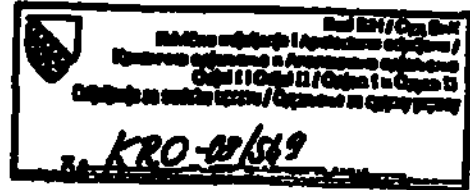


Bosna i Hercegovina



Босна и Херцеговина



Tužilaštvo-Tužiteljstvo Bosne i Hercegovine
Тужилаштво Босне и Херцеговине
Prosecutor's Office of Bosnia and Herzegovina

SPECIAL DEPARTMENT FOR WAR CRIMES

No. KT-RZ-48/06

Sarajevo, 8 January 2009

COURT OF BOSNIA AND HERZEGOVINA
- Preliminary Hearing Judge -
SARAJEVO

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

INDICTMENT

Against:

1. DAMIR IVANKOVIĆ a.k.a. "Dado", son of Ivan and Dušanka (mother's maiden name Gašić), born in Prijedor on 26 June 1970, residing at Srpskih velikana No. 146, Prijedor Municipality, JMBG 2606970160011, Croat, BiH citizen, electrotechnician - PTT technician, literate, secondary school qualifications, married, father of one underage child, completed military service in 1988/1989 in Sremska Mitrovica and Novi Sad, holds the rank of private 1st class and is registered in the military records in Prijedor, indigent, no decorations, no convictions and, according to his own statement, there are no ongoing criminal proceedings against him, currently at liberty;

2. ZORAN BABIĆ a.k.a. "Bakin", son of Dušan and Persa (mother's maiden name Petrović), born in Prijedor on 1 June 1968, residing at Zmaj Jovina bb /no number/, Prijedor Municipality, JMBG /Citizen Identification Number/ 0106968160020, Serb.



BiH citizen, locksmith, literate, completed secondary school of mechanical engineering -vocational education, married, father of one underage child, completed military service in Novo Mesto, Republic of Slovenia, in 1988/1989, holds the rank of lance corporal and is registered in the military records in Prijedor, no decorations, of average financial standing, no convictions and, according to his own statement, there are no ongoing criminal proceedings against him, currently at liberty;

3. GORDAN ĐURIĆ, son of Nikola and Borka (mother's maiden name Tomaš), born in Ljubija, Prijedor Municipality, of 15 May 1968, JMBG 1505968160018, residing at Vojvode Stepe Stepanovića No. 94, Prijedor, Serb, BiH citizen, secondary school qualifications (secondary school of mechanical engineering - engineering technician), literate, married, father of two underage children, completed the military service in Tetovo in 1987/88, holds the rank of lance corporal, not listed in the military record, no decorations, of good financial status, no convictions and, according to his own statement, he is not sure if there are other criminal proceedings initiated against him, in custody under the Decisions of the Court of BiH (no. X-KRN-08/349 dated 15 October 2008 and 13 November 2008) to last until 13 January 2009 or a new decision of the Court;

4. MILORAD RADA KOVIĆ aka "Srbo", son of Stojan and Borka (mother's maiden name Bilbija), born in Podvidača, Sanski Most Municipality, on 10 August 1962, JMBG 1008962160039, residing at Milana Kitionjica No. 1, Prijedor, Serb, BiH citizen, completed the school of agriculture - fruit-growing, literate, married, father of one underage child, completed the military service in 1982/83 in Zrenjanin and Benkovac, holds no rank, he does not know if he is listed in military records, cited in the JNA for exemplary behavior, indigent, no prior convictions and, according to his own statement, there are no ongoing criminal proceedings against him, in custody under the Decisions of the Court of BiH (no. X-KRN-08/349 dated 15 October 2008 and 13 November 2008) to last until 13 January 2009 or a new decision of the Court;

5. MILORAD ŠKRBIĆ, son of Drago and Lazarka (mother's maiden name Radonjić), born in Veliko Palančište, Prijedor, on 11 July 1960, JMBG 1107960160056, residing at Veliko Palančište No. 16, Prijedor, Serb, citizen of the Republika Srpska -Bosnia and Herzegovina, driver by occupation, literate, married, completed the military service in Ohrid in 1979, holds the rank of sergeant, he does not know if he is listed in military records, no decorations, indigent, no prior convictions and, according to his own statement there are no ongoing criminal proceedings against him, at liberty with prohibiting measures ordered under the Decision of the 24(7) Panel of the Court of BiH no. X-KRN-08/349 dated 24 October 2008 and extended under the Decision of the Preliminary Proceedings Judge of the Court of BiH no. X-KRN-08/349 dated 24 December 2008;

6. LJUBIŠA ČETIĆ, son of Miko and Zora (mother's maiden name Kostović), born on in Ilidža on 7 April 1969, JMBG 0704969160010, residing at Vojvode Stepe Stepanovića No. 101, Prijedor, Serb, BiH citizen, secondary school qualifications, locksmith by occupation, employed at the Republika Srpska Railways, literate, single, completed the military service in 1989/90 - Military Police in Zagreb, holds

the rank of sergeant, he does not know if he is listed in military records, no decorations, indigent, convictions: Judgment of the Basic Court of Prijedor (no. K-54/99 dated 26 August 1999) for the offense referred to in Article 42(1) of the Republika Srpska Criminal Code and sentenced to six month's imprisonment - three years probation, Judgment of the Basic Court of Banja Luka (no. K-79/98 dated 9 January 2001) for the offense referred to in Article 158/II of the RS CC and sentenced to six month's imprisonment - two years probation, Judgment of the Basic Court of Prijedor (no. K-47/01 dated 22 November 2002) for the offense referred to in Article 222(1) of the RS CC and sentenced to five month's imprisonment (he served the sentence), Judgment of the Basic Court of Banja Luka no. K-522/97 (K-384/06) and Judgment of the District Court of Banja Luka (no. K2-326/05 dated 13 March 2006) for the offense referred to in Article 223(2) in relation to paragraph 1 of the RS CC and sentenced to two years and six months' imprisonment; in custody under the Decisions of the Court of BiH (no. X-KRN-08/549 dated 15 October 2008 and 13 November 2008) to last until 13 January 2009 or a new decision of the Court;

