

BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA
SARAJEVO
Number: KT-RZ-88/06
Sarajevo, 10 October 2006

COURT OF BOSNIA AND HERZEGOVINA
SARAJEVO
- Preliminary Hearing Judge -

Pursuant to Article 35 (2) h), Article 226 (1) and Article 227 (1) of the Criminal Procedure Code of Bosnia and Herzegovina, I hereby file the following


INDICTMENT

Against:

NISET RAMIĆ, a.k.a. "Minduša", son of Hasan and mother Fata née Sejdić, born on 18 October 1970 in the village of Gornja Seoča, Visoko Municipality, which is also his place of residence, Bosniak, citizen of Bosnia and Herzegovina, secondary school education, unemployed, single, previously convicted by the Verdict of the Military Court in Ljubljana number LK-17/90, dated 28 March 1990, for the criminal offense in violation of Article 165 (1) of the Criminal Code of the Socialist Republic of Slovenia, the Verdict of the High Court in Zenica number K-5/96, dated 24 July 1996, for the criminal offense in violation of Article 151 (2), Article 151 (1) and Article 36 (2) of the adopted Criminal Code of the Republic of Bosnia and Herzegovina, the Verdict of the Municipal Court in Vitez number K-267/98, dated 30 July 2001, for the criminal offense in violation of Article 36 (1), in conjunction with Article 19 of the adopted Criminal Code of the Socialist Federal Republic of Yugoslavia, the Verdict of the Cantonal Court in Zenica number K-70/97, dated 16 January 2003, for the criminal offense in violation of Article 151 (1) of the Criminal Code of the Federation of Bosnia and Herzegovina, currently serving imprisonment sentence in the closed-type Correctional Facility in Zenica under the Verdict of the Cantonal Court in Zenica number KV-152/01, dated 19 October 2001, for the criminal offense of Aggravated Cases of Theft in the Nature of Robbery and Robbery, in violation of Article 151 (2) of the Criminal Code of the Republic of Bosnia and Herzegovina, and the criminal offense of Murder, in violation of Article 36 (2) 4) of the Criminal Code of the Republic of Bosnia and Herzegovina,

On the following grounds:

During the armed conflict between the Territorial Defense (hereinafter: TO) of the Republic of Bosnia and Herzegovina (hereinafter: RBiH) and the Army of the Serb Republic of Bosnia and Herzegovina, as a member of the Sabotage Company within the 2nd Detachment of the Municipal Staff of Territorial Defense in Visoko, he acted contrary to the rules of the international humanitarian law, thus violating provisions of Article 3 (1) a) and Article 31 of the Geneva Convention Relative



Protection of Civilian Persons in Time of War of 12 August 1949, because, in the early morning hours on 20 June 1992, while conducting an operation of the Municipal Staff of TO Visoko of confiscating weapons in the settlements of **Vilenjak, Kalotići, Hlapčevići and Paljike, Visoko Municipality**, armed with an automatic gun he came to the settlement of Hlapčevići and ordered a group of around eight soldiers whom he led, including Muhamed Uzunalić, a.k.a. "Muha", and [REDACTED] to surround Serb inhabitants' houses, namely, the houses of [REDACTED]. Together with the soldiers he then took [REDACTED] out of the houses, and ordered the soldiers to tie these persons' hands with a cord and search the aforementioned houses, while he ordered the captured civilians to line up and move in that manner toward Youth Center* in the settlement of Hlapčevići and then to stop and line up against a wall of the house owned by [REDACTED] which the captured civilians did. He then called [REDACTED] to step out and tell where the hidden weapons and minefields were, and after [REDACTED] did not answer, the Accused fired a burst at him, after which [REDACTED] fell on the ground due to sustained injuries. The Accused then turned to the other captured civilians and fired a burst at them, replaced a clip of his automatic gun and fired another burst at the civilians who were lying on the ground, after which, together with the present soldiers, he moved away toward the settlement of Kalotići, while [REDACTED] died instantly due to the inflicted perforating wounds, whereas [REDACTED] suffered grave bodily injuries to which [REDACTED] succumbed on the way to hospital, and [REDACTED] suffered bodily injuries.

Therefore, during the armed conflict in Bosnia and Herzegovina between the TO RBiH and the Army of the Serb Republic of BiH, violating the provisions of Article 3 (1) a) and Article 31 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, he committed murder by attacking civilian population, the attack resulting in deaths and grave bodily injuries of the said civilians,

whereby he committed the criminal offense of War Crimes against Civilians in violation of Article 173 (1) a) and c) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180 (1) of the said Code.

