

**Bosna i Hercegovina**

**Босна и Херцеговина**



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

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**Special Department for War Crimes**  
**Number: KT-RZ-30/06**  
**Sarajevo, 10 February 2009**

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

Pursuant to Article 35 (2) (i) and Article 226 (1) of the Criminal Procedure Code of B-H, I hereby file the

**INDICTMENT**

**Against:**

1. **Blagoje Golubović**, son of Kosta and Milka, née Elez, born on 18 April 1965 in the place of Strganci, the Foča Municipality, with permanent residence in the place of Miljevina bb /no number/, the Foča Municipality, of Serb ethnicity, citizen of B-H, driver by occupation, literate, secondary school education, married, father of three underage children, served the compulsory military service in 1985/86 in Kičevo, the Republic of Macedonia, holds no rank, entered into the Foča military records, no decorations, indigent – owns flat of 40 m<sup>2</sup>, no prior convictions, no other proceedings pending against him, currently in custody under the Decision of the Court of B-H number X-KRN-08/494 of 23 January 2009,

**Because:**

**In the period between April 1992 and February 1993 within a widespread and systematic attack carried out by military, paramilitary and police forces of the so-called Serb Republic of B-H, subsequently Republika Srpska, directed against non-Serb civilians of the Foča Municipality, being aware of the attack and that his actions**

were part thereof, as a member of the forces, together with other members of the forces, he knowingly and deliberately participated in the joint criminal enterprise, taking part in the execution of a joint plan with a view to accomplishing the common goal of depriving non-Serbs of their lives (killing), insofar as:

on an undetermined day, in late May 1992, together with a group of some twenty members of armed forces of Republika Srpska, he came near the village of Podkolun, the Foča Municipality, whereupon he, Ranko Vuković, Rajko Vuković and Ranko Golubović, all armed with automatic weapons, separated themselves from the group and entered the village while other members of the group deployed themselves around the village to stand guard and then arrived at the family house of [REDACTED] born in 1909, whom they found in the house and with the intention of depriving him of his life, one or more of them from the group fired several projectiles from firearms and shot the victim in the area of thorax and head, thus inflicting on him exit-entry wounds causing his death, whereupon they headed their way leaving the village, following which they found [REDACTED] born in 1927, hilling up potatos in a tilled field near the road that they took, and then with the intention of depriving her of her life, one or more of them from the group fired several projectiles from their firearms and shot the victim in the area of thorax, inflicting on her exit-entry wounds causing her death and then joined the rest of the group and headed in an unknown direction,

**Therefore,**

**Within a widespread and systematic attack carried out by military, paramilitary and police forces of the so-called Serb Republic of B-H, directed against non-Serb civilians of the Foča Municipality, being aware of the attack and that his actions were part thereof, as a member of the forces, acting in together with other members of the forces, particularly Ranko Vuković, Rajko Vuković and Ranko Golubović, he knowingly and deliberately took part in a basic form, that is, the first category of the joint criminal enterprise, the common goal of which was to deprive non-Serb civilians of their lives (murder), taking part in the execution of a joint plan that implied killings of non-Serb civilians,**

**Whereby he committed the criminal offence of Crimes against Humanity in violation of Article 172 (1) (a) in conjunction with Article 180 (1) of the CC B-H.**

**I therefore file the**

**PROPOSAL**

**of evidence to be presented**

**I**

**To examine the following persons in the capacity of witnesses:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



**II**

**To inspect the following:**

1. ICTY Judgement, *Dragoljub Kunarac et al.*, Case No. IT-96-23-T and IT-96-23/1-T, dated 22 February 2001;
2. ICTY Judgement, *Dragoljub Kunarac et al.*, Case No. IT-96-23 and IT-96-23/1-A, dated 12 June 2002;
3. ICTY Judgement, *Milorad Krnojelac*, Case No. IT-97-25-T, dated 15 March 2002;
4. ICTY Judgement, *Milorad Krnojelac*, Case No. IT-97-25-A, dated 17 September 2003;
5. Witness [REDACTED] Examination Record, Prosecutor's Office of B-H, number: KT-RZ: 30/06, dated 19 September 2006;
6. Witness [REDACTED] Examination Record, Security Service, State Security Service Sector Sarajevo, No. 689, dated 3 December 1993;
7. Witness [REDACTED] Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 24 July 2007;

