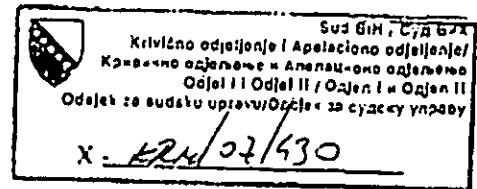


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BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BOSNIA AND
HERZEGOVINA
SARAJEVO
Number: KT-RZ-160/07



Sarajevo, 22 November 2007

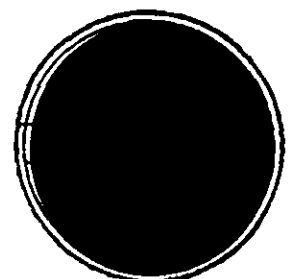
COURT OF
BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -

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

INDICTMENT

AGAINST:

1. **FERID HODŽIĆ**, father's name Avdo and mother's name Safeta, born on 2 December 1959 in Vlasenica, residing in Stupine B No. 11, Municipality of Tuzla, high school teacher, married, father of four children, bad financial standing, no previous convictions, held the rank of captain in the former JNA, unemployed, ethnic Bosniak, citizen of BiH.
2. **VEIZ BJELIĆ**, father's name Mujo and mother's name Sejda, nee Kovačević, born on 12 September 1949 in Vlasenica, residing in Vlasenica, Drum Street bb, ethnic Bosniak, a citizen of BiH, qualified drill runner, literate, widower, served the army in 1968 but is not recorded in the military register, bad financial standing, no previous convictions, no proceedings pending against him for any other criminal offence;



BECAUSE :

During the armed conflict between the Territorial Defense of the Republic of Bosnia and Herzegovina (*hereinafter: the TO RBiH*) and the Army of the Serb Republic of Bosnia and Herzegovina in the territory of the municipality of Vlasenica, acted in violation of the rules of International Humanitarian Law, specifically, Article 3 (1) (a) and (c) and Article 27 of the Geneva Convention on the Protection of Civilians in Time of War of 12 August 1949, as well as Article 3 (1) (a) and (c) and Article 121 of the Geneva Convention on the Treatment of Prisoners of War of 12 August 1949, by doing the following:

I. Ferid Hodžić

During the period from May 1992 to 26 January 1993, as the Commander of the Territorial Defense of the Municipality of Vlasenica, as a part of the TO RBiH, with its command post in the hamlet of Rovaši in Cerska, the municipality of Vlasenica, he ordered that ethnic Serb civilians and prisoners of war from the Army of the Serb Republic of BiH be unlawfully apprehended and held in the so-called Štala, or stable, prison facility located in Cerska, which was normally used for keeping cattle, where they were held for seven months in inhumane conditions without electricity, heating, appropriate sleeping conditions, hygiene, and were subjected to inhumane treatment by Bosnian soldiers from the TO RBiH, who, coming from the front lines to Rovaši, entered the stable without authorization, and insulted, cursed and beat [REDACTED]

[REDACTED]
punching and kicking them all over their bodies, causing severe physical and mental pain and which, *inter alia*, resulted in the death of [REDACTED] which the accused, as the superior knew of, but failed to open any investigation into his death, or to take necessary and reasonable measures both to prevent the wrongdoings and to punish the perpetrators, who on one occasion even announced in the command post that they would beat the prisoners, including

accused Veiz Bjelić whom he appointed the prison guard, as person responsible for security the prisoners.

II Veiz Bjelić

During the period from June 1992 to 26 January 1993, as a member of the Piskavice Territorial Defense within the TO Vlasenica and a guard at the so-called *Štala* prison in the hamlet of Rovaši, the village of Cerska, Municipality of Vlasenica, he forcibly had sexual intercourse with another person and aided others in the intentional infliction of severe physical pain and suffering by doing the following:

1. He enabled unidentified TO RBiH soldiers, who were coming back from the front line to the Command in Rovaši, to take the stable keys, which were in his sole custody, or to break the door and thereby enter the stable without authorization and mentally and physically abuse, insult, punch and kick the following ethnic Serb prisoners: [REDACTED]

[REDACTED] instead of reporting this to his immediate superior, the accused Ferid Hodžić, he fixed the door, bringing everything into *the previous state of repair*, knowing that the soldiers would return and again cause the prisoners physical and mental pain, which they did during the seven months the prisoners were detained, which resulted, *inter alia*, in the death of [REDACTED] whereas,

