

BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BiH
SARAJEVO
No: KT-RZ-43/06
Sarajevo, 27 June 2006

Суд БиХ / Суд БиХ
Кривично одјелjenje и Апелационо одјелjenje
Одјел I / Одјел II / Одјел I и Одјел II
Одјел за судску управу / Одјел за судску управу
X-KR-06/195
PROVOD 207.16

Optužnica KT-RZ-43/06
POTVRĐENA DANA 04.07.2006.

COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -

Pursuant to Articles 35 (2) (h), 226 (1) and 227 of the Criminal Procedure Code of Bosnia and Herzegovina ('BiHCPC')

INDICTMENT

Against:

Gojko Janković, son of Danilo, mother's name Radojka nee Salomundja, born on 31 October 1954 in the village of Trbušće, municipality of Foča, with permanent residence at Foča, I.G. Kovačića street no.13, last known registered address in the village of Trnovača, municipality of Foča, citizen of Bosnia and Herzegovina, of Serb nationality, married, father of three children, literate, secondary school qualifications, no prior convictions, served the army in Kraljevo in 1973 with the rank of Lieutenant, awarded with the medal "Miloš Obilić" in 1993, Personal Identity Number 3110954131530, surrendered to the authorities of Republika Srpska on 13 March 2005, transferred to the ICTY on 14 March 2005, and transferred to the Court of BiH Detention Unit on 8 December 2005, where he is currently detained pursuant to the decision on detention made by the Judicial Panel in Case No X-KR-05/161 on 16 June 2006

Because :

Between April 1992 and February 1993, within the territory of the Foča municipality, as the leader of a paramilitary group and as a serving Lieutenant of the Foča Tactical Group of the Herzegovina Corps of the Army of the Serb Republic of Bosnia and Herzegovina (hereinafter referred to as 'the Army'), he took part in a widespread or systematic attack by the Army, members of the Police and paramilitary formations against the non-Serb civilian population in the wider area of Foča municipality, whereby those civilians were methodically captured, being frequently beaten and

killed in the attack, separated according to sex, forcibly transferred from their homes and detained in several facilities including the Foča Correctional Institute, for men, and Buk Bijela, the Foča High School, Partizan Sports Hall for women and girls where they were detained under harsh conditions and subjected to physical, mental and sexual abuse by their captors, while Muslim houses and apartments within Foča municipality were looted, destroyed and burnt down, as more particularly set out below, in that:

In the period from 7 April to early May 1992, together with Janko Janjić, Ljuban Kalajdžić and an unidentified soldier, Gojko Janković came to a Muslim house in Foča occupied by the [REDACTED] where she was forced to sexual intercourse in that she was being held by the suspect and the unidentified soldier while Janko Janjić raped her; and then on 10 to 15 closely succeeding but unknown dates between late April 1992 and late May 1992 Gojko Janković, Janko Janjić and the unidentified soldier came to her house and on each occasion Gojko Janković raped [REDACTED] who was also raped on many of those occasions by Janko Janjić or the unidentified soldier, or by both of them; and in late May 1992 Gojko Janković, Janko Janjić and the unidentified soldier deprived [REDACTED] of her liberty by forcefully taking her to Partizan Sports Hall in Foča where she remained in detention for several weeks together with other women including [REDACTED] and where she saw Gojko Janković on further occasions, and was also raped once by a soldier she did not know.

Thus, as described above, within a widespread or systematic attack directed against a civilian population within the Foča municipality, with knowledge of such attack, participating in it, and knowing by his acts that he was participating in it, by ordering, perpetrating (including by way of joint perpetration of the criminal offence) or otherwise aiding and abetting he is responsible for all the described rapes of [REDACTED] at her house in Foča between 7 April 1992 and late May 1992 and for her imprisonment at Partizan Sports Hall

Whereby he committed the following offence:

Crimes against humanity under Article 172 (1) sub-clauses e), f) and g), as read with Article 180 (1), of the Criminal Code of Bosnia and Herzegovina.

Therefore,

I hereby move the Court to

I.

Schedule and conduct the main trial and to summon the attendance of the following persons :

The Prosecutor of the Prosecutor's Office of BIH;

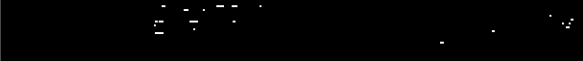
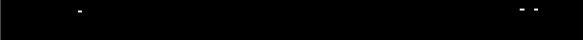
The Accused, Gojko Janković, currently in the Detention Unit of the Court of BIH;

Milan D Trbojević, attorney-at-law from Banja Luka, Defence Counsel for the Accused.

II.


