

Sud BiH / Суд БиХ  
Кривично одјељење и Апелационо одјељење/  
Кривично одјељење и Апелационо одјељење  
Одјел I и Одјел II / Одјел I и Одјел II  
Одјек за судску управу/Одјек за судску управу

X. KR/05/49

Bosna i Hercegovina

Босна и Херцеговина



**Tužilaštvo-Tužiteljstvo Bosne i Hercegovine**  
**Тужилаштво Босне и Херцеговине**

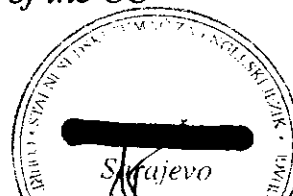
*Special Department for War Crimes*  
*Number: KT-RZ: 89/05*  
*Sarajevo, 9 February 2006*

**COURT OF BOSNIA AND HERZEGOVINA**  
**SARAJEVO**

*In view of the fact that the Court of Bosnia and Herzegovina decided, by decision no. X-KR-05/49 of 12 January 2006, to join the criminal proceedings against the accused Neđo Samardžić under the Indictment of the Prosecutor's Office of BiH no. KT-RZ:89/05 of 26 December 2005 for the criminal offense of Crime against Humanity in violation of Article 172 paragraph 1 items (a), (c), (d), (e), (g), (h) and (k) of the Criminal Code of BiH with the proceedings against the same accused under the Indictment of the District Prosecutor's Office of Trebinje no. KT-02/05 of 17 April 2005 for the criminal offense of War Crime against Civilian Population in violation of Article 142 paragraph 1 of the CC of the RS, conduct joint proceedings and render a single verdict and, for efficiency reasons, I hereby join and organize the abovementioned indictments into a single consolidated indictment no. KT-RZ:89/05*

*Against:*

*NEĐO SAMARDŽIĆ, son of Ilija and mother Kosa (maiden Babić), born on 7 April 1968, in Bileća where he resides – Dubrave bb, Serb by ethnicity, citizen of BiH, literate, tradesman by occupation, married, father of two, served the army, entered in the records of the Foča Ministry of Defence, indigent, convicted by the Judgment of the Higher Court of Mostar no. K: 33/90 for the criminal offence in violation of Article 36 paragraph 1 of the CC*



*of the SR of BiH to eight years' imprisonment, by the Judgment of the Basic Court of Srbinje no. K:129/00 dated 25 May 2001 for the criminal offence of Illicit Possession of Weapons in violation of Article 213 paragraph 2 of the CC of the RS to a suspended sentence, currently in custody since 9 October 2004 pursuant to the decisions regarding the case pending before the Court of BiH no. X-KRN/05/49,*

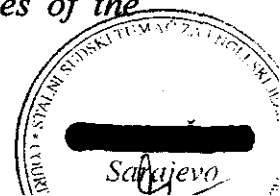
*On the grounds that:*

*In the period from April 1992 to the end of March 1993, as part of a widespread and systematic attack of the military and police of the so-called Serb Republic of BiH, directed against the Bosniak civilian population of the Foča Municipality, with knowledge of such an attack, he carried out and aided and abetted the commission of murders, forcible transfer of population, severe deprivation of psychological liberty in violation of fundamental rules of international law, forcing to sexual slavery, rapes, persecution of the civilian population of Bosniak ethnicity on national, ethnic, religious and sexual grounds, and other inhumane acts intentionally causing great suffering, or serious injury to body or to psychological or mental health, in as much as:*

- 1) On an unknown date in August 1992, after a bus with the civilians of Bosniak ethnicity, who had been previously captured in the Miljevina area, was brought in front of the Miljevina Police Station, Foča Municipality, and after those civilians were taken out of the bus, together with his brother Zoran and a group of soldiers, he took part in physical maltreatment and beatings of those civilians by beating and kicking them and hitting them with rifle butts all over their bodies, and after that they put them again into the bus and took them in the direction of the Miljevina mine, location "Šljivovice", where they were deprived of their lives by use of firearms, and on 31 October 2001, following the exhumation at the said location, 13 bodies of the killed civilians were exhumed, out of which the following nine were identified:*