2. Taking advantage of the time when he was on duty and guarding the prisoners, the accused raped the injured [REDACTED] several times. He would take her out of the stable during night hours, so as to prevent the other prisoners and the guards who were in the same shift from seeing this, rape her behind the stable in an improvised guard box, and then threaten her that he would kill her should she tell anyone,

More specifically,

during the war in Bosnia and Herzegovina and the armed conflict in Bosnia and Herzegovina between the units of the Territorial Defense of the Republic of Bosnia and Herzegovina and the Army of the Serb Republic of Bosnia and Herzegovina, in violation of the rules of International Humanitarian Law, they committed and aided in the commission of inhumane treatment, torture, and as the superior and responsible persons, they failed to take necessary and reasonable measures to prevent the commission of the mentioned offences and to punish the perpetrators.

By doing so,

Ferid Hodžić

under Count I of the operative part of the Indictment committed the criminal offences of War Crimes against Civilians punishable under Article 173 (1) c) and e) of the BiH CC and War Crimes against Prisoners of War punishable under Article 175 (1) a) and b) of the BiH CC as read with Article 180 (2) of the BiH CC,

Veiz Bjelić

under Count II-1 of the operative part of the Indictment committed the criminal offences of War Crimes against Civilians punishable under Article 173 (1), c) of the BiH CC and War Crimes against Prisoners of War punishable under Article 175 (1) a) and b) of the BiH CC, as read with Article 31 of the BiH CC, and all in conjunction with Article 180 (1) of the BiH CC; and under Count II-2 of the operative part of the Indictment committed the criminal offence of War Crimes against Civilians punishable under Article 173 (1) e) of the BiH CC as read with Article 180 (1) of the BiH CC,

Based on the foregoing I

PROPOSE

That the following be summoned:

- Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina;
- Suspects Ferid Hodžić and Veiz Bjelić, at the above mentioned addresses;
- Defense Counsels for the suspects Abaspahić Binasa and Fahrija Karkin, lawyers from Sarajevo;

1. That the following evidence be adduced:

a) To be heard as witnesses

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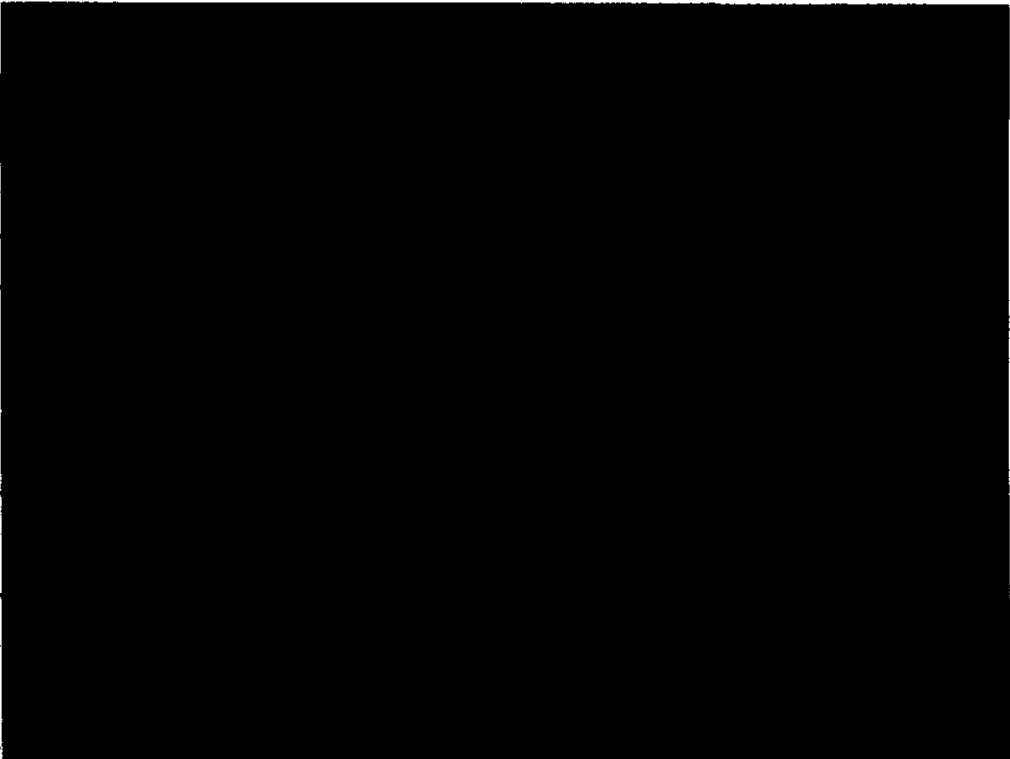
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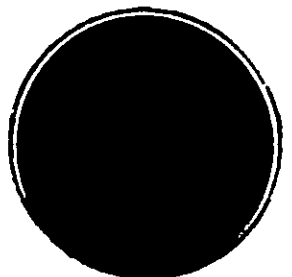
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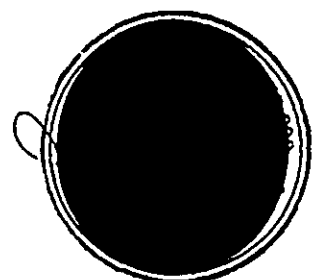