8. Witness [REDACTED] Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 11 September 2008;
9. Witness [REDACTED] Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 19 September 2006;
10. Witness [REDACTED] Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 5 October 2006;
11. Witness [REDACTED] Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 5 October 2006;
12. Record of Exhumations in the territory of the Foča-Srbinje Municipality, made by the Cantonal Court in Goražde No. Kri-10/01, dated 28 September 2001;
13. Report on Forensic Examination, Expert Team of Tuzla Clinical Centre, dated 28 September 2001, case number 385;
14. Report on Forensic Examination, Expert Team of Tuzla Clinical Centre, dated 28 September 2001, case number 386;
15. Death Certificate for deceased [REDACTED] issued by the Ustikolina Registry Office number 03-12-13-1593/08 dated 8 May 2008;
16. Death Certificate for deceased [REDACTED] issued by the Ustikolina Registry Office number 03-12-13-1594/08 dated 8 May 2008;
17. Certificate of the Foča Municipality General Administration Department No. 04-835-1-307 dated 16 August 2007;

#### **Results of the investigation:**

The investigation carried out by the Prosecutor's Office lead to the results which confirm beyond doubt that the Suspect Blagoje Golubović committed the criminal offence as charged under the Indictment.

The attack on Foča town and many villages in the Foča Municipality throughout April and May 1992 was carried out by local Serbs, police and paramilitary formations launching one of the most notorious campaigns of ethnic cleansing in Bosnia and Herzegovina. Its intention was to expel Bosniak inhabitants from the Foča Municipality for good. The Serb forces attacked and destroyed several Bosniak-populated villages.

The municipality of Foča is located at the far south-east of Bosnia and Herzegovina, approximately 50 km from Sarajevo, in the area of 1266 square

kilometres. According to the 1991 census, the population of Foča consisting of 40,513 persons was 51.6 % Muslim, 45.3 % Serb and 3.1% others. Due to great strategic and historical importance, Foča became one of the main targets of Serb activities in Eastern Bosnia because the town is less than 10 km far from the Montenegro border. It is situated along the important road connecting Montenegro in the north with Dubrovnik in Croatia, and in the south the town is located where the Bistrica River joins the Drina River.

The political and military take-over of power in Foča started in early April 1992, the first military actions in the town were recorded on 7 April 1992 when regular and irregular military units proceeded to take over the town. On 8 April, Foča was under attack by heavy artillery and infantry from the surrounding hills from the direction of Kalinovik, Livade, Dragočevo, Popov most and Ivanić; the attack was directed particularly against the Muslim-populated settlements of Donje Polje, Aladža and Čohodor Mahala and it was completed by 16 or 17 April 1992. The surrounding villages, mainly Muslim-populated, continued to be under siege until July 1992. By the beginning of the war in Foča, the SDS /Serb Democratic Party/ Crisis Staff had already operated according to the *Instruction for the Organisation and Activity of the Organs of the Serb People in B-H in Extraordinary Circumstances*, dated 19 December 1991, thus acting as the command of Serb forces in the time of war, whilst a separate Serb police was established, as well.

In that period, in and around Foča, a large number of Bosniak men, women, children and the elderly were killed. Hundreds of Muslim civilians of all ages and both genders have been exhumed from mass and individual graves in and surrounding the Foča Municipality. Bosniak inhabitants were also subjected to other types of abuse and humiliation, including rape and beatings. Many of them were deprived of their valuables, golden jewellery and money. A large number of non-Serb civilians who still had not fled, were systematically persecuted in an organised manner and unlawfully confined, many of them being killed and beaten.

All of the above-mentioned facts follow from the ICTY Judgements in the Milorad Krnojelac and Dragoljub Kunarac cases.