*[REDACTED]*  
*whilst the four remaining bodies have not been identified to date;*

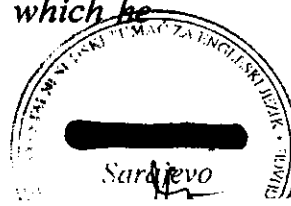
- 2) He participated in inhuman treatment of civilians in Miljevina, Foča Municipality, by searching, armed with a firearm, the houses of the*



following Bosniaks: [REDACTED]

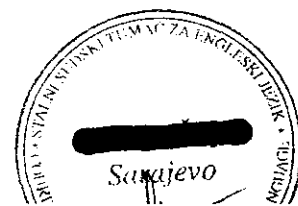
[REDACTED] thereafter he forced them out of their houses and took them in the direction of the Police Station building wherefrom they disappeared without a trace;

- 3) In the village of Rataje, Foča Municipality, he participated in inhuman treatment and abuse of civilians by coming armed with a firearm and together with [REDACTED] to the door of [REDACTED] house, kicking the door and saying: "Hello, balijs, (abusive for Muslims), I came to give you a lesson", put the automatic rifle under [REDACTED] throat, then pointed it at her head and said: "I will kill you, get me mines, get me money", he forced out of the house [REDACTED] and [REDACTED] and then they forced [REDACTED] out of the house next door, they pushed all three of them into a car, took them into the direction of the Police Station in Miljevina wherefrom they disappeared without a trace; he forcibly separated the underage girl, the injured party "L", from her family and took her to the so-called brothel "Karaman" in Miljevina;
- 4) In the village of Rataje, Foča Municipality, armed with a firearm, together with [REDACTED] and [REDACTED] took out [REDACTED] from his house, handcuffed him, tied him to an iron fence, beat him with rifle butts, made him call his brother [REDACTED] then put him in a vehicle and took him to KPD (Correctional Institution) "Foča" where he remained imprisoned for several months; he was subsequently transferred to KPD (Correctional Institution) "Kula"; later on he was exchanged and died five days thereafter;
- 5) In Miljevina, Foča Municipality, he raped the injured party [REDACTED] in her apartment by holding a knife to her throat, pulling her hair and telling her to eat it; in the evening he brought her out and tied her to a post in Stara Kolonija, leaving her in such condition;
- 6) On an unknown date in June 1992, together with a group of soldiers, he came to Štović, Foča Municipality, and then got into a house where he started beating the injured party "N" who was in the house, and then he ordered her to strip naked, and when she did it he tied her hands with a wet towel, knocked her down and lay on top of her, and he raped her, although she was shouting and begging for help, which he

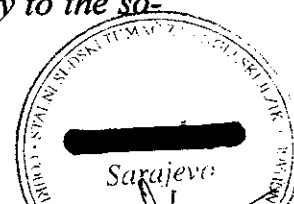


ignored, even when her mother came in and begged him to let her go and she would in return become blood-brothers with him;