b) By review of the following:

1. Report of the Analyst of the Prosecutor's Office of Bosnia and Herzegovina
Structure of the BiH Army Command in Vlasenica and Cerska;
2. Electronically verified copy of the document of the Territorial Defense HQ
of the Tuzla County No. 01/409 of 30 June 1992;
3. Electronically verified copy of the document of the District HQ of the Tuzla
Defense –strictly confidential No. 03/92 of 29 August 1992;
4. Electronically verified copy of the document of the Drina Division
Command – War Order of 30 September 1992;
 - a. Electronically verified copy of the document entitled '*Briefing of
the Commander Ferid Hodžić*';
5. Electronically verified copy of patrol orders and reports of the Duty Service
of 26 January 1993;



6. Electronically verified copy of the list of detained persons made by the Srebrenica Armed Forces no. 108/93 of 3 February 1993;
7. Electronically verified copy of the Official Letter of the HQ of Srebrenica Armed Forces for Branko Sekulić with Ref. No. 7/93 of 31 January 1993;
8. Decision of the Presidency of the Republic of Bosnia and Herzegovina Declaring the Imminent Threat of War (*Official Gazette of R BiH No. 1/92 of 9 April 1992*);
9. Decree of the Presidency of the Republic of Bosnia and Herzegovina on Cessation of the Former Republic HQ of the Territorial Defense and Establishment of the HQ of the Territorial Defense of the Republic of Bosnia and Herzegovina (*Official Gazette of R BiH No. 1/92 of 9 April 1992*);
10. Decision of the Assembly of the Serb People in Bosnia and Herzegovina on Formation of the Army of the Serb Republic of Bosnia and Herzegovina (*Official Gazette of Serb People in BiH No. 6/92 of 12 through 17 May 1992*);
11. Decision of the Presidency of the Republic of Bosnia and Herzegovina on Declaration of the State of War (*Official Gazette of R BiH No. 7/92 of 20 June 1992*);
12. Decree-law of the Presidency of the Republic of Bosnia and Herzegovina on the Armed Forces of the Republic of Bosnia and Herzegovina (*Official Gazette of R BiH No. 4 of 20 May 1992*);
13. Instruction by the Minister of Defense on Application of the Provisions of the International Law of War in the Armed Forces of the Republic of Bosnia and Herzegovina (*Official Gazette of R BiH No. 15/92 of 15 December 1992*);
14. Order by the Presidency of the Republic of Bosnia and Herzegovina on Application of the Rules of the International War Law in the Armed Forces of the Republic of Bosnia and Herzegovina, No. 1291/92 of 23 August 1992 (*Official Gazette of R BiH No. 4/92, 6/92, 12/92*);