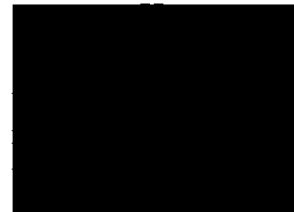
I therefore,

PROPOSE

That the following persons be summoned:

- Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina,
- Suspect: Niset Ramić, currently serving sentence at the closed-type Correctional Facility in Zenica
- Defense Counsel Fahrija Karkin, Attorney from Sarajevo,

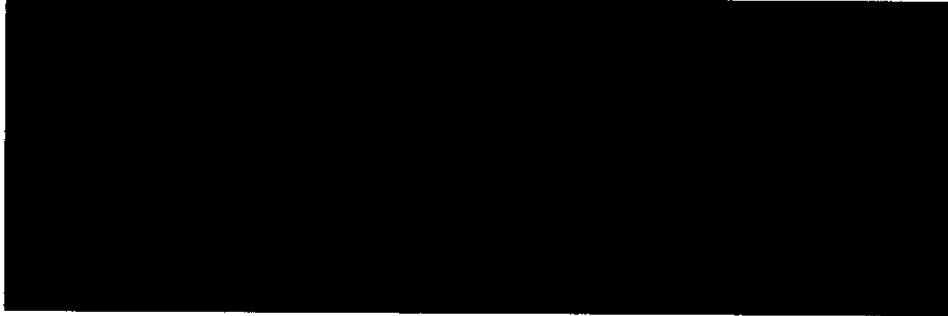
* "Omladinski dom" in the vernacular; translator's note



1. That the following evidence be presented:

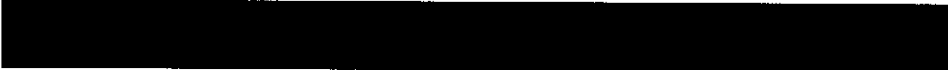
a) By hearing the following persons as witnesses:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.



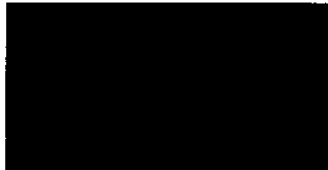
b) By hearing the following persons as expert witnesses:

- 1.
- 2.



c) By inspection of the following documents:

- *Decision of the Presidency of the Republic of Bosnia and Herzegovina on declaration of the imminent threat of war ("Official Gazette of RBiH" No. 1/92 of 9 April 1992),*
- *Decree of the Presidency of the Republic of Bosnia and Herzegovina on abolition of the then Republic Staff of the Territorial Defense and the establishment of the Staff of the Territorial Defense of the Republic of Bosnia and Herzegovina ("Official Gazette of RBiH" No. 1/92 of 9 April 1992),*
- *Decision of the Assembly of the Serb people in Bosnia and Herzegovina on the establishment of the Army of the Serb Republic of Bosnia and Herzegovina ("Official Gazette of the Serb People in BiH" No. 6/92 of 12-17 May 1992),*
- *Decision of the Presidency of the Republic of Bosnia and Herzegovina on declaration of the state of war ("Official Gazette of RBiH" No. 7/92 of 20 June 1992),*
- *Official Letter of the Security Organ with the Municipal Defense Staff Visoko No. 03/851-1 of 7 December 1992,*
- *Official Letter of the Municipal Defense Secretariat Visoko No. 2/2-841-186 of 7 December 1992,*
- *Conclusion and opinion of expert witness [REDACTED] forensic medicine specialist, dated 3 July 2006 with regard to the injuries sustained by [REDACTED]*
- *Forensic psychiatric finding of [REDACTED] specialist in neuropsychiatry, of 5 October 2006, with regard to the mental capacity of suspect Niset Ramić,*
- *Record on wounding of [REDACTED] issued by the Public Institution "Health Center and Polyclinic" Visoko, dated 21 April 2006,*
- *Case history with supporting medical documents related to [REDACTED] No. 801,*
- *Record of exhumation issued by the District Court in Srpsko Sarajevo No. KRI 15/99 of 3 June 1999,*



- Admission Sheet No. 42 of 20 June 1992 for [REDACTED] Gradska groblja d.o.o. Visoko
- Autopsy Record - outward examination of [REDACTED] No. 40-SP/92, Gradska groblja Visoko,
- Admission Sheet No. 40 of 20 June 1992 for [REDACTED] Gradska groblja d.o.o. Visoko,
- Autopsy Record – outward examination of [REDACTED] No. 38-SP/92, Gradska groblja d.o.o. Visoko,
- Admission Sheet No. 43 of 20 June 1992 for [REDACTED] Gradska groblja d.o.o. Visoko,
- Autopsy Record – outward examination of [REDACTED] No. 41-SP/92, Gradska groblja d.o.o. Visoko,
- Record on receiving the objects from the body of [REDACTED] Gradska groblja d.o.o. Visoko -- Mortuary,
- Certificate of Death of [REDACTED] of 18 June 1999,
- Admission Sheet No. 64 of 27 June 1992 for [REDACTED] Gradska groblja d.o.o. Visoko,
- Permit to bury deceased [REDACTED] dated 20 June 1992,
- Certificate of transportation of body number 20/28 for [REDACTED] RO RMC** "Džemal Bijedić" Zenica, OOUR*** Regional Hospital, Patient Admission Service;
- Certificate of Death of [REDACTED] dated 18 June 1999,
- Criminal record report for Niset Ramić, issued by the Police Station Visoko, No. 08-03/5-3-04-7-3158/2006, dated 21 April 2006.

