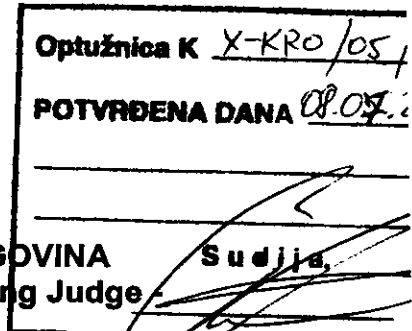
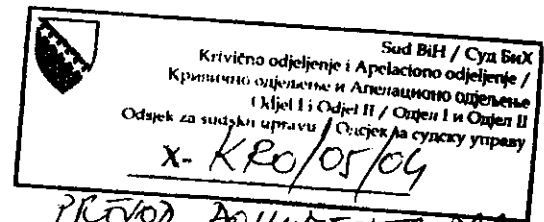


**BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE
SARAJEVO
Number: KT- RZ-2/05**

Sarajevo, 28 June 05



**COURT OF
BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge**

Pursuant to Article 35, paragraph 2, item h) and Article 226, paragraph 1 of the Criminal Procedure Code of BiH, I hereby file the

INDICTMENT

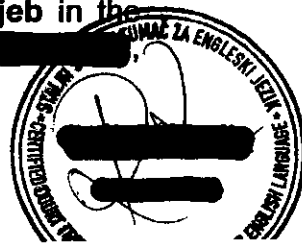
AGAINST:

ŠIMŠIĆ BOBAN, son of Slobodan and mother Jelena maiden name Mosić, born in Višegrad 17 December 1967, holding permanent residence in the Village of Žiljeb 35, Višegrad Municipality, Serb, police officer by occupation, completed secondary education - locksmith, married, father of two minor children, served in the former JNA in 1986 in Štip, registered in the military records Višegrad Section, has not been decorated, indigent, not convicted, citizen of BiH, JMBG 1712967133647, placed under custody in the Correctional Institution Kula to expire 24 July 2005,

due to the grounded suspicion that:

- a) He was helping with persecution and persecuted against the civilian Bosniak population in the period from April to July 1992 at the time of the wide-ranging and systematic attacks of the Serb Army and Police and paramilitary Serb formations directed against the civilian Bosniak population at the territory of Višegrad on political, national, ethnic, cultural and religious grounds by committing murders, forcible transfer of population, imprisonment, torture, rape, enforced disappearance of persons, beating up badly and humiliation intentionally causing great suffering or serious injury to body or to physical or mental health, appropriation and destruction of property, by doing the following:

1.a) By mid-May 1992, Šimšić Boban, together with the group composed of a number of Serb soldiers armed with guns came to the Village of Žiljeb in the Višegrad Municipality where they came across the civilians [REDACTED]



[REDACTED] and three elderly bed-ridden women, who did not manage to hide themselves until that moment and started provoking, maltreating, afterwards punching and kicking them over all the parts of their bodies trying to extort the information from them about the whereabouts at which the remaining Bosniak population from the village was hiding.

1.b) On 17 June 1992, together with the group composed of a large number of the Serb Army and Police members, armed with guns, he participated in the attack and unlawful arrest of several tenths of civilians from the Village of Žiljeb, among which there were women, children and men and in their imprisonment first by firing guns at the houses of the Bosniaks and then by ordering them to leave their houses and property and gather at the location of Carine, afterwards by pushing them into the trucks, transporting them to and imprisoning them in the premises of the Firehouse in Višegrad.

2. On 18 June 1992, at around 10:00 a.m, together with the group of a large number of the Serb Army and Police members, armed with guns, he participated in the attack against the Village of Kuka in the Višegrad Municipality, arrest and unlawful imprisonment of several tenths of Bosniak civilians, among which there were women, children and men, by suddenly firing guns at the Bosniak houses, setting fire to the housing and business facilities owned by the Bosniaks, killing [REDACTED] and [REDACTED], having previously beaten them up, killing [REDACTED] a.k.a. [REDACTED] during the attack, finally bringing and imprisoning all the inhabitants of the Kuka Village in premises of the Elementary School "Hasan Veletovac" in Višegrad;

3. On 25 July 1992, together with the group consisted of about ten members of the Serb Army and Police, he participated in the attack against the Village of Velji Lug in the Višegrad Municipality during which they, armed with guns, killed [REDACTED], set fire to the houses and business facilities owned by the Bosniaks and brought several tenths of the Bosniak civilians, among which there were men, women and children, bringing and unlawfully imprisoning them in the premises of the Elementary School Hasan Veletovac in Višegrad;

4.a) On the undetermined date in the second half of the month of June 1992, he took five young girls and five younger women out from the room in the Firehouse in Višegrad where the civilian Bosniaks were imprisoned, among which was [REDACTED] and took them to the next room, beating them first with batons and kicking them together with two Serb soldiers. After all the young girls and women had stripped naked upon their order, they raped them one after another that lasted for two or three hours. On this occasion, [REDACTED] received injuries to her head, haematomas, and parietal nodes as well as injuries to genitalis and bleeding.