- 7) On an unknown date in June 1992, together with a group of soldiers, he came to Štović, Foča Municipality, and then together with his brother [REDACTED] he got into a house which they searched and after that they took out of the house the injured party "N" and put her into a car and brought her to the "Miljevina" Hotel, in Miljevina, Foča Municipality, in which the Command was allegedly located, following which he took "N" to a room and started beating her and after that he raped her which caused her to faint, and after that she was raped by his [REDACTED] [REDACTED] after which they left her in that hotel where she spent about 7 days, during which the suspect raped her once again and beat her, inflicting many injuries, whilst she was in the mentioned period subjected to daily rapes by other soldiers;
- 8) In the period from June to August 1992, in the so-called "Karaman's house", in Miljevina, Foča Municipality, which was a kind of camp for women, together with [REDACTED] and Radovan Stanković, he held in sexual slavery several women of Bosniak ethnicity, among whom were underage girls, who were deprived of liberty and on a daily basis forced into sexual intercourses with soldiers who came to that house, and to do household chores in the house, and he personally forced the detained women into sexual intercourses with him, in particular [REDACTED], originally from Kalinovik, whom he selected and kept for himself;
- 9) He frequently came to the so-called "Karaman Brothel" in Miljevina, Foča Municipality, where he raped on several occasions the Bosniak women, the injured parties "L" (no. [REDACTED]) and "K" (no. [REDACTED]) who were held captive in that brothel for several months;
- 10) At "Brothel Karaman" in Miljevina, Foča Municipality, to which he frequently came, he raped on several occasions the underage 12-year-old [REDACTED] who had previously been taken out of the bus which was transporting women from Miljevina towards the town of Foča and forcibly separated her from her mother [REDACTED] wherefrom she disappeared without a trace;



- 11) *On an unknown date in August 1992, he took [REDACTED] from the so-called "Karaman's house" in Miljevina, Foča Municipality, who was imprisoned there, and took her to an apartment in Miljevina which he used for his own needs and he forced her on a daily basis into sexual intercourse, and once he forced the injured party, then underage "G" who was also imprisoned in that apartment, to strip naked and stand in a corner of the room and watch him having a forced sexual intercourse with [REDACTED];*
- 12) *In the period from July to August 1992, he frequently visited an apartment used by his brother Zoran, which was located in Miljevina, Foča Municipality, in which he raped on several occasions [REDACTED] who was imprisoned in that apartment together with [REDACTED] whom his brother Zoran kept for himself;*
- 13) *On an unknown date in August 1992, in Miljevina, Foča Municipality, he came to the apartment of the injured party, [REDACTED] and raped her in front of her two underage children;*
- 14) *On an unknown date in August 1992, together with another soldier he came to the apartment of person "C" in Miljevina, Foča Municipality, armed with an automatic rifle, where he forced the injured party "B" to go into a room and when he came in after her, he ordered her to strip off and when she did it he raped her;*
- 15) *On 3 September 1992, together with other members of the military and police he expelled Bosniak civilian population from Miljevina, Foča Municipality, by forcibly transferring the population consisting mainly of women and children to the "Partizan" Hall in Foča, where they were subjected to physical maltreatment and robbery, from where many women were taken to apartments where they were raped and thereafter they were taken by buses to a location near the line of separation where they were forced out of the buses to go on foot from the territory of the Foča Municipality to the territory of the Goražde Municipality;*
- 16) *On an unknown date in November 1992, together with his brother Zoran, he took the injured party, the then underage "G", from the apartment he used in Miljevina, Foča Municipality, who was imprisoned in his apartment, and took her into sexual slavery to the so-*



called „Karaman's house“ in Miljevina, where she was subjected to rapes by Nikola Brčić and other soldiers, and forced to do the household chores together with the injured parties „L“ and [REDACTED], until 23 March 1993 when all three of them were taken to be exchanged;

- 17) In the period from June to December 1992, together with other members of the military, in particular Radovan Stanković, Dragomir Kunarac aka „Žaga“, and others, on several occasions he came to the Foča Hospital, from which they took hospitalized Bosniak women to apartments in Foča in which they raped them, and subsequently they would bring them back to the Hospital;

Thus, as part of a widespread and systematic attack against the Bosniak civilian population of the Foča Municipality, with knowledge of such an attack, as a member of the military of the so-called Serb Republic of BiH, he perpetrated and aided and abetted the commission of murders, forcible transfer of population, severe deprivation of psychological liberty in violation of fundamental rules of international law, forcing to sexual slavery, rapes, persecution of the Bosniak civilian population on national, ethnic, religious and sexual grounds, and other inhumane acts intentionally causing great suffering, or serious injury to body or to psychological or mental health,

Whereby he committed, by the acts described under Counts 1 through 17 of the enacting clause of the Indictment, the criminal offence of Crime against Humanity in violation of Article 172 paragraph 1 items (a), (c), (d), (e), (g), (h) and (k) of the Criminal Code of Bosnia and Herzegovina.