Results of the investigation conducted by the Prosecutor's Office confirm beyond doubt the grounds for this Indictment, that is, the allegation that the suspect Niset Ramić committed the criminal acts specified in the Indictment in the manner, at the time, at the location and under the circumstances indicated in the enacting clause of the Indictment, which acts contain all essential elements of the criminal offense of War Crimes against Civilians, in violation of Article 173 (1) a) and c) of the Criminal Code of BiH, in conjunction with Article 180 (1) of the Criminal Code of BiH.

On the basis of the evidence that the Prosecutor's Office obtained in the course of the investigation, both material evidence and the statements of the interviewed witnesses, it was established that Niset Ramić had committed the relevant criminal offense at the time of the armed conflict between the TO RBiH and the Army of the Serb Republic of BiH, in the settlement of Hlapčevići, Visoko Municipality, in the capacity as a member of the Sabotage Company of the 2nd Detachment of the Municipal Staff of TO Visoko.

a) Armed Conflict between the Territorial Defense of RBiH and the Army of the Serb Republic of BiH

Pursuant to Amendments LI and LXXII to the Constitution of the Socialist Republic of Bosnia and Herzegovina and at the proposal of the Assembly of the Socialist Republic of Bosnia and Herzegovina, at its session held on 8 April 1992 the Presidency of the

* Town Cemetery Ltd.; translator's note

** Labor Organization, Regional Medical Center; translator's note

*** Basic Organization of Associated Labor; translator's note



Republic of Bosnia and Herzegovina passed the Decision on the declaration of the imminent threat of war.

The Decision on the declaration of the imminent threat of war came into effect at the moment of rendering – "immediately" and was published in the Official Gazette of the Republic of BiH, number 1/92, dated 9 April 1992.

On the basis of Count III of the Decision on the declaration of the imminent threat of war, at its session held on 8 April 1992 the Presidency of the Republic of BiH passed the Decree on abolition of the then Republic Staff of the Territorial Defense and the establishment of the Staff of the Territorial Defense of the Republic of BiH, which came into effect at the moment of rendering and was published in the Official Gazette of RBiH, number 1/92, dated 9 April 1992.

Pursuant to Article 70 (2) of the Constitution of the Serb Republic of BiH and Amendment II to the Constitution of the Serb Republic of BiH, at a session held on 12 May 1992 the Assembly of the Serb People in BiH passed the Decision on the establishment of the Army of the Serb Republic of BiH, which came into effect on the day of rendering and was published in the Official Gazette of the Serb People in BiH, number 6/92, dated 12-17 May 1992.

It follows, without any doubt, from the material evidence that the Prosecutor's Office of BiH obtained in the investigation and the statements of witnesses interviewed in the Prosecutor's Office of BiH, that in the period from the declaration of the imminent threat of war and the relevant day, that is, 20 June 1992, in the territory of Visoko Municipality and the neighboring municipalities there was an armed conflict between units of the TO RBiH on one side, and the Yugoslav People's Army and the TO of the Serb Defense Force of the Serb Republic of BiH, that is, the Army of the Serb Republic of BiH as of 12 May 1992, on the other.

The Order OP number 3/92 of the TO Staff of Visoko Municipality number 02/1-3 dated 22 April 1992, dispatched to all the Regional Staffs of TO Visoko, states inter alia, the following:

"In the territory of Visoko Municipality the enemy has been building up troops and materiel in the region: village of Ljubinići – village of Čekrčiči, village of Grad in the region of village of Krčevine, village of Dolipolje, Čelin (trig. point 556) and in the region of village of D. Zimča, village of Pučište. The enemy's immediate objective is to take control of the territory of Visoko Municipality on the right banks of the Fojnica River and the Bosna River in cooperation with a part of the local population, while the next task is to occupy the complete territory and take control of the town of Visoko. The enemy has a considerable manpower for achieving the set objective and counts on surprise factor, poor preparedness and armament as well as the insufficient level of organization of the defense forces."

The report of the Command of the 1st Serb Ilijaš Brigade, strictly confidential number 02/3-2 dated 3 June 1992, entitled "Information about deployment of enemy and own forces" states, among other things:

"In the defense zone of the 1st Serb Brigade of Ilijaš we expect an attack of a 9,000 strong enemy force, that is: 3,500 troops from Visoko, 1,000 from Breza, Župča, 200 from Misoča, 100 from Luka, 1,000 from Kakanj, 1,000 troops arrived from Zenica to the region of Breza, 1,000 from Kiseljak."