Based on the facts established in these cases, the Trial Chambers found in their final Judgements that a widespread and systematic attack was carried out in the Foča Municipality by the Serb forces, directed against the non-Serb civilians, in particular Bosniaks. The Prosecution will move that these facts be admitted as proven pursuant to Article 4 of the Law on Transfer of Cases from the ICTY to the Prosecutor's Office of B-H and the Use of Evidence collected by ICTY in proceedings before the courts in B-H.

Having conducted the investigation, the Prosecution obtained evidence that, at the time of the attack, the Suspect Blagoje Golubović together with Ranko Golubović, Ranko Vuković and Rajko Vuković came armed with automatic

weapons to the undefended village of Podkolun, the Foča Municipality, where they shot at [REDACTED] depriving them of their lives, which primarily derives from the statement of the [REDACTED] who eye-witnessed the referenced events. His statement has beyond doubt been confirmed by the statements of witnesses [REDACTED]

The Prosecution also obtained documentary evidence on violent deaths of [REDACTED], as confirmed by the Record of Exhumation of Mortal Remains of Victims with the accompanying reports on forensic examination made by a medical expert witness Prof. Dr [REDACTED]

In assessing the evidence obtained during the investigation, one can conclude that the Suspect Blagoje Golubović, together with other co-perpetrators, acted in accordance with the joint plan the aim of which was the same criminal intention, this being the murder of [REDACTED]. Although the obtained evidence does not clearly reflect who of the four of them as members of a group of co-perpetrators was the direct perpetrator of the murder of the mentioned individuals, it is clear that the Suspect quite voluntarily took part in the joint plan and that together with the others had the same intention, the consequence of which was the murder of the injured parties, regardless of their specific roles in the aforementioned events. It is for those reasons that their joint action can be entirely subsumed under individual responsibility set forth under Article 180 (1) of the CC B-H by their participation in a joint criminal enterprise including joint planning and undertaking actions with a joint intention.

Since the Suspect was a member of forces taking part in the attack, the pieces of evidence obtained, particularly the Certificate of the Foča Municipality General Administration Department and witness statements imply that he knew of the attack and was aware that his acts, as described in detail in the operative part of the Indictment, were part of the attack. The acts that the Suspect took were based on a discriminatory ground exclusively, because they do not imply any other motive apart from different ethnicity, religion and gender of the victims themselves. The acts can be viewed only as part of the general persecution of non-Serb civilians of the Foča Municipality in the period when the Suspects committed them.

In view of the foregoing, one can clearly infer that in the period relevant to the charges against the Suspect, the Serb forces consisting of military, paramilitary and police formations carried out a widespread and systematic attack directed against non-Serb civilians in the Foča Municipality, that the Suspect knew of the attack, that he was aware that the acts he committed as described in the operative part of the Indictment, constituted part of the attack. All those conclusions imply the fulfilment of all essential elements of the criminal offence with which the Suspect has been charged.

Therefore, the Prosecutor's Office of B-H believes that the Indictment is completely grounded, and moves that the Preliminary Hearing Judge of the Court of B-H confirm it in its entirety.

**Materials corroborating the allegations of the Indictment:**

- ICTY Judgement, *Dragoljub Kunarac et al.*, Case No. IT-96-23-T and IT-96-23/1-T, dated 22 February 2001;
- ICTY Judgement, *Dragoljub Kunarac et al.*, Case No. IT-96-23 and IT-96-23/1-A, dated 12 June 2002;
- ICTY Judgement, *Milorad Krnojelac*, Case No. IT-97-25-T, dated 15 March 2002;
- ICTY Judgement, *Milorad Krnojelac*, Case No. IT-97-25-A, dated 17 September 2003;
- Suspect Blagoje Golubović Questioning Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 9 February 2009;
- Witness ██████████ Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 19 September 2006;
- Witness ██████████ Examination Record, Security Service, State Security Service Sector, number: 689, dated 3 December 1993;
- Witness ██████████ Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 24 July 2007;
- Witness ██████████ Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 11 September 2008
- Witness ██████████ Examination Record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 19 September 2006;
- Witness ██████████ examination record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 5 October 2006;
- Witness ██████████ examination record, Prosecutor's Office of B-H, number: KT-RZ:30/06, dated 5 October 2006;
- Record of Exhumations in the territory of the Municipality of Foča, made by the Cantonal Court in Goražde, number: Kri-10/01, dated 28 September 2001;
- Report on Forensic Examination, Expert Team of Tuzla Clinical Centre, case number 385, dated 28 September 2001;
- Report on Forensic Examination, Expert Team of Tuzla Clinical Centre, case number 386, dated 28 September 2001;
- Death certificate for deceased ██████████ issued by the Ustikolina Registry Office, number 03-12-13-1593/08, dated 8 May 2008.
- Death certificate for deceased ██████████ issued by the Ustikolina Registry Office, number 03-12-13-1594/08, dated 8 May 2008.
- Certificate of the Foča Municipality General Administration Department No. 04-835-1-307, dated 16 August 2007;