15. Decree-law on Ratification of the International Conventions related to Law of War and Judiciary (*Official Gazette of the Army BiH No. 1/92 of 15 November 1992*);
16. Order on Application of the rules of the International Law of War in the Armed Forces of the Republic of Bosnia and Herzegovina (*Official Gazette of Army RBiH NO. 1/92 of 15 November 1992*);
17. Decision on Formation of the Corpses of the Army of the Republic of Bosnia and Herzegovina, published in *the Official Gazette No. 4/92*;
18. Map of AoR of the 2nd Corps showing that the area of Vlasenica was within AoR of the 2nd Corps-Tuzla;
19. Criminal Record Excerpt of the accused Ferid Hodžić and Veiz Bjelić No. 12-1-8/02-235-287/07 of 12 September 2007;
20. Electronically verified copy of the history of the illness for the injured Rade Pejić –Certificate of the Department for Protection of Veterans and Invalids No. 06-560-57/00 of 11 March 2005 for the injured person [REDACTED]
21. Letter of Discharge from the Psychiatric Clinic in Sokolac for [REDACTED]
22. Decision on Disability Percentage of [REDACTED] of 11 March 2005;
23. Certificate of the Office for Missing and Captured Persons No. 104/03 of 14 October 2003 stating that the injured person [REDACTED] was captured from 17 September 1992 to 5 February 1993;
24. Record of the examination of the witness, injured person [REDACTED] brother of the deceased [REDACTED] given at the Milići Police Station on 24 January 2005;
25. Record on Body Identification of [REDACTED] of 3 September 2004;
26. Record on Identification of the Remains of [REDACTED] of 1 September 2004 with the DNA Report;
27. Photo-documents – post mortem examination [REDACTED] of 12 December 2003;

28. Record on the Post Mortem Forensic Examination of a Corpse No. [REDACTED] of 12 December 2003;
29. Death Certificate for [REDACTED] of 13 April 2007
30. Record on the Examination of the Witness-the injured person [REDACTED] brother of the deceased [REDACTED]
31. Record on the Handover of the Body of [REDACTED] April 2004;
32. Death Certificate for [REDACTED] of 13 April 2007;
33. Official Letter of Republika Srpska, the Office for Missing Persons No. 311-1/2007 of 3 May 2007 with the information about [REDACTED] son of [REDACTED] stating that the person is registered in the Register of Missing Persons;
34. Record on Identification of the Remains of [REDACTED] of 13 February 2004 with the DNA Report;
35. Photo-documents – Post Mortem Examination [REDACTED] of 16 December 2003;
36. Record on Post Mortem Forensic Examination [REDACTED] of 16 December 2003;
37. Record on Examination of the Witness [REDACTED] father of the deceased [REDACTED];
38. Death Certificate issued by the Municipality of Šekovići for [REDACTED] of 23 April 2007;
39. Copy of the Decision by the Basic Court of Vlasenica No. R-17/98 of 17 June 1998 declaring the missing [REDACTED] dead and the Official Letter was sent under the Ref. No. [REDACTED] of 7 May 2007;
40. Certificate by the Ministry of Defense, Office in Šekovići No. [REDACTED] of 28 January 1998;
41. Record on Examination of the Witness [REDACTED] son of the deceased [REDACTED] of 19 July 2006;
42. Record on Examination of the Witness [REDACTED] of 21 October 2004

43. Official Letter of the RS Government, Office for the Missing and Captured Persons No. [REDACTED] of 18 July 2007, regarding the information about the missing [REDACTED]
44. Record on Identification of the [REDACTED] June 2007 with the DNA Analysis;
45. Photo-documents of Post Mortem Examination No. [REDACTED] of 3 October 2006 of [REDACTED]
46. Record on the Post Mortem Forensic Examination, No. [REDACTED] of 3 October 2006;
47. Letter by the Ministry of Defense of Bosnia and Herzegovina No. 08-1-139-5/07 of 30 July 2007 referring to the evidence on the membership in the Army of the suspect Vejz Bjelić, as follows: a verified copy of a document VOB-3-unit record and the Certificate on Salaries of Members of the Armed Forces of BiH;
48. Photos (11) of the area where the prison was located, more specifically the area of Rovaši-Cerska with the video recording of that area;
49. Photos-photo-identification No. KT-RZ-160/07, signed by [REDACTED]
50. Photos-photo-identification No. KT-RZ-160/07, signed by [REDACTED]
51. Electronically verified document by the HQ of TO Tuzla – Order No. 01/417 of 1 July 1992;
52. Document by the Municipal HQ of Vlasenica of 9 August 1992 – Order on Appointment to the Wartime Assignment;

Investigation Results:

The results of the investigation conducted by this Prosecutor's Office undoubtedly confirm that this Indictment and the allegations contained therein are well-founded and that the suspects Ferid Hodžić and Veiz Bjelić committed the criminal acts stated in this Indictment in the manner, at the time and under the circumstances mentioned in the operative part of the Indictment.. All

essential elements of the criminal offence they are charged with follow from these acts.