4.b) On 18 June 1992, together with the group of more than one members of the Serb Army and Police, he participated in the enforced appropriation of money and golden jewellery from more than one hundreds Bosniak civilians in the premises of the Firehouse Višegrad on which occasion they were searching the civilians ordering them to strip naked;

4.c) On 18 June 1992, together with Lukić Milan, in the Firehouse in Višegrad, from the room in which they were previously unlawfully imprisoned, he set apart the Bosniak civilians: [REDACTED]

[REDACTED] and took them in the vicinity of the Firehouse where they were beating them and then transported to the location Vilina Vlas spa from where Joksimović Miloje set apart at least seven men: [REDACTED]

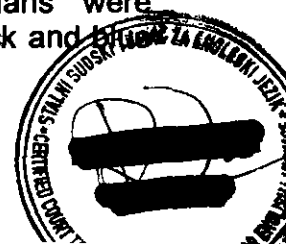
[REDACTED] whom the accused Šimšić Boban was taking away three by three to the Drina River running through in the vicinity of that place ordering them to wade into the river and get undressed to the waist and then killed them fired by guns at them with another two unidentified Serb soldiers;

5. In the second half of the month of June 1992, performing the duty of the prison guard in charge of the imprisoned Bosniak civilians accommodated in premises of the **Elementary School Hasan Veletovac** in Višegrad, several hundreds of them, among which there were women, children and men, alone and together with the other members of the Serb Army, Police and paramilitary formations, participated in murders, torture, infliction of severe physical or mental pain, appropriation of private property, coercing young girls and younger women to sexual intercourse including the following :

5.a) In the night of 28 June 1992, together with Lukić Milan, he killed [REDACTED] Bosniak civilian, by taking him out of the big room in which he was unlawfully imprisoned with other civilians, into the corridor where Šimšić Boban was holding his head while Milan Lukić was cutting his throat with a knife. After beheading, they threw his head between the other imprisoned civilians;

5.b) On the undetermined date, in the second half of the month of June 1992, together with Milan Lukić, he set apart the imprisoned civilians [REDACTED] and [REDACTED] from the premises of the Elementary School Hasan Veletovac in Višegrad where the civilians were imprisoned and took them away from the school from which moment they disappeared without trace;

5.c) On the undetermined date, in the second half of the month of June, together with several members of the Serb Army, he entered the premises of the Elementary School Hasan Veletovac where the Bosniak civilians were imprisoned and set apart [REDACTED] beating and kicking him black and blue



over his body, treading on his body while he was lying on the floor. This is when [REDACTED], [REDACTED] wife, approached running begging them to stop to do violence to him because he was a heart patient. The accused gave her a strong splash on her face breaking her jaw. She staggered and fell on the floor. When the accused saw that she was trying to get on her feet, he approached running, pulled [REDACTED] braid, lifted her off the ground pushing her to the room with the imprisoned civilians, kicking her with his knee-length army boot. She fell down again but he continued kicking her over all her body, mostly over her ribs, kicking and dragging her along the ground. Then, Mitar Vasiljević and the accused Šimšić Boban ordered her to strip naked in the presence of all the prisoners, continuing beating her. When she started fainting, they were pouring water upon her;

5.d) On the undetermined date, in the month of June 1992, in premises of the Elementary School Hasan Veletovac, after the accused, together with the group of the Serb Army members, led a young girl of minor age [REDACTED] out of the room in which the civilians were imprisoned (she managed to escape), immediately afterwards they called out her mother [REDACTED]. One of the soldiers from the group lifted her off the ground holding her rather long hair with both his hands, turned her body several times tearing out a big part of her hair and started beating her over her head, breast, legs and back shouting "Why did you instruct [REDACTED] to run away from us". Then, he brought her in the room together with the accused and said "Now we are going to remove your hearts and fry them on these heating plates" pointing at the switched and glowing hot heating plates of the electric stove. Giggling, the accused was repeating, "Now you will stuff yourselves". Then again, the unknown soldier started beating, breaking her nose causing huge bleeding in the attempt to break her arms. Then, both of them raped her;

5.e) During the second half of the month of June 1992, in the evening, the accused was setting apart the young girls and younger women unlawfully imprisoned in premises of the Elementary School Hasan Veletovac taking them away to rape them alone or together with the other members of the Serb Army or to procure them to offer sexual services other members of the Serb Army giving kicks and blows to them, humiliating them and participating in multiple rapes, beating and humiliation of a big number of the following females: [REDACTED]

5.f) In the month of June 1992, during the capturing of the civilians in the premises of the Elementary School Hasan Veletovac, the accused, together with other members of the Serb Army and Police, participated in enforced appropriation of money and golden jewellery from several hundreds Bosniak civilians in the premises of the Firehouse Višegrad on which occasion they [REDACTED]



searching the civilians ordering them to strip naked to extort the money from the imprisoned civilians by leading a group of male civilians out from the room asking from their wives and mothers to collect the compensation if they wanted to see them alive again;