The existence of the armed conflict follows from the following material evidence:

- *Order of the Sarajevo-Romanija Corps (SRC) Command, strictly confidential 09/19-192 of 22 May 1992,*
- *Operations Report of the SRC Command, strictly confidential No. 01/74-20 of 27 May 1992,*
- *Report of the SRC Command, strictly confidential No. 10/74-40 of 6 June 1992,*
- *Regular Report of the SRC Command related to 7 June 1992, strictly confidential No. 10/74-45 of 7 June 1992,*
- *Instructions for further operations issued by the SRC Command of 7 June 1992,*
- *Report of the SRC Command, strictly confidential No. 10/74-55 of 12 June 1992,*
- *Report of the SRC Command, strictly confidential No. 10/74-63 of 13 June 1992,*
- *Report of the SRC Command, strictly confidential No. 10/74-66 of 14 June 1992,*
- *Report of the SRC Command, strictly confidential No. 10/74-70 of 15 June 1992,*
- *Report of the SRC Command, strictly confidential No. 10/74-92 of 20 June 1992,*
- *Report on organization of defense of the 1st Ilijaš Brigade Command, strictly confidential No. 02/5-2 of June 1992,*
- *Material for the SRC monograph, Military Postcode 7941 Ilijaš, strictly confidential 04/960-2 of 8 May 1994,*
- *SRC Command Report, strictly confidential No. 10/74-51 of 11 June 1992,*
- *SRC Command Report, strictly confidential No. 10/74-64 of 13 June 1992,*
- *SRC Command Report, strictly confidential No. 10/74-90 of 20 June 1992,*
- *Report of the Municipal Staff of TO Visoko, No. 02/75-1 of 29 April 1992,*
- *Information of the Municipal Staff of TO Visoko on Taking Prisoners, No. 01/7-1 of 28 April 1992,*
- *Order of the Municipal Staff of the Armed Force Visoko, No. 05/248-1 of 14 May 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 05/67-1 of 10 April 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 01/57-1 of 6 April 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 01/57-1-10 of 6 April 1992,*
- *Order of the Municipal Staff of TO Visoko, confidential, No. 8/92 of 11 May 1992,*
- *Order of Ministry of the Interior of RBiH No. 01-bb of 31 May 1992,*
- *Order for securing facilities, control of the territory, protection of the population and for defense of the Ilijaš TO Staff, strictly confidential No. 1/16-1 of 22 April 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 01/31-3 of 19 June 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 01/20-1 of 28 May 1992,*
- *Preparatory Order No. 1 of the Municipal Staff of TO Visoko of 28*

- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 02/1-3 of 28 April 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 02/1-1 of 21 April 1992,*
- *Report on the operation conducted in the region of Vljaići, Vljaića kosa, Livade, of the Command of the 2nd Detachment of TO Visoko, dated 12 June 1992 at 1000 hrs,*
- *Report on the number of killed and injured members of TO and civilians, of the Municipal Staff of TO Ilijaš, No. 01-64-2/92 of 19 June 1992,*
- *Combat Report No. 9 of the Ilijaš TO Staff No. 01/73-4 of 19 June 1992,*
- *Combat Report No. 8 of the Municipal Staff of TO Ilijaš, No. 01/73-3 of 17 June 1992,*
- *Combat Report No. 7 of the Municipal Staff of TO Ilijaš, No. 01/73-2 of 15/16 June 1992*
- *Combat Report No. 6 of the Municipal Staff of TO Ilijaš, No. 73-1 of 19 June 1992,*
- *Combat Report No. 5 of the Municipal Staff of TO Ilijaš, No. 01/62-3 of 12/13 June 1992,*
- *Combat Report No. 4 of the Municipal Staff of TO Ilijaš, No. 01/62-2 of 10/11 June 1992,*
- *Combat Report Op. No. 3 of the Staff of TO Ilijaš, No. 01/62-1 of 10 June 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 01/26-2 of 13 June 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 01/139-1 of 2 June 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 05/57-8 of 26 May 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 05/17-1 of 25 May 1992,*
- *Order of the Municipal Staff of TO Visoko, strictly confidential No. 01/16-1 of 24 May 1992,*

*On the same day when the criminal act was committed, that is, on 20 June 1992, the Presidency of the Republic of BiH passed the **Decision on the declaration of the state of war.***

The Decision on the declaration of the state of war was published in the "Official Gazette of the Republic of BiH" number 7/92, dated 20 June 1992, and came into effect on the day of publishing.

b) Status of the Suspect

It was established beyond doubt from the material evidence obtained in the course of the investigation that in the relevant period suspect Niset Ramić was a member of the Sabotage Company of the 2nd Detachment of the Municipal Staff of TO Visoko.

This fact results from:

- *Official Letter of the Security Organ with the Municipal Defense S*

No. 03/851-1 of 7 December 1992,



- Official Letter of the Municipal Defense Secretariat Visoko No. 2/2-841-186 of 7 December 1992,

It results both from the statement of witness [REDACTED] interviewed by the Prosecutor's Office of BiH in the course of the investigation, and the statement of suspect Niset Ramić himself that Niset Ramić was a member of the Sabotage Company of the 2nd Detachment of Municipal Staff of TO Visoko.

