, Džinić Brano, as a special police officer in the 2nd Šekovići Special Police Detachment and Matić Milovan, as a member of the Army of Republika Srpska (VRS), as knowing participant of the joint criminal enterprise in the period from 10 July to 19 July 1995, in which the VRS and MUP carried out a widespread and systematic attack against the members of Bosniak people inside the UN protected area of Srebrenica, with the common purpose and plan to exterminate in part a group of Bosniak people by means of forced transfer of women and children from the Protected Area and by organized and systematic capture and killing of Bosniak men by summary executions by a firing squad; all the accused, acting individually and in concert with other members of the joint criminal enterprise, having had the knowledge of the plan, on 12 and 13 July 1995, were deployed along the Bratunac – Milići road, from around the village of Kravice to Sandići, Municipality of Bratunac, including the section of the road

in front of the Farming cooperative Kravica Warehouse, and undertook the following actions:

- a. Secured the road and kept it closed or open for traffic in line with the execution of the plan to forcibly transfer about 25,000 Bosniak women, children and the elderly, who under fear, terror, active threat and inflicted injuries by the VRS and MUP member, were crammed into buses and trucks and forced out of the protected area;
- b. On 13 July 1995, conducted security operations, such as: reconnaissance and armed attacks using tanks, Pragas, anti-aircraft guns, and other infantry weapons against the column of Bosniaks in the area above Kamenica in the Vicinity of the aforementioned section of the road, thereby forcing the Bosniak men to surrender;
- c. On the same day secured the road by conducting patrols on the road and setting up ambushes, or otherwise intercept members of the column of Bosniaks trying to reach the territory under the control of the Army of R BiH, and participated in the capture and detention of several thousand Bosniaks from the column by encouraging and enticing them to surrender, and when they did, stripped all the detainees of their money and other valuables and ordered them to leave aside all their food, clothes and everything else they were carrying in their bags;
- d. On the same day, conducted security duties in or around the Sandići Meadow Municipality of Bratunac, where they were detaining several thousands of captured men, and then between 20 and 30 of them were separated and handed over to the unknown members of the VRS who took them in a truck and they have been missing ever since; at least one young man was executed in the meadow, from which they boarded Bosniak male prisoners on buses and transported them from the Sandići Meadow to specific detention and execution sites including the Farming Cooperative Kravica Warehouse;
- e. On the same day, conducted in a column more than one thousand Bosniak male prisoners and detained them in the warehouse of the Framing Cooperative Kravica. In the early evening hours, in the presence of the accused Miloš Stupar, the majority of those men were put to death in the following manner: the accused Trifunović Milenko, Jakovljević Slobodan, Radovanović Aleksandar, Stevanović Miladin, Mitrović Petar, Medan Branislav, Maksimović Velibor, Živanović Dragiša, fired thier machine guns at the priosners; Džinić Brano threw hand grenades at them, and the accused Matić Milovan seized wrist watches, money, and gold from the captured Bosniaks and was filing the ammunition clips used for the execution of prisoners,

Therefore,

With the purpose to exterminate in part a national, ethnic and religious group of Bosniaks, they killed members of the group of Bosniak people, and inflicted serious

bodily and mental wounds to the population of Srebrenica both men and women, *inter alia*, by separating able-bodied men from their families and forcibly transferring the population from their homes to the area outside the Republika Srpska,

Whereby:

1. ALL THE ACCUSED as co-perpetrators, by their acts, committed the crime of Genocide in violation of Article 171 of the CC BiH in conjunction with Articles 29 and 180(1) of the CC BiH;
2. Miloš Stupar:
 - a) In his capacity of the Commander, is responsible pursuant to Article 180 (1) in conjunction with Article 21 of the Criminal Code of BiH, by being present at the site of the mass execution of prisoners any by failing to intervene with the purpose to protect the prisoners who were still alive at the execution site, for assisting and supporting the perpetrators of killings in the manner that his presence served as a tacit encouragement to the perpetrators;
 - b) In his capacity of a superior officer, he is also criminally responsible for the actions of his subordinates pursuant to Article 180 (2) of the Criminal code of BiH since he knew or had a reason to know that his subordinates were about to commit criminal acts or they had committed them, and he failed to take the necessary and responsible measures to prevent such acts or to punish the perpetrators thereof;
3. Trifunović Milenko:
 - a) In his capacity of the Commander, is responsible pursuant to Article 180 (1) in conjunction with Article 21 of the Criminal Code of BiH, by being present at the site of the mass Execution of prisoners and by failing to intervene with the purpose to protect the prisoners who were still alive at the execution site, for assisting and supporting the perpetrators of killings in the manner that his presence served as a tacit encouragement to the perpetrators;
 - b) In his capacity of a superior officer, he is also criminally responsible for the actions of his subordinates pursuant to Article 180 (2) of the Criminal code of BiH since he knew or had a reason to know that his subordinates were about to commit criminal acts or they had committed them, and he failed to take the necessary and responsible measures to prevent such acts;
4. All the accused, together with other senior officers and units of the VRS and MUP referred to in the Indictment, were members and knowing participants of the joint criminal enterprise which had the following aim: to forcibly transfer women and children from the Srebrenica enclave to Kladanj on 12 and 13 July 1995; to capture, to detain, to summarily execute by shooting, bury and rebury thousands of men and young boys, Bosniaks from the Srebrenica Enclave, aged between 16 and 60, in the period between 12 July 1995 and around 19 July 1995. An initial plan was to forcibly transfer and to summarily execute by shooting more than 1,000 men and young boys, Bosniaks, aged between 16 and 60, who were separated from a group of Bosniaks in Potočari on 12 and 13 July. On 12 July, the plan was even extended to summary executions of more than 6,000 men and young boys aged between 16 and 60, captured in a column of men, Bosniaks who fled Srebrenica enclave in the period between 12 July and around 19 July 1995. Most of the men and young boys from the column were captured on the Bratunac -

Milići road on 13 July 1995. The implementation of the joint criminal enterprise resulted in the summary executions of more than 7,000 men and young boys, Bosnian Muslims from the Srebrenica enclave.

All the accused had criminal intention and state of mind necessary for the commission of the crime, and their actions significantly aided and facilitated the commission of the crimes. The participation of the accused in the joint criminal enterprise and particular actions and responsibilities described in this Indictment constitute the elements needed to establish that, pursuant to Article 180 of the Criminal Code of Bosnia and Herzegovina (BiH CC) the accused *committed Genocide in violation of 171 of the BiH CC*. The joint criminal enterprise, whose members and key participants were the ACCUSED, was initiated and conceived by General Ratko Mladić and others on 11 and 12 July 1995, and was run and carried out by members of the VRS and MUP forces, at the time and in the manner relevant to this Indictment.

Among members of this joint criminal enterprise were General Ratko Mladić, VRS Commander, General Milenko Živanović, Commander of the Drina Corps until around 20:00 hours on 13 July 1995; General Radislav Krstić, Chief of Staff /Deputy Commander until around 20:00 hours on 13 July 1995, and from that point of time Commander of the Drina Corps; Colonel Vidoje Blagojević, Commander of the Bratunac Brigade; Colonel Vinko Pandurević, Commander of the Zvornik Brigade; Lieutenant Colonel Dragan Obrenović, Deputy Commander and Chief of Staff of the Zvornik Brigade; Momir Nikolić, Assistant Commander for Security and Intelligence of the Bratunac Brigade; Dragan Jokić, Chief of Engineering Unit of the Zvornik Brigade; Ljubomir Borovčanin, Commander of the Special Brigade of the MUP Police established by the Order under number 64/95, and many other individuals and military and police units who took part in the operations of the forced transferring and killing of Bosniak men and *ALL THE ACCUSED, as being members of the MUP, joint forces committed and aided in preparing and committing crime of Genocide;*

NOTE: Amendments of the initial Indictment have been marked in bold.

PROSECUTOR

OF THE PROSECUTOR'S OFFICE OF BIH

Ibro Bulić