5.g) During the stay in premises of the Elementary School Hasan Veletovac in the second half of the month of June 1992, the accused, together with the members of the Serb Army and Police, participated in beating up badly of unlawfully imprisoned Bosniak civilians by setting apart the group of about twenty Bosniaks: [REDACTED]

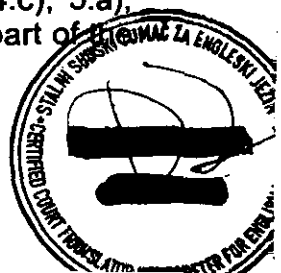
[REDACTED] who were ordered to beat up each other with a wooden pick over all the parts of their bodies due to which many of them were falling down. During the night they were mostly punching and kicking [REDACTED]. First day when he was imprisoned, they placed him under the basket when the group of Serb soldiers together with the accused were playing basketball targeting alternatively his head and the basket with the ball so strongly that [REDACTED] was falling unconscious down each time they hit him. One night, the accused together with several unknown Serb soldiers led [REDACTED] and four other prisoners out of the room after they had punched and kicked them in another room with their knee-length army boots, beating them up with rifle butts over their head tearing out their hair due to what [REDACTED] fainted. He received so many punches on his forehead and he couldn't open his eyes because they were completely closed. During the search and appropriation of money from [REDACTED], the accused beat him unconscious hitting him several times with the rifle butt over his chest, head and from the back between his shoulder joints. Later, [REDACTED] couldn't walk without somebody's help so that some prisoners carried him on their arms to return to the room in which they were imprisoned;

5.h) During the night 28 June 1992, the accused entered the room where the civilians were imprisoned and selected about twenty men ordering them to go to another room where he, together with the group of Serb soldiers immediately started beating the following persons: [REDACTED]

[REDACTED] when the accused cut the tongue of prisoner Bajramović Mehmed causing heavy bleeding and then took him from the building of the Elementary School Hasan Veletovac from which moment he disappeared without trace. The next morning, when [REDACTED] asked the accused to tell her what had happened to her husband, he cursed "her balia mother" and slapped her in the face so strongly that she fell down half-conscious with her child;

Therefore,

- b) by actions described under items 1.a), 1.b), 2., 3., 4a), 4.b), 4.c), 5.a), 5.b), 5.c), 5.d), 5.e), 5.f), 5.g) and 5.h) of this Indictment, as the part of [REDACTED]



broad and systematic attack directed against the Bosniak civilians, being aware about such an attack, he was persecuting the civilian Bosniak population on political, national, ethnic, cultural and religious grounds by committing murders, imprisonment, torture, rape, enforced disappearance of persons beating up badly and humiliation intentionally causing great suffering or serious injury to body or to physical or mental health,

he will have committed a criminal offence against humanity in violation of Article 172, paragraph 1, item h) in connection with items:

- a) depriving another person of his life (murder),
- d) forcible transfer of population,
- e) imprisonment,
- f) torture,
- g) coercing another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act (rape),
- i) enforced disappearance of persons,
- k) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to physical or mental health (pillaging, illegal and self-willed destruction and stealing on large scale of property that is not justified by military needs) in connection with Article 29 of the Criminal Code of Bosnia and Herzegovina.

Proposal of Evidence:

I Hearing in the capacity of the witness:

1. ☐
2. ☐
3. ☐
4. ☐
5. ☐
6. ☐
7. ☐
8. ☐
9. ☐
10. ☐
11. ☐
12. ☐
13. ☐
14. ☐
15. ☐

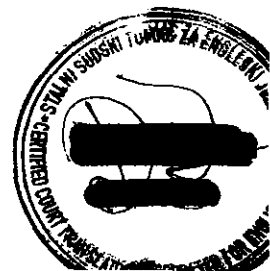


16. ☐
17. ☐
18. ☐
19. ☐
20. ☐
21. ☐
22. ☐
23. ☐
24. ☐
25. ☐
26. ☐
27. ☐

☐

II Presentation of evidence:

1. Reading of the statement given by the witness [REDACTED], MUP Goražde number: 07-02/3-1 dated 27 January 2005, (deceased)
2. Record on the questioning the suspect Šimšić Boban, Cantonal Prosecutor's Office Goražde KT-13/02 dated 3 February 2005,
3. Record on the exhumation Cantonal Court in Sarajevo number: Kri-364/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
4. Record on the exhumation Cantonal Court in Sarajevo number: Kri-358/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
5. Record on the exhumation Cantonal Court in Sarajevo number: Kri-357/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
6. Record on the exhumation Cantonal Court in Sarajevo number: Kri-332/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
7. Record on the exhumation Cantonal Court in Sarajevo number: Kri-367/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
8. Record on the exhumation Cantonal Court in Sarajevo number: Kri-347/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
9. Record on the exhumation Cantonal Court in Sarajevo number: Kri-448/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
10. Record on the exhumation Cantonal Court in Sarajevo number: Kri-335/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
11. Record on the exhumation Cantonal Court in Sarajevo number: Kri-334/00 with the photo-documentation, drawing of the crime scene and post mortem report ([REDACTED])