*It is obvious from the forensic psychiatric finding of the certified court expert, Professor Doctor [REDACTED] that at the time of the commission of the criminal offense the capacity of suspect Niset Ramić to comprehend the nature of the act he was committing and to control his actions was **diminished but not significantly** and that suspect Niset Ramić can participate in the court proceedings and provide adequate answers to the questions asked.*

c) Status of Victims-Injured Parties

It results beyond doubt from the statements of the interviewed witnesses and the statement of suspect Niset Ramić that the persons deprived of liberty were not actively involved in hostilities at the relevant time, but were captured at their homes as civilians in civilian clothes and without any arms. Consequently, in the opinion of the Prosecutor's Office of BiH, the captured persons had the status of civilians and enjoyed protection under the rules of the international humanitarian law.

Suspect Niset Ramić was questioned in the course of the investigation. He admitted the offense that he is charged with in the Indictment, stating that in May 1992 he had joined the Sabotage Company of the 2nd Detachment of TO Visoko commanded by Emir Redžić, a.k.a. "Tara", so on the day concerned he set off together with his group of eight soldiers toward the settlement of Hlapčevići with the aim of disarming the village inhabitants. When they arrived in the village of Hlapčevići they surrounded two houses owned by Serb inhabitants, that is, the house of the [REDACTED] and the house of the [REDACTED]. They soon conducted a search of the respective [REDACTED] houses and found weapons, that is, two chests of ammunition for automatic gun, two pistols, a considerable quantity of pistol ammunition, 5-6 hand grenades and 2-3 camouflage uniforms with the insignia of the former JNA. Then they took [REDACTED] out of their houses, and then he ordered that the soldiers should tie their hands with cord, which the soldiers did, after which they set off toward the Community Center in the village of Hlapčevići. It is alleged that while he led the group of captured Serbs bursts of fire and detonations were heard from the direction of the settlement of Kalotići, which caused a commotion among the captured Serbs. So, when [REDACTED] asked him "what he wants from them", it seemed to him as if the captives wanted to escape, so he jumped to the side and ordered them to stop next to a house, which they did. He fired a burst at those people while they were standing. He further stressed that he did not know why he had reacted in such a way, probably because he had not been familiar with the situation on the ground and because he had feared that his operation would fall through. He then went toward the settlement of Kalotići together with his group of soldiers, as he had the feeling that fierce combat was going on there. He stated that he had fired two 30-bullet clips at the captives and that none of his soldiers [REDACTED]

present there had fired at the captives. As far as he could remember, there had been five captured Serbs and a person named [REDACTED] had not been among them.

Nine witnesses were interviewed in the course of the investigation, of which two witnesses are survivors while the others are either eyewitnesses to the incident of 20 June 1992 or helped the survivors after the incident by providing them shelter and first aid. All the examined witnesses said in accord that the suspect Niset Ramić had fired a burst of two bullet clips at the captured Serbs and that [REDACTED] had been killed on the spot, as had been [REDACTED] whereas [REDACTED] had succumbed on his way to hospital.

Witnesses [REDACTED] stated in accord that in the early morning hours on the day concerned a group of soldiers had come to their respective front doors looking for weapons and conducted a search of their houses. They were tied up and the suspect ordered them to set off toward the Youth Center in Hlapčevići, and when they came in front of [REDACTED] house the suspect ordered them to line up in front of the house and called [REDACTED] to step out and persistently requested from him to tell where the weapons and minefields were. Then the suspect fired a burst in the direction of [REDACTED] who fell on the ground. The suspect then continued firing at the others, so [REDACTED] were killed on the spot, whereas [REDACTED] succumbed to injuries on the way to hospital. Witness [REDACTED] was transported to hospital in Zenica, while [REDACTED] was helped by local inhabitants [REDACTED] which the said witnesses confirmed, too.

The respective statements of witnesses [REDACTED] are also in agreement. They stated that they had seen the suspect leading captured civilians [REDACTED] and [REDACTED] and then lining them up against a wall of a house. The suspect Niset Ramić subsequently fired a burst, first at [REDACTED] and then at the other captured civilians, who all fell down on the ground.

Witness [REDACTED] stressed that he was a member of the 2nd Detachment of TO Visoko and that the commander of the 2nd Detachment was "Tara", while his commander of the Sabotage and Reconnaissance Platoon was the suspect Niset Ramić. He knows that they received an order from the Staff to carry out an operation of disarming the Serb population in Zimča, Hlapčevići and other places that put up resistance, and that one day in June 1992 they set off to carry out the order. He states that on the relevant day he saw the suspect directing in front of himself a group of three men and two women whose hands were tied and taking them to one Muslim house under construction where he lined them up. The witness saw the suspect saying something to a guy from the group whom he took out in front of himself and the witness then saw the suspect started shooting at this person that had stepped out toward him and the suspect continued firing bursts in the direction of the lined-up persons and then they went away.