On the basis of the evidence the Prosecutor's Office obtained in the investigation, both material evidence and statements of the examined witnesses, it was established that the accused committed the criminal offences during the armed conflict between the Territorial Defense of the Republic of Bosnia and Herzegovina and the Army of Serb Republic of Bosnia and Herzegovina, in the hamlet of Rovaši, the village of Cerska, the municipality of Vlasenica. More specifically, Ferid Hodžić was the Commander of the TO Vlasenica, and Veiz Bjelić was a member of the TO Piskavice, which was an organizational unit of the TO Vlasenica.

It also follows from the statements of the examined witnesses [REDACTED] [REDACTED] who were examined by the Prosecutor's Office of BiH, that in the relevant time-period Ferid Hodžić was the Commander of the TO Vlasenica.

It follows from the statements of the witnesses [REDACTED] [REDACTED] that the accused Ferid Hodžić, apart from his formal authority as commanding officer, had, as the witness [REDACTED] *"...all powers in the Cerska region. He could issue orders to all those he was superior to."* He was able to exercise control over the Štala prison, including over Veiz Bjelić, whom he had appointed as guard and who, as has been described, enabled unauthorized persons to enter the stable and beat the prisoners, and he, as the commanding officer, failed to take any measures to prevent the troops from entering the stable, although aware thereof (the statement of the witness [REDACTED]), and he also failed to take any action to establish the responsibility of those persons who beat up the prisoners and the guards who allowed the soldiers to enter the stable and abuse the prisoners, including one woman and one minor person;

The accused Ferid Hodžić was a professional soldier and as such he knew and was aware that the actions described above constituted a severe violation of the Geneva Conventions, that is, that they constituted war crimes against civilians

and war crimes against prisoners of war, and he did not take any actions to prevent the perpetration of those crimes as the Commander of the TO Vlasenica under whose command all that was happening or to punish both the perpetrators and his subordinate Vejz Bjelić, who enabled the commission of the criminal offence in the manner described above.

The statements of the examined witnesses [REDACTED] and [REDACTED] and others indicate that the accused Vejz Bjelić was responsible for the security of the prisoners, that he was the chief prison guard, that he held and gave to others the prison keys and thereby enabled unauthorized persons to enter the prison and cause bodily injuries, physical and mental pain to the prisoners, including one woman, all of whom were Serb civilians or prisoners of war, that he did know when others would go in and beat the prisoners given that, when they would break the front door, he would come and change the lock and lock it again, that he was the only one who had the prison keys, while it follows from the statement of the injured witness [REDACTED] whose statement is clear and precise and cannot be challenged in any way that the accused committed the crime of rape by having forcible sexual intercourse with her. The witness [REDACTED] gave an accurate account as to how the accused did this and the witness [REDACTED] a civilian detained in the stable, described how the accused did not enter the stable but occasionally took [REDACTED] out during night hours and how, when she came back after a while, he heard her sobbing in the dark.

The criminal act by the accused, under the first Count of the Indictment, is seen in the fact that the accused Vejz Bjelić was the only person who had the keys of the stable where the prisoners were detained and he decided when one would go in or come out. The soldiers who would come to beat the prisoners would either bring the keys or break the door and after the beating, the accused would come, change the lock and lock the door again, and thereby he would enable the unauthorized persons to commit the criminal actions. He was superior to other guards, and he assigned them to stand guard. He was the one who reported to the Command, which was in the vicinity of the prison. He was the one who on several

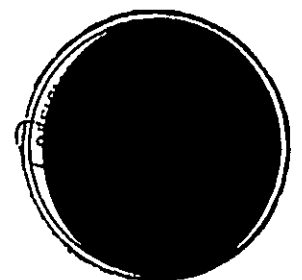
occasions had written approval to enter the stable with the prisoners, therefore he knew that by his omission he enabled others to treat the prisoners inhumanely.

The act of commission on the part of the accused related to the second Count of the Indictment follows from the statement of the witness [REDACTED] and partially from the statement of the witness [REDACTED].

Taking into account the above stated facts and evidence, which incriminate the accused Ferid Hodžić and Veiz Bjelić, and having evaluated them, the Prosecutor's Office of BiH submits that this Indictment is fully well-founded. Thus it is proposed that it be confirmed in its entirety.