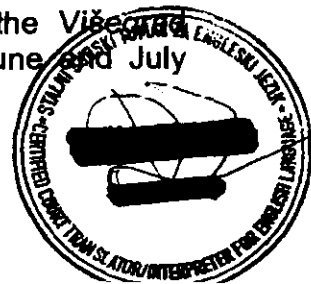


12. Record of the exhumation Cantonal Court in Sarajevo number: Kri-456/00 with the photo-documentation, drawing of the crime scene and post mortem report,
13. Record on exhumation Cantonal Court in Sarajevo number: Kri-493/00 along with the documentation and post mortem report (■■■■■■■■■■),
14. Reports on the criminalistics-technical search of the crime scene MUP – Sarajevo (referring to the evidence under ordinal numbers 4-10), six (6) reports,
15. Report on punishment Police Station Višegrad number: 13-1-11/02-234-60/05 dated 6 June 2005,
16. Record on On-site Investigation Goražde Cantonal Court number: Kri-4/03 dated 27 May 2003,
17. Official Note Cantonal Court Goražde number: Kpp: 2/05 dated 28 January 2005,
18. Receipt for taking over of the person deprived of liberty, Court Police number: Sp-10-19/05 dated 24 January 2005,
19. Receipt for admission of the person deprived of liberty number: Sp-10-19/05 dated 24 January 2005,
20. Record on the deprivation of liberty, Police Administration Sarajevo number: 09-12/01-04-7-2808 dated 24 January 2005,
21. Death Certificate ■■■■■■■■■■ number: 202-5293/04 dated 21 June 2004,
22. Decision on Ordering Pre-trial Custody, Cantonal Court Goražde number: Ki:21/02 dated 15 April 2003,
23. Decision on Extension of Pre-trial Custody, District Court Eastern Sarajevo number: Kv-8/05 dated 23 February 2005,
24. Decision on Extension of Custody, Supreme Court of Republika Srpska, number: KR-17/05 of 12 May 2005,
25. Decision of the Supreme Court of Republika Srpska number: KŽ-88/05 dated 14 June 2005,
26. Official Note from the meeting held in the United Nations Mission in Sarajevo 11 May 2005,
27. Official note on the interview with ■■■■■■■■■■, made in the Prosecutor's Office of BiH held 23 June 2005,
28. Information on employment of Šimšić Bobana, letter of the CJB Eastern Sarajevo, PS Višegrad, number: 13-1-11/01-29-52/05 dated 17 June 2005,
29. Verdict – ICTY IT – 98 – 32 "VIŠEGRAD" against Mitar Vasiljević.

Result of the investigation:

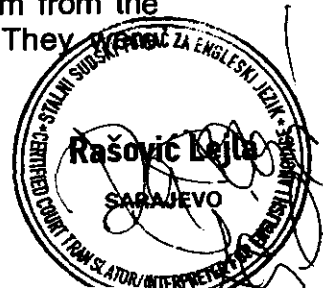
During the investigation, numerous evidence totally establishing a picture of the events, in which the accused Šimšić Boban participated, were collected.

The attack on the town of Višegrad and a lot of villages in the Višegrad Municipality were carried out during the months of April, May, June and July



1992 by the local Serbs, Police and paramilitary formations who launched one of the most notorious campaigns of ethnic cleansing in Bosnia and Herzegovina. Its intention was to move for good the Bosniak inhabitants of the Višegrad Municipality. The Serb forces attacked and destructed more than one villages populated by the Bosniaks.

The Višegrad Municipality is situated in the southeast part of Bosnia and Herzegovina, bordering the Republic of Serbia at its outer eastern edge. The centre of the Višegrad Municipality is situated on the left side of the Drina River. In 1991, the Municipality had about 21,000 inhabitants out of which number there were about 9,000 inhabitants living in the town of Višegrad. Approximately 63% of population was of Bosniak ethnicity and about 33% of Serb ethnicity. In November 1990, multi-party elections were held in the Municipality. The majority of votes was won by two political parties: SDA (Party of Democratic Action), mostly Bosniak, and the SDS (Serb Democratic Party), mostly Serb. The results of elections completely matched the ethnic composition of the population of the Municipality so that the SDA won 27 out of 50 seats in the Municipal Assembly and the SDS won 13 seats. The Serb politicians were not satisfied with such an allocation of seats and power and they consider that they were insufficiently represented in the institutions of power. Very soon the international tensions flared up. At the beginning of 1992, the citizens of the Bosniak nationality were disarmed or asked to surrender weapons. Simultaneously, the Serbs started arming them by themselves and organising military training. The Bosniaks also tried to organise themselves but less successfully. As of 4 April 1992, the Serb politicians persistently started requiring that the Police be divided into ethnicities. Very soon, both opposing parties set up the barricades all around Višegrad followed by the sporadic violence including firing and shelling. In such an incident, the mortar firing on the Bosniak settlements was opened so that a large number of civilians, fearing for their lives, fled from their villages. At the beginning of April 1992, an inhabitant of Višegrad of Bosniak ethnicity, Murat Šabanović assumed the control over the river hydro-electric dam and threatened that he would open the dam up. On 13 April 1992, Šabanović put some water out of dam, damaging the fields placed along the river. The next day, the Užice Corps of the Yugoslav National Army (JNA) reacted by taking the control over the dam and entered Višegrad. Although a large number of Bosniaks escaped from Višegrad being frightened because of the entry of the Užice Corps of JNA. When it happened, the presence of the Corps firstly had a relaxing effect. After they had secured the town, the officers of JNA and the leaders of the Bosniaks launched a joint campaign in the mass media to encourage people to return to their homes. At the end of April 1992, a lot of them did returned. The JNA initiated the negotiations between the parties in conflict trying to find the solution to the inter-ethnic tensions. However, some Bosniaks were worried by the fact that the Užice Corps was composed exclusively of Serbs. Shortly afterwards, there were organised convoys and the villages were left without the Bosniaks. On one occasion, thousands of Bosniaks were brought to the football stadium from the villages from the suburb of Višegrad from both sides of the river. They were