Witness [REDACTED] states that he came in front of the house of [REDACTED] after having heard bursts and that at that moment he saw [REDACTED] down shot, and the bodies of [REDACTED]

██████████ and 4-5 meters away from them the body of ██████████

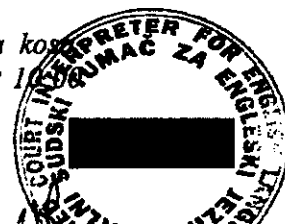
Also, the respective statements of witnesses ██████████ are in complete accord with respect to the part where they state that they saw four armed soldiers in camouflage uniforms taking Serb inhabitants whose hands were tied on their backs, namely, ██████████ his wife ██████████ and son ██████████ and his mother ██████████. Furthermore, witness ██████████ states that he heard burst of fire shortly afterward, while witness ██████████ states that he saw one of these soldiers firing a burst at the lined-up Serbs and the Serbs falling down on the ground. Both witnesses state in accord that ██████████ who sustained injuries to his right arm, arrived in front of their houses after a while, which the witness ██████████ also confirms.

Documents in support of the charges

1. Record on questioning of suspect Niset Ramić of 12 May 2006,
2. Record on questioning of suspect Niset Ramić of 18 May 2006,
3. Record on questioning of suspect Niset Ramić of 25 May 2006,
4. Record on examination of witness ██████████ of 11 May 2006,
5. Record on examination of witness ██████████ of 25 May 2006,
6. Record on examination of witness ██████████ of 19 January 2006,
7. Record on examination of witness ██████████ of 23 May 2006,
8. Record on examination of witness ██████████ of 31 May 2006,
9. Record on examination of witness ██████████ of 11 May 2006,
10. Record on examination of witness ██████████ of 12 June 2006,
11. Record on examination of witness ██████████ of 12 June 2006,
12. Record on examination of witness ██████████ of 06 June 2006,
13. Report from the criminal records referring to Niset Ramić, issued by the Police Station Visoko, No. 08-03/5-3-04-7-3158/2006 dated 21.04.2006,
14. A Decision of the Presidency of the Republic of Bosnia and Herzegovina on the declaration of the imminent threat of war ("Official Gazette of R BiH" No.: 1/92 of 09 April 1992),
15. A Decree of the Presidency of the Republic of Bosnia and Herzegovina on the abolition of the then Republic Staff of the Territorial Defense and the establishment of the Staff of the Territorial Defense of the Republic of Bosnia and Herzegovina ("Official Gazette of R BiH" No.: 1/92 of 09 April 1992),
16. A Decision of the Assembly of the Serb People in Bosnia and Herzegovina on the establishment of the Army of the Serb Republic of Bosnia and Herzegovina ("Official Gazette of the Serb People in BiH" No.: 6/92 of 12-17 May 1992),
17. Report of the 1st Ilijaš Serb Brigade Command, strictly confidential, No.: 02/3-2 of 03 June 1992,
18. Order of the Sarajevo-Romanija Corps Command (SRC) strictly confidential 09/19-192 of 22 May 1992
19. Operations Report of the SRC Command, strictly confidential, No.: 01/7 ██████████ 20 of 27 May 1992,



20. Report of the SRC Command, strictly confidential, No.: 10/74-40 of 06 June 1992,
21. Regular Report of the SRC Command related to 07 June 1992, strictly confidential, No.: 10-74-45 of 07 June 1992,
22. Instructions for further operations issued by the SRC Command of 07 June 1992,
23. Report of the SRC Command, strict. conf., No.: 10/74-55 of 12 June 1992,
24. Report of the SRC Command, strict. conf., No.: 10/74-63 of 13 June 1992,
25. Report of the SRC Command, strict. conf., No.: 10/74-66 of 14 June 1992,
26. Report of the SRC Command, strict. conf., No.: 10/74-70 of 15 June 1992,
27. Report of the SRC Command, strict. conf., No.: 10/74-92 of 20 June 1992,
28. Report on organization of defense of the 1st Ilijaš Brigade Command, strictly confidential, No.: 02/5-2 of June 1992,
29. Material for the SRC monograph, Military Postcode 7941 Ilijaš, strictly confidential, 04/960-2 of 08 May 1994,
30. SRC Report, strictly confidential, No.: 10/74-51 of 11 June 1992,
31. SRC Report, strictly confidential, No.: 10/74-64 of 13 June 1992,
32. SRC Report, strictly confidential, No.: 10/74-90 of 20 June 1992,
33. Order Op. No.: 3/92 of the Municipality of Visoko TO Staff No.: 02/1-3 of 22 April 1992,
34. Report of the Municipal Staff of TO Visoko, No.: 02/75-1 of 29.04.1992,
35. Information on Taking Prisoners, of the Municipal Staff of TO Visoko, No.: 01/7-1 of 28 April 1992,
36. Order of the Municipal Staff of the Armed Forces Visoko, No.: 05/248-1 of 14 May 1992,
37. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 05/67-1 of 10 April 1992,
38. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 01/57-1 of 06 April 1992,
39. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 01/57-1-10 of 06 April 1992,
40. Order of the Municipal Staff of TO Visoko, confidential, No.: 8/92 of 11 May 1992,
41. Order of MUP RBiH No.: 01-bb of 31 May 1992,
42. Order for securing facilities, control of the territory, the protection of the population and for the defense of the Ilijaš TO Staff, strictly confidential, No.: 1/16-1 of 22 April 1992,
43. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 01/31-3 of 19 June 1992,
44. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 01/20-1 of 28 May 1992,
45. Preparatory Order No.1 of the Municipal Staff of TO Visoko dated 28 May 1992,
46. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 02/1-3 of 28 April 1992,
47. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 02/1-1 of 21 April 1992,
48. Report on operation executed in the region of Vlajčići, Vlajčića kod Livada, of the 2nd Command of TO Visoko, dated 12 June 1992 at 10:06 hrs.,