Therefore I hereby submit the following:

**PROPOSAL**  
of evidence to be presented

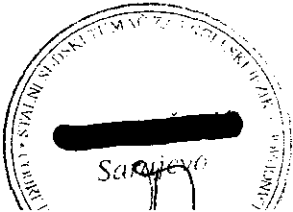
- 1) That the following persons be heard as witnesses:

[REDACTED]



- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

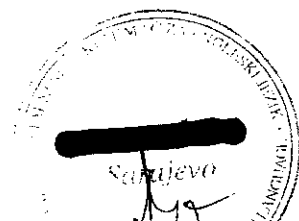
- *Witness „N“*
- *Witness „A“*
- *Witness „L“*
- *Witness „K“*
- *Witness „R“*
- *Witness „M“*
- *Witness „G“*
- *Witness „J“*
- *Witness „B“*
- *Witness „C“*
- *Witness „E“*
- *Witness „D“*
- *Witness „F“*



- *Witness „I“*
- *Witness „P“*
- *Witness „H“*
- *Witness „O“*

**2) That the following documents be inspected:**

- *ICTY Judgment in the case against Dragoljub Kunarac et al no. IT-96-23-T and IT-96-23/1-T dated 22 February 2001;*
- *ICTY Judgment in the case against Dragoljub Kunarac et al no. IT-96-23 and IT-96-23/1-A dated 12 June 2002;*
- *ICTY Judgment in the case against Milorad Krnojelac no. IT-97-25-T dated 15 March 2002;*
- *ICTY Judgment in the case against Milorad Krnojelac no. IT-97-25-A dated 17 September 2003;*
- *Decision of the Cantonal Court Sarajevo no. KRI-400/01 dated 23 October 2001 ordering the exhumation, autopsy, forensic analysis and identification of the murdered civilians at „Šljivovice“, Foča municipality;*
- *Exhumation Record of the Cantonal Court in Sarajevo no. KRI-400/01 dated 31 October 2001;*
- *Autopsy records of the Forensic Institute dated 14 November 2001;*
- *Ballistic report on firearms traces of the Crime Police Department of the MOI of Canton Sarajevo no. 03/1.8-04-09-9915 dated 19 December 2001;*
- *Official note of the Crime Police Department of the MOI of Canton Sarajevo no. 03/1.3-57/02 dated 29 January 2002;*





- *Records of the Crime Police Department of the Sarajevo Canton MOI on Identification of Mortal Remains no. 03/1.3-57/01 dated 17 January 2002 and 03/1.3-57/02 dated 22 January 2002;*
- *Official note of Crime Police Department of the MOI of Canton Sarajevo no. 03/1.3-7/02 dated 8 January 2002;*
- *Records of the Crime Police Department of the Sarajevo Canton MOI on Identification of Mortal Remains no. 03/1.3-7-A/02, 03/1.3-7-B/02, 03/1.3-7-C/02, 03/1.3-7-D/02, 03/1.3-7-E/02, 03/1.3-7-F/02 and 03/1.3-7-G/02, all dated 3 January 2002;*
- *Photo-documentation of the Forensic Department of the MOI of Canton Sarajevo no. 2869/01 dated 19 November 2001;*
- *Sketch of the crime scene of the Forensic Department of the MOI Canton Sarajevo no. 2869/1 dated 1 November 2002;*
- *Certificate of the Military PO Box 7502 Sokolac no. 05/4189 dated 3 March 2005;*
- *Decision of the Municipal Court II Sarajevo no. RO-612/97 dated 14 January 1998 declaring the missing person, [REDACTED] dead;*
- *Decision of the Municipal Court II Sarajevo no. R-197/97 dated 2 September 1997 declaring the missing person, [REDACTED] dead;*
- *Decision of the Municipal Court II Sarajevo no. R-1004/97 dated 24 December 1997 declaring the missing person, [REDACTED] dead;*
- *Decision of the Municipal Court II Sarajevo no. R-545/99 dated 4 November 1999 declaring the missing persons, [REDACTED] and [REDACTED] dead;*
- *Notification of the International Committee of the Red Cross dated 7 December 2005;*
- *Book of Missing Persons on the territory of BiH dated 11 October 2004;*