searched to find the weapons. The JNA Commander addressed them. He told them that those who lived on the left side of the Drina River could return to their villages cleansed from the "reactionary forces". The inhabitants of the right side of the River Drina were not allowed to return. That's why, a lot of people from the left side of the River stayed in Višegrad to hide or escape. On 19 May 1992, the JNA withdrew from Višegrad. The paramilitary units stayed there. After the departure of the JNA, new units were continuously coming. A number of local Serbs joined them. The evidence showed that some of these paramilitary units were killing and pillaging the Bosniaks only because of their ethnicity.

The Serb paramilitary group, which was particularly violent and instilled the greatest fear was the group led by Milan Lukić, in which the accused also undertook his criminal activities. In a few weeks, that group committed a great number of crimes ranging from pillaging to murders. The accused in the incriminating period was often seen in the company of Milan Lukić and other members of his group and was aware that that group was conducting systematic and wide-ranging attacks on the Bosniak population. The Bosniaks who remained in Višegrad and those who returned to their houses, found themselves in a trap – disarmed and at the mercy of the paramilitary which acted in accomplice, or at least in tacit approval of the Serb authorities, and especially of the police which by them was exclusively the Serb police. In mid May 1992, the accused participated in beatings of a number of Bosniak civilians in the village of Žiljeb in the course of interrogations. Among those civilians were also three elderly bed-ridden women who were not able to hide in the nearby woods as the rest of the Bosniak population. In June 1992, self-willed killings of Bosniak civilians was already underway. In one such incident that occurred on 7 June 1992, Milan Lukić, Mitar Vasiljević and two other soldiers took seven Muslim men to the bank of the Drina river and shot them there. On 14 June 1992, local Serbs from the paramilitary group led by Milan Lukić captured more than 60 Bosniaks of different age who fled from Koritnik and Sase into a Muslim house at Pionirska Street in Višegrad. They subsequently set fire to that house. They shot at those who tried to escape through a window, and they all burnt alive except for six people. In that period, many other incidents of self-willed killings of civilians took place. In the following months, hundreds of Bosniak men, women, children and elderly people were killed. Many of those were simply thrown into the Drina river, and many bodies floated in the river. Of all the bodies, only one was retrieved from the river and it seemed to be a body of someone of a Serb ethnicity. Hundreds more of Muslim civilians of all age and both sex were exhumed from the mass graves in the territory of the Municipality of Višegrad and the surrounding. Disappearance of people reached a peak in June and July 1992. Of the total number of the disappeared people from Višegrad during 1992 62% disappeared in those two months. Majority, if not all of the disappeared, were civilians. The pattern and dynamics of disappearance of people in Višegrad corresponded to the pattern and dynamics of the neighboring municipalities, which today belong to the Republic of Srpska. Disappearance of people in those



different neighboring municipalities was taking place at the approximately same time. The citizens of Bosniak ethnicity were subjected to other forms of ill treatment and degradation such as rapes and beatings. Valuables, golden jewelry and money were appropriated from many people. A great number of civilians of non-Serb ethnicity who had not fled yet, were systematically killed and beaten, in which the accused took part in the manner described in the enacting close of the Indictment.

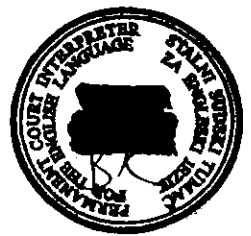
This process led to that by the end of 1992, a very few citizens of Bosniak ethnicity remained in Višegrad. Hundreds were killed, whilst thousands were driven out by use of force or were forced to displacement under the threat or use of force. Today, the majority of the population of Višegrad is of Serb ethnicity. Such dramatic changes in the ethnic composition were systematically taking place throughout the territory of what is today the Republic of Srpska, but from the viewpoint of the population ratio, the scale of the changes that took place in Višegrad is on the second place right after the events in Srebrenica.

The allegations of the Indictment are substantiated with the proposed pieces of evidence, which were gathered in the course of investigation, and which will be presented on the main trial.

