

**BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF
BOSNIA AND HERZEGOVINA
SARAJEVO
Special Department for War Crimes
Regional Team III
KT-RZ-169/07
Sarajevo, 31 March 2008**

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

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

INDICTMENT

AGAINST:

NOVAK ĐUKIĆ, son of Đurađ and Bjelica, née Ćurković, born on 10 April 1955 in Donja Kola, Banja Luka Municipality, with residence at 6 Voždovačka Street in Banja Luka, Serb, citizen of BiH and FRY, ID Number 1004955500694, retired general, married, father of two adult children, literate, completed the Military Academy, did not serve in the army because he was a professional serviceman, decorated with Karadorde Star of the Third Order, currently in the detention unit of the Penal and Correctional Institution Kula, Istočno Sarajevo, in accordance with the Decision ordering custody number X-KRN-07/394, dated 8 November 2007, issued by the Court of BiH, which was extended under the Decision of the Court of BiH number X-KRN-07/394, dated 5 December 2007, to last no longer than 7 January 2008,

because:

During the state of war and the armed conflict in Bosnia and Herzegovina, contrary to the rules of international humanitarian law, namely Articles 2 and 3 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and Article 51 of Protocol I Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts and Article 13 of Protocol II Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, in his capacity as the Commander of the Ozren Tactical Group of the Army of Republika Srpska (Ozren TG VRS):

1. On 25 May 1995, he ordered the artillery platoon which was subordinate to him and located on Ozren Mountain, Petrovo Municipality – the wider area of the Panjik village, to shell with 130 mm caliber M 46 guns the town of Tuzla, which was declared a United Nations safe area by the United Nations Resolution 824 of 6 May 1993, and the artillery platoon members executed that order by firing several artillery projectiles on the town of Tuzla, out of which one artillery projectile type OF-482 at 20:55 hours hit a location in the immediate town centre called *Kapija*, in the square where Majevička, Božidara Adžije, Dr. Mujbegovića, Partizanska, Maršala Tita and Nikole Tesle streets intersect, its explosion causing the death of the following persons:

- 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.
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.
- 34.
- 35.
- 36.
- 37.
- 38.
- 39.



40. [REDACTED]
41. [REDACTED]
42. [REDACTED]
43. [REDACTED]
44. [REDACTED]
45. [REDACTED]),
46. [REDACTED]
47. [REDACTED]
48. [REDACTED]
49. [REDACTED],
50. [REDACTED]
51. [REDACTED]
52. [REDACTED]
53. [REDACTED]
54. [REDACTED]),
55. [REDACTED]
56. [REDACTED]
57. [REDACTED]
58. [REDACTED]
59. [REDACTED]
60. [REDACTED]
61. [REDACTED]9),
62. [REDACTED]
63. [REDACTED]
64. [REDACTED]
65. [REDACTED]
66. [REDACTED]
67. [REDACTED]
68. [REDACTED]
69. [REDACTED]
70. [REDACTED]
71. [REDACTED]

while the following persons suffered serious bodily injuries:

[REDACTED]

[REDACTED]

The following persons suffered minor bodily injuries:

[REDACTED]

2. On 28 May 1995, from 07:30 to 17:37 hours, he ordered the artillery platoon subordinate to him, which was located on Ozren Mountain, Petrovo Municipality, the wider area of the Panjik village, to shell with the 130 mm caliber M 46 guns the town of Tuzla, and the artillery platoon members executed the order by firing nine artillery projectiles on the town of Tuzla, out of which:
- a) the projectile fired at 07:30 hours hit the bus stop in Moše Pijade Street next to number 6, and [REDACTED] from Tuzla was killed in its explosion, while material damage amounting to 7,033.00 KM was caused to the *Univerzal promet* Tuzla tobacco store located at the bus stop,
 - b) the projectile fired at 07:35 hours exploded in 16. Muslimanske brigade Street, and [REDACTED] suffered minor bodily injuries in its explosion,
 - c) the projectile fired at 07:37 hours exploded in Muje Smajlovića Street next to number 7, and its explosion caused material damage amounting to 15,384.00 KM to the warehouse of the enterprise *La Campanela*, owned by Nijaz Imamović from Donje Vukovije, and material damage amounting to 24,397.00 KM to the Municipal hut facility in the compound of the Tuzla Aero Club,
 - d) the projectile fired at 07:38 hours exploded at 3 Rudolfa Vikića Street, on the sidewalk on the south side of the garage owned by Vehid Ordagić, on which occasion [REDACTED] suffered a minor bodily injury, while material damage was caused to the garage,
 - e) the projectile fired at 08:30 hours exploded at II Krajiške brigade Street on the ground, so that material damage was not caused,

- f) the projectile fired at 11:50 hours exploded at 57 Meme Suljetovića Street, on the roof of a facility ancillary to the house owned by Rifat Bakalović, causing great material damage,
- g) projectiles fired from 12:00 to 17:37 hours exploded in the Tuzla Steel Foundry compound, causing material damage which amounted to 158,090.00 KM to the Foundry facilities.

whereby he committed the criminal offense of War Crimes against Civilians referred to in Article 173(1)(a) and (b) in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina.

Mirsad Strika
PROSECUTOR
PROSECUTOR'S OFFICE OF
BOSNIA AND HERZEGOVINA
/signature affixed/