- Death Certificate for [REDACTED]
- Memo of the Ministry of Defence, Foča Department, no. 8-05-4-8-835-30/05 dated 14 March 2005;
- Consent of the ICTY dated 16 August 2002;
- Criminal record of the accused issued by PS Bileća no. 14-7/02-234-449/05 dated 1 March 2005.

### **Investigation results:**

*The results of the investigation conducted by this Prosecutor's Office and the District Prosecutor's Office Trebinje indisputably substantiates the well-foundedness of this indictment, i.e. the allegations that the suspect, personally, and together with other members of the military and police of the so-called Serb Republic of BiH, i.e. Republika Srpska, committed and aided and abetted the commission of all acts set forth in the enacting clause of the indictment, which constitute the essential elements of the criminal offence of Crime against Humanity in violation of Article 172 (1) items a), c), d), e), g), h) and k) of the Criminal Code of Bosnia and Herzegovina.*

*Namely, the conducted investigation showed that all the acts described in the enacting clause of the Indictment and alleged against the suspect, were committed in the area of the municipality of Foča. The very town and municipality of Foča are situated southeast of Sarajevo, near the border with Serbia and Montenegro. According to the 1991 census, the population of Foča, which consisted of 40,513 inhabitants, was 51.6% Muslim – Bosniak, 45.3% Serb and 3.1% others.*

*On 8 April 1992, an armed conflict broke out between Serb and Muslim-Bosniak forces in Foča.*

*As the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia in The Hague clearly concluded in the Judgment no. IT-96-23 and IT-96-23/1 dated 22 February 2001, in the case against Dragoljub Kunarac et al, members of the military and police of the so-called Serb Republic of BiH, and subsequently of the Republika Srpska, carried out a large-scale attack*



*directed against the Bosniak civilian population (para 570, p. 189). Apart from the Foča municipality, the attack was also directed against the Gacko and Kalinovik municipality. In about seven days, the military and the police forces of the so-called Serb Republic of BiH, i.e. the Republika Srpska, took over the power in the town of Foča, and in the following ten days they took control over the entire Municipality. Following the take-over of power, these forces undertook systematic plundering or burning down of Bosniak houses and apartments, picking up and capturing Bosniaks, occasionally beating or killing them; they separated men from women, imprisoned many men in the Foča "KP Dom", and took women to detention facilities, such as a school in Kalinovik, High School in Foča and the „Partizan“ Sports Hall, where they were forced to live in intolerably unhygienic conditions, with scarce food supplies and limited freedom of movement, subjected to abuse and rape. After several months of enslavement, many women were either expelled or exchanged, while many men were detained for a longer period just because they were Bosniaks. All the traces of Bosniak presence and culture in that territory were obliterated. Taking account of these facts, the Trial Chamber concluded in the above-referenced Judgment that the military and paramilitary formations of the so-called Serb Republic of BiH, i.e. Republika Srpska, carried out a systematic attack against the Bosniak civilians, inhabitants of the Foča, Gacko and Kalinovik municipalities (para 578, p. 191).*