That the armed military formations made up of local Serbs, paramilitary formations and the police attacked the area of the municipality of Višegrad, the villages with Bosniak population and the town of Višegrad, in a systemic and wide-ranging manner, i.e. that the crimes were executed in a massive and organized manner, has been confirmed in the allegations of the Verdict of the International Criminal Tribunal for former Yugoslavia No. ICTY IT – 98 – 32" VIŠEGRAD against Mitar Vasiljević.

That the actions and moves of the accused were a part of that attack, both by nature and consequences, and that the accused was aware of the existence of the attack, and that his actions and moves were an intrinsic part of that attack, has been confirmed by witnesses in their statements. According to the statements of the proposed witnesses, the accused undertook the criminal activities in several attacks on different locations, by participating in the attacks in a number of villages Žlijeb, Luka, Velji Lug, in the Firehouse and in the "Hasan Valetovac" Elementary School in Višegrad, and participated in persecution of Bosniaks in many ways, including multiple killings, torture, rapes, enforced disappearance, detention, pillaging, etc.

It derives from the statements of the examined witnesses, who at the same time were the victims of the criminal offence the accused is charged with, that they were subjected to the attack, which at the time was directed at them and their property. The accused participated in the said attacks mostly with groups of Serb soldiers, paramilitary formations and the police who were conducting persecution of the Bosniak population on political, national, ethnical and religious grounds by



multiple killings, torture, detention, displacement, rapes, enforced disappearance, appropriation and destruction of private property.

The witnesses who were examined in the investigation confirmed that many of them had known Šimšić Boban before the war, some were his first neighbors, they grew up together, went to school with him, socialized with him, whilst other witnesses met accused Šimšić Boban for the first time in the Firehouse and "Hasan Valetovac" Elementary School in the way that they would see the accused performing duties on those locations and participating in the criminal offences described in the enacting close of this Indictment, and they were told about his identity by the witnesses who had known him from before. Regarding the attacks on the villages of Žiljeb, Kuka and Velji Lug, the examined witnesses confirmed that he took part in them because they recognized him and instead of helping them as they expected from an acquaintance and a neighbor, he subjected them to violence and unlawful detention. Witnesses [REDACTED] described in their statements the attack on the village of Kuke in which the accused participated, and where after torturing killed [REDACTED] and [REDACTED].

That the accused raped female persons when they were detained in the Firehouse in Višegrad, has been confirmed in the statements of the injured parties [REDACTED] and [REDACTED].

Accused Šimšić Boban participated in taking away 18 Bosniak men from the firehouse in Višegrad, in subjecting them to torture and killing of the seven of them, according to the statements of a number of witnesses, some of which are [REDACTED], and especially the statements of [REDACTED], the witness who together with [REDACTED] watched from a close vicinity the accused, together with two unknown soldiers in the location of the Vilina Vlas spa, shooting from a gun killed seven detainees: [REDACTED]

The murder of Šabanović Ibro, in the night of 28 June 1992, in the premises of the "Hasan Valetovac" Elementary School where the accused participated was seen and has been confirmed in the statements of following witnesses: [REDACTED] and others. That the accused together with Milan Lukić called out and took away detainees [REDACTED] and [REDACTED] who disappeared without trace thereafter, has been confirmed by witnesses [REDACTED] and others.

That the accused, on the same place, together with other members of the Serb army participated in the torture of [REDACTED], [REDACTED] and [REDACTED]



[REDACTED], was confirmed by witnesses [REDACTED] and others.

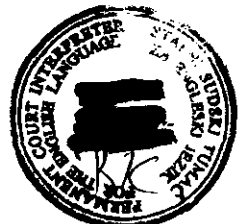
That the accused, in a manner described in Count 5 e) of the Indictment, alone or with others, participated in rapes of female persons in the course of which he also beat and humiliated them has been confirmed in the statements of [REDACTED] and others.

The circumstances in which the accused together with other members of Serb army participated in physical abuse, beating and torturing of detainees as described in Count 5 g) and 5 h) of the Indictment, has been confirmed in the statements of witnesses [REDACTED] and others.

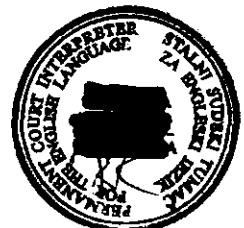
The proposed pieces of evidence such as the records on exhumations, with attached photo-documentation and post mortem findings, represent the material evidence of death and cause of death of some persons in killing of which the accused Šimšić Boban participated.