### **Motion for the extension of custody:**

Pursuant to Article 227 (3) and Article 137 (1) of the CPC B-H, the Prosecutor's Office of B-H moves that custody of the Suspect Blagoje Golubović be extended following the confirmation of the Indictment on the grounds referred to in Article 132 (1) (a) and (b) of the CPC of B-H.

Based on the results of the investigation and/or the evidence obtained, a conclusion can be drawn that there exists the grounded suspicion that the Suspect Blagoje Golubović committed the criminal offence of Crimes against Humanity in violation of Article 172 (1) (a) of the CC of B-H in the manner, at the time, in the place and under the circumstances as described in the operative part of the Indictment relating to the acts of commission. Thereby, the main requirement to order custody, that is, the existence of the grounded suspicion that the Suspect committed the criminal offence as charged, has been met. This has also been stipulated in Article 5 of the European Convention on Human Rights as the existence of the legal grounds on which lawful detention can be based.

The Prosecutor's Office of B-H holds that in addition to the existence of the general requirement for custody, particular requirements as set forth under items a) and b) of Article 132 (1) of the CPC B-H have also been met.

The issuance of an international warrant for the Suspects Blagoje and Ranko Golubović was preceded by the issuance of the arrest warrant for both Suspects given that there existed circumstances suggesting the risk of flight of the Suspects, that is, it was established that none of them stayed at the registered addresses in Miljevina, the Foča Municipality, any longer.

The circumstance that was particularly taken into account was that back then the media reported that brothers Ranko and Rajko Vuković had been deprived of their liberty and that they were charged with having committed the criminal offence against Bosniak civilians in the village of Podkolun together with Ranko and Blagoje Golubović. Having learned that information, the Golubović brothers left the territory of B-H in order to render themselves unavailable to the law enforcement bodies of our state.

On 7 December 2007 the State Protection and Investigation Agency submitted the Report number 17-04/2-04-2-457-5/07 ODŽ, dated 30 November 2007, stating that the SIPA acted upon the Order of the Prosecutor's Office and undertook operational and tactical measures and actions to locate and potentially deprive of liberty the Suspects Blagoje Golubović and Ranko Golubović. Based on the direct observation of the addresses registered as their permanent places of residence, it was established that they no longer stayed at the mentioned addresses. Using their friendly connections the SIPA found out that the Suspect Blagoje Golubović was temporarily working in Belgrade, Serbia, and that the Suspect Ranko Golubović was temporarily working in Nikšić, Montenegro. From



**the mentioned SIPA Report it also follows that the police officers of the War Crimes Investigation Centre and SIPA Special Support Unit found out in the conversation with the wife of the Suspect Blagoje Golubović that he was not staying in the area of Miljevina, that he did not come to visit his family for a longer period of time, as well as that he rarely contacted them by phone. The wife of the Suspect Blagoje Golubović also claims that her husband does not provide for her and their children. Having assessed everything mentioned above, the conclusion is that the Suspect Blagoje Golubović left the permanent place of residence in order to avoid being arrested and prosecuted.**