49. Report on number of killed and injured members of TO and civilians, of the Municipal Staff of TO Ilijaš, No.: 01-64-2/92 of 19 June 1992,
50. Combat Report No. 9 of the Ilijaš TO Staff No.: 01/73-4 of 19 June 1992,
51. Combat Report No. 8 of the Municipal Staff of TO Ilijaš, No.: 01/73-3 of 17 June 1992,
52. Combat Report No. 7 of the Municipal Staff of TO Ilijaš, No: 01/73-2 of 15/16 June 1992
53. Combat Report No. 6 of the Municipal Staff of TO Ilijaš, No: 73-1 of 19 June 1992,
54. Combat Report No. 5 of the Municipal Staff of TO Ilijaš, No: 01/62-3 of 12/13 June 1992,
55. Combat Report No. 4 of the Municipal Staff of TO Ilijaš, No.: 01/62-2 of 10/11 June 1992,
56. Combat Report Op. No. 3 of the Staff of TO Ilijaš, No: 01/62-1 of 10. June 1992,
57. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 01/26-2 of 13 June 1992,
58. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 01/139-1 of 02 June 1992,
59. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 05/57-8 of 26 May 1992,
60. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 05/17-1 of 25 May 1992,
61. Order of the Municipal Staff of TO Visoko, strictly confidential, No.: 01/16-1 of 24 May 1992,
62. Official letter of the Security Organ with the Municipal Defense Staff Visoko, No.: 03/851-1 of 07 December 1992,
63. Official Letter of the Municipal Defense Secretariat Visoko, No.: 2/2-841-186 of 07 December 1992,
64. Decision of the Zenica Cantonal Court No.: K.5/96 of 15 July 1999,
65. Conclusion and opinion of expert witness Dr [REDACTED] forensic specialist, dated 03 July 2006, with regard to the injuries sustained by [REDACTED]
66. Record on wounding of [REDACTED] issued by the Public Institution "Health Center and Polyclinic" Visoko dated 21 April 2006,
67. Illness history with supporting medical documents related to [REDACTED] No.: 801,
68. Findings – Report of the Occupational Medicine Institute "Dr M. Zotović" Banja Luka related to [REDACTED] and dated 11 November 1992, 26 November 1992, 11 December 1992, 30 December 1992, 04 January 1992, 25 January 1992, 11 February 1993, 26 February 1993, 15 March 1992, 16 March 1992 and 26 March 1992,
69. Finding, evaluation and opinion of the Military Medical Board of the Military Medical Center – Banja Luka, related to [REDACTED] No.: 100083/6573 of 29 November 1993,
70. Decision of the Secretariat for Combatants and Victims of War of the Municipality of Banja Luka, No.: 05-534-194/94 of 01 November 1994,
71. Forensic-psychiatric report of Prof. Dr. [REDACTED] of 05 October 2006 with regard to the mental capacity of suspect Niset Ramić,