Material that substantiates the allegations from the Indictment:

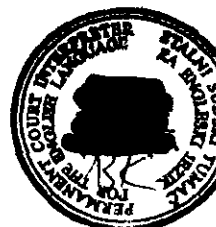
1. Record on the questioning of the suspect Šimšić Boban, Goražde Prosecution's Office KT-13/02 of 27 Jan 2005,
2. Record on the questioning of the suspect Šimšić Boban, Goražde Prosecution's Office KT-13/02 of 03 Feb 2005,
3. Record on the hearing of the witness [REDACTED] KT-RZ-2/05 of 21 Jun 2005,
4. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 06 Jun 2005,
5. Record on the hearing of the witness [REDACTED], Ministry of Interior (or:MUP) Goražde number: 07-02/3-1 of 08 Feb 2005,
6. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 03 Jun 2005,
7. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 03 Jun 2005,
8. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 07 Jan 2004.,
9. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 31 May 2005,
10. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 31 May 2005,
11. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 01.02.2005.,



12. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 31 May 2005,
13. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 30 May 2005,
14. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 30 May 2005,
15. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 30 May 2005,
16. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 30 May 2005,
17. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 27 May 2005,
18. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 24 Sep 2003,
19. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 27 May 2005,
20. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 01 Feb 2005,
21. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 27 May 2005,
22. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 01 Feb 2005,
23. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 26 May 2005,
24. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 27 Jan 2004,
25. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 26 May 2005,
26. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 08 Feb 2005,
27. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 26 May 2005,
28. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 26 May 2005,
29. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 26 May 2005,
30. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 25 May 2005,
31. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 09 Apr 2004,
32. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 25 May 2005,
33. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 19 Nov 2003,
34. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 25 May 2005,



35. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 25 May 2005,
36. Record on the hearing of the witness [REDACTED] MUP Goražde number: 07-02/3-1 of 05 May 2004,
37. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 25 May 2005,
38. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 08 Feb 2005,
39. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 24 May 2005,
40. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 05 May 2004,
41. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 24 May 2005,
42. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 05 May 2004,
43. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 24 May 2005,
44. Record on the hearing of the witness [REDACTED], KT-RZ-2/05 of 24 May 2005,
45. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 27 Jan 2005,
46. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 09 Apr 2004,
47. Record on the hearing of the witness [REDACTED], MUP Goražde number: 07-02/3-1 of 27 Jan 2005,
48. Letter of Recommendation of the ICTY Prosecutor's Office for the suspect Šimšić Boban number: RU 20050407-01 of 13 Apr 2005,
49. Death Certificate for [REDACTED] number: 04-202-7218/04 of 30 Nov 2004,
50. Death Certificate for [REDACTED] number: 202-5293/04 of 21 Jun 2004,
51. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-364/00 with photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
52. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-358/00 with photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
53. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-357/00 with photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),
54. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-332/00 with photo-documentation, drawing of the crime scene and post mortem report ([REDACTED]),



55. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-367/00 with photo-documentation, drawing of the crime scene and post mortem report (██████████),
56. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-347/00 with photo-documentation, drawing of the crime scene and post mortem report (██████████),
57. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-448/00 with photo-documentation, drawing of the crime scene and post mortem report (██████████),
58. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-335/00 with photo-documentation, drawing of the crime scene and post mortem report (██████████),
59. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-334/00 with photo-documentation, drawing of the crime scene and post mortem report (██████████),
60. Report on the criminal-technical search of the crime scene MUP – Sarajevo (refers to the evidence under the numbers 52 through 58), six (6) reports,
61. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-456/00 with photo-documentation, drawing of the crime scene and post mortem report,
62. Record on Exhumation, Cantonal Court in Sarajevo number: Kri-493/00 with photo-documentation, drawing of the crime scene and post mortem report (██████████),
63. Photo-documentation from exhumation, Velji Lug, Višegrad, number: 15/03 with a drawing of the crime scene number: 14/2003, report on the Forensic expertise and the DNA Report for ██████████ (number slučaja 608),
64. Photo-documentation from exhumation, Velji Lug, Višegrad, number: 15/03 with a drawing of the crime scene number: 14/2003, report on the Forensic expertise (case number 609),
65. Photo-documentation from exhumation, Velji Lug, Višegrad, number: 15/03 with a drawing of the crime scene number: 14/2003, report on the Forensic expertise (case number 610),
66. Photo-documentation from exhumation, Velji Lug, Višegrad, number: 15/03 with the drawing of the crime scene number: 14/2003, report on the Forensic expertise (case number 611),
67. Photo-documentation from exhumation, Velji Lug, Višegrad, number: 15/03 with a drawing of the crime scene number: 14/2003, report on the Forensic expertise (case number 612),
68. Photo-documentation from exhumation, Velji Lug, Višegrad, number: 15/03 with a drawing of the crime scene number: 14/2003, report on the Forensic expertise (case number 613),
69. Photo-documentation from exhumation, Velji Lug, Višegrad, number: 15/03 with a drawing of the crime scene number: 14/2003, report on the Forensic expertise (case number 614),
70. Record on the on-site investigation, Goražde Cantonal Court number: Kri-4/03 of 27 May 2003,