**Acting upon the Order of the Prosecutor's Office, on 5 February 2008 the State Protection and Investigation Agency again submitted the Official Note, number 17-04/2-04-2-96/07, dated 1 February 2008, stating that according to the information obtained from friendly connections, both Suspects Blagoje Golubović and Ranko Golubović were staying in the territory of the Republic of Serbia and that in late January 2008 the father of Blagoje and Ranko Golubović passed away, but none of the Suspects attended his funeral. It clearly follows from the information that both Suspects avoid coming to the territory of B-H in order to avoid their potential appearance before the Court and the Prosecutor's Office of B-H, being aware of the fact that the criminal proceedings are pending against them for the same criminal offence that brothers Ranko and Rajko Vuković were charged with and sentenced by the first instance verdict.**

**After the Court ordered him into custody by the Decision number X-KRN-07/326, dated 11 February 2008, and as a result of the issued international warrant, the Suspect Blagoje Golubović was deprived of liberty. According to the information of the Prosecutor's Office, after that the Investigating Judge of the District Court in Novi Sad ordered him into extradition custody to last from 28 April 2008 until he is extradited to the law enforcement bodies of Bosnia and Herzegovina.**

**The Ministry of Justice of the Republic of Serbia rendered a decision to extradite the Suspect to B-H. After that the Suspect was handed over to the relevant bodies of B-H and was brought before the Court of B-H at the hearing held on 23 January 2009 in order to make a new decision about the Motion of the Prosecutor's Office to order the Suspect Blagoje Golubović into custody. Having held the hearing the Court rendered the Decision, number X-KRN-08/494, dated 23 January 2009, putting the Decision of the Court of B-H number 08/494 dated 11 February 2009 out of force and ordering the Suspect into custody on the grounds set forth in Article 132 (1) (a) of the CPC of B-H for one month, that is until 22 February 2009 until 18:20 hrs.**

**The Preliminary Proceedings Judge of the Court of B-H accepted the above mentioned arguments of the Prosecutor's Office regarding the justification of custody of the Suspect Blagoje Golubović, especially the admission that the Suspect himself gave at the hearing held on 23 January 2009, that is, that he deliberately avoided to appear in the territory of B-H.**

**The foregoing undoubtedly justifies the assertion of the Prosecutor's Office that there still exist facts and circumstances suggesting that the Suspect Blagoje Golubović, if released, would leave the territory of Bosnia and Herzegovina again and in such a manner hinder the further course of the proceedings in this case.**

We would also like to emphasize in particular that according to the information of the Prosecutor's Office in Serbia, his brother Ranko Golubović who is also suspected as a co-perpetrator in the case, is on the run, which poses a risk that he could assist the Suspect Blagoje Golubović to cross the B-H border at one of the numerous illegal crossings and thus render himself unavailable to the law enforcement bodies. **Therefore the custody ground set forth in Article 132 (1) (a) of the CPC of B-H has been fully satisfied.**

As for the custody ground set forth in Article 132 (1) (b) of the CPC of B-H we would like to note that the Suspect knows the witnesses who testified before the Court of B-H in Ranko Vuković and Rajko Vuković case. On 4 February 2007 the Court of B-H reached the first instance verdict in that case finding the Accused guilty with respect to the Count of the Indictment that the Suspect Blagoje Golubović is charged with, too, and therefore, it is reasonable to believe that the Suspect can exert pressure on witnesses and try to prevent them from testifying. Those witnesses are going to be heard during the trial and they should give their evidence in an atmosphere free of pressure and fear of retaliation.

Furthermore it is important to mention that the proceedings against Ranko and Rajko Vuković has not been completed by a final verdict, and after the first instance conviction a retrial before the Appellate Panel is expected. Their custody in the aforementioned proceedings has been terminated and they have been released which leads to a conclusion that, if released, Blagoje Golubović might contact them, influence them as his co-perpetrators, and in such a manner hinder the conduct of these proceedings.

Therefore it is necessary for the Suspect to be held in custody and thus the custody ground referred to in Article 132 (1) b) of the CPC of B-H is fully grounded.

In view of the foregoing, I submit that the Motion for the extension of custody of the Suspect is founded in its entirety and, therefore, I move that it be granted.

**PROSECUTOR OF THE  
PROSECUTOR'S OFFICE OF B-H  
Behajja Krnjić  
*[signature and stamp affixed]***