The confirmation of the Indictment is hereby requested based on the following documents attached:

1. Record on Examination of the Witness [REDACTED] April 2007;
2. Record on Examination of the Witness [REDACTED] 2007;
3. Record on Examination of the Witness [REDACTED] of 23 October 2007;
4. Record on Examination of the Witness [REDACTED] of 28 June 2007;
- 5.
6. Record on Examination of the Witness [REDACTED] 4 September 2007;
7. Record on Examination of the Witness [REDACTED] 10 July 2007;
8. Record on Examination of the Witness [REDACTED] of 20 June 2007;
9. Record on Examination of the Witness [REDACTED] 4 September 2007;
10. Record on Examination of the Witness [REDACTED] 18 September 2007;
11. Record on Examination of the Witness [REDACTED] 28 June 2007;
12. Record on Examination of the Witness [REDACTED] of 27 June 2007;
13. Record on Examination of the Expert Witness Dr. [REDACTED] of 4 September 2007;



14. Record on Examination of the Witness [REDACTED] of 7 September 2007;
15. Record on Examination of the Witness [REDACTED] of 7 September 2007;
16. Record on Examination of the Witness [REDACTED] of 10 September 2007;
17. Record on Examination of the Witness [REDACTED] of 11 September 2007;
18. Record on Examination of the Witness [REDACTED] of 24 September 2007;
19. Record on Examination of the Witness [REDACTED] of 24 September 2007;
20. Record on Examination of the Suspect [REDACTED] No. KT-RZ-160/07 of 17 October 2007;
21. Record on Examination of the Suspect [REDACTED] No. KT-RZ-160/07 of 20 September 2007;

Therefore the Prosecutor's Office submits that there exist sufficient grounds to believe that the suspects committed the criminal offences they are charged with by this Indictment, due to which it is proposed that the Preliminary Hearing Judge of the Court of BiH confirm this Indictment.

Should that Court confirm this Indictment, we

P R O P O S E

That pursuant to Article 27 of the BiH CPC the Court of BiH refer the conduct of these proceedings to the Court of the appropriate territorial jurisdiction over the place where the criminal offence was committed (Municipality of Vlasenica).

1

The Prosecutor's Office of BiH considers that in the case at hand there are several important reasons for which the conduct of these proceedings should be transferred to the court with of appropriate territorial jurisdiction, as follows:

Cost-effectiveness

- The suspect Ferid Hodžić is residing in the area of the municipality of Tuzla, which is several kilometers away from the place where the criminal offence was committed, whereas the suspect Veiz Bjelić is residing in the town of Vlasenica.

- None of the proposed 21 witnesses is residing in the area of the municipality of Sarajevo, because almost all of them are from the areas gravitating toward Vlasenica, and those places are: Milići, Šekovići, Zvornik, Srebrenik, Kladanj, Vlasenica, Živinice, etc. In addition some of the witnesses are elderly persons which is why it would be difficult for them to come to the Court of BiH.

- Therefore it is evident that coming of the suspects and witnesses to the Court of BiH would cause significant costs.

Efficiency

- The fact is that currently the Prosecutor's Office of BiH and the Court of BiH have no sufficient facilities and staff to efficiently and quickly process war crime cases given a great number of cases both in the pre-trial stage and the obligation on the part of the Court of BiH to form a panel, composed of two international and one national judge, for each trial following an indictment of this Prosecutor's Office. One must also take into account a great number of cases referred to this Prosecutor's Office from the lower prosecutor's offices which places a huge strain on both the Prosecutor's Office and the Court, in particular because filing of a great number of new indictments may be expected any time soon, which will make this Court overloaded.

- The courts in the Federation and Republika Srpska are certainly not overloaded with such a great number of war crime cases, as it is the case with the Court of BiH. One more point must be taken into account, to wit this is ultimately not a complex case, given that the acts the suspects are charged with primarily constitute acts of commission and aiding based on both the individual and the command responsibility, and recognizing the rights of the injured parties and what they endured, we nevertheless consider that the consequences of the referenced criminal offence are much less severe than in most of the cases processed before this Court.

Therefore we propose that Court of BiH pursuant to Article 27 render a decision referring the conduct of these proceedings to the court with jurisdiction over the territory where the criminal offence was committed, believing that the court of appropriate territorial jurisdiction in the case at hand can conduct a quality and efficient criminal proceedings.

**PROSECUTOR OF
PROSECUTOR'S OFFICE OF BiH
Sanja Jukić**

*I hereby confirm that the foregoing is a true translation of the original written in
Bosnian/Serbian
Sarajevo, 4 Dec
Certified Court*