71. Record on Exhumation of 19 May 2003 of the Federal Commission for Missing Persons,
72. Official note, Goražde Cantonal Court number: Kpp: 2/05 of 28 Jan 2005,
73. Receipt on the taking over of the person deprived of liberty Court Police number: Sp-10-19/05 of 24 Jan 2005,
74. Receipt on the admission of the person deprived of liberty number: Sp-10-19/05 of 24 Jan 2005,
75. Record on the deprivation of liberty Police Administration Sarajevo number: 09-12/01-04-7-2808 of 24 Jan 2005,
76. Decision on ordering pre-trial custody Goražde Cantonal Court number: Ki:21/02 of 15 Apr 2003,
77. Decision on extension of pre-trial custody Istočno Sarajevo District Court number: Kv-8/05 of 23.02.2005,
78. Decision on extension of pre-trial custody, Supreme Court of the Republic of Srpska, number: Kr-17/05 of 12 May 2005,
79. Decision of the Supreme Court of the Republic of Srpska, number: KŽ-76/05 of 09 May 2005,
80. Decision of the Supreme Court of the Republic of Srpska number: KŽ-88/05 of 14 Jun 2005,
81. Official note from the meeting held at the United Nation Mission in Sarajevo of 11 May 2005,
82. Official note on the interview with [REDACTED], made in the BiH Prosecution's Office on 23 Jun 2005,
83. Judgment – ICTY IT – 98 – 32 "VIŠEGRAD" against Mitar Vasiljević,
84. Photo of the suspect Šimšić Boban,
85. Report on the sentence Višegrad Police Station number: 13-1-11/02-234-60/05 of 06 Jun 2005.
86. Information on the employment of Šimšić Boban, memo of Centre for Public Security (or: CJB) Istočno Sarajevo, Police Station Višegrad, number: 13-1-11/01-29-52/05 of 17 Jun 2005.

Proposal for extension of custody:

Results of investigation, that is, the gathered evidence indicate that there is a grounded suspicion that accused Šimšić Boban committed a criminal offence of crimes against humanity from Article 172 para 1 h) of the Criminal Code of Bosnia and Herzegovina in the manner, at the time, on the location and under the circumstances as specified under the actions of criminal offences under Counts 1 through 5 h) of this Indictment.

I propose that the Court, after confirmation of this Indictment, extends the custody against the accused Šimšić Boban in terms of Article 137 para 1, and for the reasons prescribed in Article 132 para 1 b) and d) of the Criminal Procedure Code of Bosnia and Herzegovina.



There are particular circumstances that suggest that if the accused is released, he could influence the witnesses and co-perpetrators who are still free (Milan Lukić, Sredoje Lukić, Miloje Joksimović and others). Also, the circumstances suggest that the accused could influence the witnesses, which derives from the official note made in the office of the UN Mission in Sarajevo in relation to the claim of the witness [REDACTED] that [REDACTED], the brother of the accused, on 10 May 2005 in a telephone conversation asked for a meeting with her and her husband, stating that his brother, Šimšić Boban, who is in custody, is not guilty of what he is suspected. Bearing in mind that witness [REDACTED] is one of the witnesses and victims of the committed criminal offence specified in this Indictment, it can justifiably be concluded that the accused, should he be released, could influence this witness, which confirms the fear that he may influence other witnesses proposed in this Indictment.

Considering the circumstance that many victims of the enforced disappearance, i.e. being taking away from the location of unlawful detention of the civilians, the detainees who disappeared without trace thereafter, and it can be justifiably be concluded that they are not alive, the accused could, if he were released, undertake actions to conceal the remains of their bodies, thus aggravating the search for the missing persons: [REDACTED]

Having in mind the fact that the accused was detained while conducting the duty of a police officer in the Višegrad Police Station, it can justifiably be concluded that if released from custody, he would continue to conduct the duty of the police officer in the very area where the actions of the criminal offence specified in this Indictment were committed, and that as a police officer he could use his duty to intimidate witnesses who will be examined during the main trial, and these witnesses should give their statements in the atmosphere relieved of pressure and fear of revenge, especially those witnesses who intend to return to their property which they were forced to leave during the incriminating period, thereby exerting influence over them in relation to their testifying before the court.

Having in mind the manner of commission and consequences of the criminal offence for which a prison sentence of ten or more years can be pronounced, ordering custody is necessary for the public security since the evidence submitted to the Court in the attachment to this Indictment indicate that the majority of witnesses injured by the commission of the criminal offence are originally from the same or neighboring villages, to which they still have not returned after the war and in which the accused lives with his family, that is, in the village of Žlijeb, the Municipality of Višegrad, and the fact that the accused by the time of his detention was conducting the duty of the police officer in the Višegrad Police Station, and the favorable inclination that the accused receives



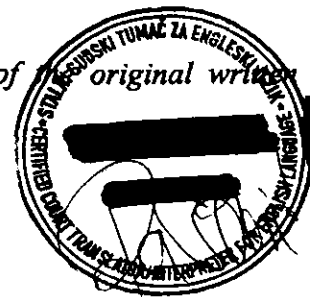
from the social environment which is of mainly Serb population, it can justifiably be concluded that by releasing the accused the return of the displaced persons to their property would be completely halted.

BiH PROSECUTOR'S OFFICE
PROSECUTOR
Ibro Bulić

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

Sarajevo, 40 July 2005

[REDACTED] Certified Court Interpreter for English.



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

Sarajevo, 4 July 2005

[REDACTED] Certified Court Interpreter for English.