*Such conclusions of the Trial Chamber were fully confirmed in the conclusions of the Appellate Chamber in the same case by the Judgment no. IT-96-23 and IT-96-23/1-A dated 12 June 2002. Thus the Appellate Chamber concludes that the Trial Chamber correctly defined and interpreted the concept of "attack" and that it properly identified the elements and factors relevant to the attack (para 89, p. 27). The Appellate Chamber further finds that the Trial Chamber correctly defined and identified the "population" which was being attacked and that it correctly interpreted the phrase "directed against", and that the attack in this case was directed against the non-Serb civilian population (para 92, p. 28). Finally, the Appellate Chamber concluded that the Trial Chamber did not err in concluding that the attack against the non-Serb civilian population of Foča was systematic (para 97 p. 30).*

*That a widespread and systematic attack directed against the Bosniac civilian population, as well as other non-Serbs, was carried out by the military and police formations of the so-called Serb Republic of Bosnia and Herzegovina-*



*i.e. the Republika Srpska, as well as paramilitary formations, is also confirmed in the Judgment of the International Criminal Tribunal for the Former Yugoslavia in The Hague no. IT-97-25-T dated 15 March 2002 in the case against Milorad Krnojelac (para 61-62, p. 22-23.), i.e. in the Judgment of the Appellate Chamber no. IT-97-25-A dated 17 September 2003 in the same case.*

*Considering that the Certificate of the Military PO Box 7502 Sokolac no. 05/4189 dated 3 March 2005 shows that the suspect was a member of the military from 6 April 1992 to 30 June 1996, and that testimonies of the witnesses who were heard during the investigation show that the suspect, as a member of the military, had committed the acts he is alleged to have committed, it can be justifiably concluded that the suspect knew about the attack and that the acts he is suspected of were part of that attack.*

*That the suspect had indeed committed the actions he is suspected of follows from the testimonies of the witnesses heard during the investigation and from the collected evidence, which were both proposed to be presented as evidence at the main trial.*

*Thus, it follows that the suspect: in August 1992 took part in the physical abuse and beating of a group of Bosniak male civilians in front of the Miljevina Police Station, Foča municipality, after which the civilians were taken away and executed at „Šljivovice“ (witness ██████████ Exhumation Record, Forensic Analysis Records, Records on Identification of Mortal Remains and other); in June 1992, he took part in forcible abduction of civilians from Miljevina wherefrom they disappeared without a trace (witnesses ██████████); in June 1992, in the village of Rataje, Foča municipality, he took part in abuse and subsequently in forcible abduction of ██████████ and ██████████ wherefrom they disappeared without a trace (witness ██████████); in June 1992, in the village of Rataje, Foča municipality, he took part in abuse of the injured party ██████████ and subsequently in taking him to KP Dom Foča (penal and correctional institution), and as a result of this abuse the injured party died after getting out of the KP Dom (witnesses ██████████ and A.), in Miljevina, Foča municipality, he raped the injured party ██████████, in her apartment (witness ██████████); in June 1992, in Štović, Foča municipality, he raped the injured party „N“, physically abusing her and, the same month, took her to the „Miljevina“ Hotel where he raped and physically abused her, after which he left her in the Hotel where she was subjected to constant rapes and*