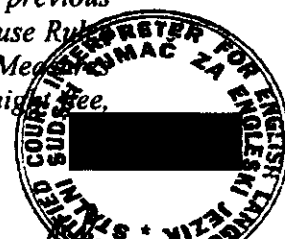


72. Record on exhumation issued by the Srpsko Sarajevo District Court, No.: KRI 15/99 of 03 June 1999,
73. Admission Sheet No.: 42 of 20 June 1992, for ██████████ Gradska Groblja d.o.o. Visoko,
74. Autopsy Record – outward examination of ██████████ No.: 40-SP/92, Gradska groblja Visoko,
75. Death Certificate for ██████████ No.:07/7-13-1-579/06 of 24 July 2006,
76. Admission Sheet, No: 40 of 20 June 1992, for ██████████ Gradska Groblja d.o.o. Visoko,
77. Autopsy Record – outward examination of ██████████ No.: 38-SP/92, Gradska groblja Visoko,
78. Admission Sheet, No.: 43 of 20 June 1992, for ██████████ Gradska Groblja d.o.o. Visoko,
79. Autopsy Record – outward examination of ██████████ No.: 41-SP/92, Gradska groblja Visoko,
80. Record on receiving the objects from the corpse of ██████████ Gradska groblja Visoko - Mortuary,
81. Certificate of Death related to ██████████ of 18 June 1999,
82. Admission Sheet No.: 64 of 27 June 1992, for ██████████ Gradska Groblja d.o.o. Visoko,
83. Permit to bury deceased ██████████ dated 20 June 1992,
84. Certificate of transportation of body number 20/28 for ██████████ RO RMC "Džemal Bijedić" Zenica, OOUR Regional Hospital, Patient Admission Service,
85. Certificate of death for ██████████ dated 18 June 1999.
86. Report of the Correctional Facility – Closed Institution Zenica about convicted person Niset Ramić, No.: 04-12-6524/06 of 09 October 2006
87. Rulebook on House Rules in Establishments Used for Serving Criminal Sanctions, Detention or other Measures /"Official Gazette of BiH" No.:18/05 of 04 April 2005 /

Motion for Ordering Pre-trial Custody

Pursuant to Article 137 paragraph 1 of the Criminal Procedure Code of Bosnia and Herzegovina, the Prosecutor's Office hereby sets forth the motion that pre-trial custody be ordered against suspect Niset Ramić following the confirmation of the Indictment for the reasons as referred to in Article 132 paragraph 1(a) and (d) of the Criminal Procedure Code of Bosnia and Herzegovina.

With regard to the legal basis for pre-trial custody as foreseen by Article 132, paragraph 1(a) of CPC BiH, the Prosecutor's Office strongly suggests the possibility of flight of the suspect should he continue to stay in the Correctional Facility Zenica, given that, as a convicted person who has been serving the sentences under previous verdicts, he has been entitled to benefits as regulated by the Rulebook on House Rules in Establishments Used for Serving Criminal Sanctions, Detention or other Measures /"Official Gazette of BiH" No.:18/05 of 04 April 2005 / and he therefore, might see,



i.e. fail to return in the period within which he lawfully stays outside the facility, which he has done on two occasions so far.

In other words, according to the Report of the Correctional Facility – Closed Institution Zenica, dated 9 October 2006, the disciplinary proceedings were conducted against suspect Niset Ramić, under Article 71 in conjunction with Article 69 paragraph 3 of Rulebook on House Rules in Establishments Used for Serving Criminal Sanctions, Detention or other Measures /"Official Gazette of BiH" No.:18/05 of 04 April 2005 /given that, he misused the out-of-institution benefits he was entitled to in the period from 20 January 1999 to 7 August 2000 when he was arrested and taken to the Correctional Facility Zenica, and also in the period from 20 August 2005 to 21 September 2005 when he came back on his own to serve the sentence. According to the Report, the sentence of imprisonment will expire on 14 March 2013 given that, with the Decision of the Presidency of FBiH No.: 01-602/97 of 3 September 1997, the compound sentence of 20 years imprisonment was replaced by a sentence of 19 years imprisonment and, with the Decision of the same Presidency No.:01-011-765/98 of 24 November 1998, it was reduced by 4 months.

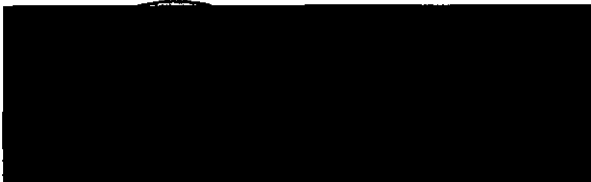
Also, the Prosecutor's Office of BiH hereby states that, given the gravity of the criminal offense and the consequences thereof and also bearing in mind the facts that, according to the statements of the heard witnesses which were made in the Prosecutor's Office of BiH during the investigation, it is evident that the suspect stood out for his cruelty during the perpetration of the criminal offense he has been charged with. If the Indictment is confirmed, the suspect shall face a very serious charge and, given that a punishment of imprisonment of 10 years may be imposed for the criminal offense in question, I find it necessary that pre-trial custody against the suspect should be ordered for reasons of public security as referred to in Article 132 paragraph 1(d) of the Criminal Proceedings Code of Bosnia and Herzegovina.

Based on a complex evaluation of the factual substratum contained in the operative part of the Indictment, which is supported by both physical and subjective evidence, the only possible conclusion suggests that the actions of the suspect comprise all essential elements of the criminal offense of War Crime Against Civilians as referred to in Article 173, paragraph 1(a) and (c) of the Criminal Code of BiH, with which criminal offense he has been charged and, in accordance with the aforesaid, I hereby move that the Preliminary Hearing Judge of the Court of BiH confirm the Indictment.

**PROSECUTOR
WITH THE PROSECUTOR'S OFFICE
Slavica Terzić**

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

Sarajevo, 13 October 2006



Certified Court Interpreter for English