Receive Evidence as Follows

a) To hear the following person as witness:

1. 
2. 



b) To inspect the following evidence

3. Photoboard with 12 pictures used for identification procedure, signed by 

4. Record of questioning of the Accused, Gojko Janković, No. KT-RZ-43/06 of 17 April 2006 conducted on the premises of the Prosecutor's Office of BiH;
5. Final 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;
6. Judgment of the ICTY Appellate 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;
7. Letter recommending Gojko Jankovic's appointment as "Vojvoda", ref. no. 01/705-1, dated 13 August 1993;
8. List of military and civilian authorities in Foča;
9. NIN article titled "Guys on the Hague List", [REDACTED] dated 23 August 1996;
10. VINS article titled "The war story of Cicmil";
11. Video record of interview with [REDACTED]
12. Transcript of interview with [REDACTED]
13. Information report on activities of Srebrenica Police Station from April 1992 to April 1994, dated June 1994;
14. Excerpt from Helsinki Watch report titled "War Crimes in Bosnia Hercegovina", dated April 1993;
15. Video of BBC Panorama broadcast on crimes in Foča;
16. Dossier containing six pictures of Partizan Sports Hall;
17. Indexed dossier containing 7 maps of Foča;
18. State Institute for Statistics of the Republic of Bosnia and Herzegovina, National composition of population, results for the Republic by municipalities and inhabited places for 1991;

19. Video of BBC news feature on fighting in Foča reported by [REDACTED]
20. Letter from Foča Police Station, ref no. 13-1-8/02-2-230-3547/04 of 31 January 2005, containing official information concerning Gojko Janković's criminal record and personal details.
21. Letter from Ministry of Defence of BiH of 3 March 2006, Ref 08-04-360-5/06 containing military data of the Accused.

Results of Investigation

Following the investigation conducted by the Prosecutor's Office of BiH it has been established that there is grounded suspicion that the Accused Gojko Janković is responsible for the perpetration of criminal offences of Crimes Against Humanity under Article 172 (1) e) f) and g) in conjunction with Article 180 (1) of the BiH CC. Evidence supporting the charges is primarily from [REDACTED] who is a direct victim of all the offences, and from [REDACTED] who supports her evidence. In the course of examining the witnesses evidence has been obtained that Gojko Jankovic perpetrated jointly with Janko Janjić and the unidentified soldier or otherwise aided and abetted the rape of [REDACTED] at her house in Foča on the first occasion, and perpetrated the rapes of [REDACTED] on the 10 to 15 subsequent occasions described, and also perpetrated jointly with Janko Janjić and the unidentified soldier, or otherwise aided and abetted, [REDACTED] deprivation of liberty which resulted in her imprisonment. Statements of both protected witnesses are enclosed herein as the basis of this Indictment.


Material supporting the allegations of the Indictment

1. Record of the Statement of [REDACTED] dated 27 March 2006;
2. Record of the Statement of [REDACTED] dated 27 March 2006 (Identification Procedure);
3. Photoboard with 12 pictures used for identification procedure, signed by [REDACTED]

4. Record of the Statement of [REDACTED] dated 12 June 2006;
5. Record of questioning of the Accused, Gojko Janković, No. KT-RZ-43/06 of 17 April 2006 conducted on the premises of the Prosecutor's Office of BiH;
6. Final 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;
7. Judgment of the ICTY Appellate 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;
8. Letter recommending Gojko Jankovic's appointment as "Vojvoda", ref. no. 01/705-1, dated 13 August 1993;
9. List of military and civilian authorities in Foča;
10. NIN article titled "Guys on the Hague List", [REDACTED] dated 23 August 1996;
11. VINS article titled "The war story of Cicmil";
12. Video record of interview with [REDACTED]
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14. Information report on activities of Srbinje Police Station from April 1992 to April 1994, dated June 1994;
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19. State Institute for Statistics of the Republic of Bosnia and Herzegovina, National composition of population, results for the Republic by municipalities and inhabited places for 1991;
20. Video of BBC news feature on fighting in Foča reported by [REDACTED]
[REDACTED]
21. Letter from Foča Police Station, ref no. 13-1-8/02-2-230-3547/04 of 31 January 2005, containing official information concerning Gojko Janković's criminal record and personal details.
22. Letter from Ministry of Defence of BiH of 3 March 2006, Ref 08-04-360-5/06 containing military data of the Accused.

Based on the foregoing, the Prosecutor's Office of BiH moves the Preliminary Hearing Judge of the Court of BiH to confirm this Indictment pursuant to Article 228 (1) of the CPC of BiH.

Prosecutor
Prosecutor's Office of BiH

Philip King Alcock

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