humiliation by other soldiers (witnesses „N“ and [REDACTED]); in the period between June and August 1992 in the so-called „Karaman's house“ in Miljevina he kept detained several Bosniak women who were deprived of liberty and daily raped by him and other soldiers. He then took [REDACTED] from that house to an apartment in Miljevina where he kept her in detention and daily raped her, that is forced her into sexual intercourse (witnesses: „M“, „I“, „J“, „G“ and „L“); in the so-called „Karaman's Brothel“, in Miljevina, he raped on several occasions the injured parties „L“ and „K“ who were detained in that Brothel (witnesses „L“ and „K“), in the so-called „Karaman's Brothel“, he raped the underage [REDACTED] who was previously separated from her mother wherefrom she disappeared without a trace (witnesses „K“, „R“, „D“, „B“ and „C“); in the period between July and August 1992 on several occasions he raped [REDACTED] who was detained in an apartment in Miljevina, which was used by his brother Zoran (witness „G“); in August in Miljevina, Foča municipality, he raped the injured party [REDACTED] (witness „B“); in August 1992 in Miljevina, Foča municipality, he raped the injured party „B“ in her apartment (witnesses „B“ and „C“); in September 1992 he took part in the expulsion of the civilian population from the area of Foča municipality (witnesses „R“, „P“, „D“, „F“, „E“ and [REDACTED]); in November 1992 he took „G“, then an underage girl, to the „Karaman's House“ where she was subjected to daily rapes by the soldiers and kept enslaved together with other girls until March 1993 (witnesses „G“ and „L“), and from June to December 1992, on several occasions, he took hospitalized women from the Foča Hospital to different apartments in Foča where he raped them (Witness „O“).

Taking into account the above-mentioned, I consider that it can be indisputably concluded that in the beginning of April 1992, the military and the police of the so-called Serb Republic of BiH, i.e. the Republika Srpska, as well as the paramilitary formations, carried out a widespread and systematic attack directed against the Bosniak civilian population of the Foča municipality, in which the suspect, being aware of the attack, committed the acts alleged against him in the enactment clause, and which fit into the attack, that is, constitute integral part thereof, and considering that the acts committed fully qualify as the criminal offence that the suspect is alleged to have committed, I consider this Indictment founded in its entirety and therefore propose that the Preliminary Hearing Judge confirm it in its entirety.



*In this case, the Prosecutor's Office did not file a Motion for Ordering Custody against the suspect, as he has already been placed in custody by the Decisions of the Cantonal Court in Sarajevo, i.e. the District Court Trebinje, which, as competent courts, acted in another case that is also pending against the suspect, and which was taken over by the Court of Bosnia and Herzegovina by its Decision no. X-KRN/05/49 dated 31 August 2005. In reviewing the justification of further custody against the suspect, the Court decided, by the Decision referenced above and dated 21 October 2005, that further custody was still justified.*

***Materials supporting the charges in the Indictment:***

- *Witness Examination Record - [REDACTED] dated 4 October 2005;*
- *Witness Examination Record - [REDACTED] dated 22 November 2005;*
- *Witness Examination Record - [REDACTED] dated 13 October 2005;*
- *Witness Examination Record - [REDACTED] dated 13 October 2005;*
- *Witness Examination Record - [REDACTED] dated 21 October 2005;*
- *Witness Examination Record - „N“ dated 19 October 2005;*
- *Witness Examination Record - „M“ dated 27 October 2005;*
- *Witness Examination Record - „J“ dated 12 November 2005;*
- *Witness Examination Record - „G“ dated 11 November 2005;*
- *Witness Examination Record - „L“ dated 19 October 2005;*
- *Witness Examination Record - „B“ dated 26 October 2005;*
- *Witness Examination Record - „C“ dated 16 November 2005;*
- *Witness Examination Record - „E“ dated 24 October 2005;*
- *Witness Examination Record - „D“ dated 18 October 2005;*
- *Witness Examination Record - „F“ dated 26 October 2005;*
- *Witness Examination Record - „I“ dated 08 November 2005;*
- *Witness Examination Record - „R“ dated 25 October 2005;*
- *Witness Examination Record - „P“ dated 13 October 2005;*
- *Witness Examination Record - „O“ dated 17 November 2005;*
- *Witness Examination Record - „H“ dated 24 October 2005;*
- *Witness Examination Record - „A“ dated 19 October 2005;*
- *ICTY Judgment in the case against Dragoljub Kunarac et al no. IT-96-23-T and IT-96-23/1-T dated 22 February 2001;*
- *ICTY Judgment in the case against Dragoljub Kunarac et al no. IT-96-23 and IT-96-23/1-A dated 12 June 2002;*
- *ICTY Judgment in the case against Milorad Krnojelac no. IT-97-25-T dated 15 March 2002;*



- ICTY Judgment in the case against Milorad Krnojelac no. IT-97-25-A dated 17 September 2003;
- Decision of the Cantonal Court Sarajevo no. KRI-400/01 dated 23 October 2001 ordering exhumation, autopsy, forensic analysis and identification of the civilians killed at „Šljivovice“, Foča municipality;
- Exhumation Record of the Cantonal Court in Sarajevo no. KRI-400/01 dated 31 October 2001;
- Autopsy Records of the Forensic Institute dated 14 November 2001;
- Ballistic Report on the Traces of Firearms of the Crime Police Department of the Sarajevo Canton MoI no. 03/1.8-04-09-9915 dated 19 December 2001;
- Official Note of the Crime Police Department of the Sarajevo Canton MoI no. 03/1.3-57/02 dated 29 January 2002;
- Records of the Crime Police Department of the Sarajevo Canton MoI on Identification of Mortal Remains no. 03/1.3-57/01 dated 17 January 2002 and 03/1.3-57/02 dated 22 January 2002;
- Official Note of the Crime Police Department of the Sarajevo Canton MoI no. 03/1.3-7/02 dated 8 January 2002;
- Records of the Crime Police Department of the Sarajevo Canton MoI on Identification of Mortal Remains no. 03/1.3-7-A/02, 03/1.3-7-B/02, 03/1.3-7-C/02, 03/1.3-7-D/02, 03/1.3-7-E/02; 03/1.3-7-F/02 and 03/1.3-7-G/02, all dated 3 January 2002;
- Photo documentation of the Sarajevo Canton Forensic Department no. 2869/01 dated 19 November 2002;
- Certificate VP 7502 Sokolac no. 05/4189 dated 3 March 2005;
- Decision of the Municipal Court II Sarajevo no. RO-612/97 dated 14 January 1998 declaring the missing ██████████ dead;
- Decision of the Municipal Court II Sarajevo no. R-197/97 dated 2 September 1997 declaring the missing ██████████ dead;
- Decision of the Municipal Court Gorazde no. R-1004/97 dated 24 December 1997 declaring the missing ██████████ dead;
- Decision of the Municipal Court Gorazde no. R-545/99 dated 4 November 1999 declaring the missing ██████████ and ██████████ dead;
- Notification of the International Red Cross Committee dated 7 December 2005;
- The Book of Missing Persons on the territory of BiH dated 11 October 2004;
- Death Certificate for ██████████;
- A memo of the Ministry of Defence, Foča Department, no. 8-05-4-8-835-30/05 dated 14 March 2005;
- Consent of the ICTY dated 16 August 2002;



- Criminal record of the accused issued by PS Bileća no. 14-7/02-234-449/05 dated 1 March 2005.

***Motion for Exclusion of the Public from the Main Trial***

*It is evident that a large number of witnesses enjoying certain protective measures are to be heard at the main trial, as well as witnesses that have the status of the injured party, i.e. the victim.*

*Considering that some of those witnesses were victims of rape and other humiliating acts, that many of them were underage at the time when those crimes were committed and that many of them even today have psychological and physical problems as a consequence of the crimes perpetrated against them, therefore pursuant to Article 235 of the BiH CPC I propose that the main trial, following the opening of the session, be closed for the public, until the very completion thereof, because the interests of the protection of personal and intimate lives of witnesses and, in particular the lives of the witnesses-injured parties, demand so.*

**PROSECUTOR  
OF  
THE PROSECUTOR'S OFFICE OF BIH**

***Behaija Krnjić***  
[signed and stamped]

We hereby confirm that this document is a true translation of the original written in Bosnian/Serbian/Croatian.  
Certified Court Interpreters for English

Sanja Maunaga: *Sanja Maunaga*

Elmedin Šupić:

Sarajevo, 13 February 2006