7. DUŠAN JANKOVIĆ, son of Dragoje and Anda (mother's maiden name Janković), born in Dera, village of Benkovac, Prijedor Municipality, on 8 March 1950, residing in Donji Orlovci bb /no number/, Prijedor Municipality, Serb, BiH citizen, graduate traffic engineer, literate, graduated from the Faculty of Traffic and Transportation in Zagreb and completed postgraduate studies in Belgrade, married, father of two children of age, completed his military service in 1969/1970 in Niš and Leskovac, does not hold the rank of a senior officer, decorated by the police with the Miloš Obilić Medal, of average financial standing, currently in custody under the Decisions of the Court of Bosnia and Herzegovina (number X-KRN-08/549 dated 29 May 2008, 26 June 2008, 25 August 2008, 16 September 2008, 24 October 2008 and 20 November 2008), which may last until 20 January 2009 or a new decision of the Court;

8. ŽELJKO STOJNIC, son of Boško and Stana (mother's maiden name Kremlj), born in Tukovi, Prijedor Municipality, on 10 October 1971, residing in Prijedor, Tukovi, at D. Mijatovića-Svarca Street No. 3, JMBG 1010971160003, Serb, BiH citizen, police officer, literate, secondary school qualifications - mechanical engineering technician, married, father of two underage children, completed his military service in Belgrade in 1990/1991, registered in the military department in Prijedor, received no medals, of average financial standing, currently in custody under the Decisions of the Court of Bosnia and Herzegovina (number X-KRN-08/549 dated 30 May 2008, 26 June 2008, 25 August 2008, 16 September 2008, 24 October 2008 and 20 November 2008), which may last until 20 January 2009 or a new decision of the Court;

Because:

Between the end of April and the end of September 1992, as part of a widespread and systematic attack of the army and police of the Serb Republic of BiH and then of the Republika Srpska against the Bosniak and Croat population of Prijedor Municipality with knowledge of such an attack, Dušan Janković, as commander of the Prijedor Police Station, and other suspects as reserve police officers, knowingly participated

in a joint criminal enterprise of civilian and military authorities of Prijedor Municipality with a view to persecuting and committing crimes against Bosniaks and Croats, sharing the same goal with the civilian and military authorities of Prijedor Municipality and with the military and civil structures of the Serb Republic of BiH and then of the Republika Srpska, the goal implying the discriminatory persecution of Bosniaks and Croats on political, national, ethnic and religious grounds from the territory controlled by the military and police of the Serb Republic of BiH and then of the Republika Srpska; they committed, participated and aided in the preparation and commission of the crime of persecution by way of forcible transfer of population, deliberate deprivation of life (murders), inhumane treatment, while Dušan Janković additionally ordered and, as a superior, failed to undertake necessary and reasonable measures to prevent the commission of the aforesaid crimes and punish the perpetrators thereof although he knew or had reason to know that those crimes were committed, thus:

On 21 August 1992, acting in the aforementioned capacity and as members of the Prijedor Police Station and the police intervention platoon from Prijedor, Dušan Janković ordered and organized the movement of a convoy and, together with others, carried out, participated and aided in escorting a convoy consisting of at least 16 buses, trucks and truck-trailers carrying more than 1,200 predominantly Muslim and some Croatian civilians from Prijedor. En route to Travnik Municipality via the municipalities of Prijedor, Banja Luka, Kneževo/Skender Vakuf and Travnik where the civilians were to be transported, according to a previous plan about which everyone knew and, with a view to carrying out the plan, they seized money, gold and other valuables from the Bosniak and Croatian civilians on the convoy on several occasions threatening to kill them; Dušan Janković and several other members of the police proceeded towards Smetovi while Damir Ivanković, Zoran Babić, Ljubisa Četić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Željko Stojnić and other members of the police intervention platoon and police from Prijedor, including Darko Mrđa, when the convoy stopped by the Ugar River on the Vlasit Mountain, knowing that the men would be separated to be killed, separated over 200 able-bodied men from other civilians on the convoy and ordered them to come out of the buses, trucks and trailer trucks and they separated over 200 able bodied men and forced them to board two buses and then took them to a location called "Korićanske stijene" on the Vlasit Mountain, where they ordered the men from one of the buses to come out onto the road and then marched them to an edge of the road above an abyss, ordered them to kneel down on the very edge of the road above the abyss and then opened fire at them from automatic weapons; they ordered Gordan Đurić to move away from that location in the direction of Travnik to stand guard, which he did; they continued shooting at point blank range from automatic weapons, whereupon the bodies of the killed men fell into the abyss; some of the men who were lined up threw themselves into the abyss to avoid death. Thereafter, they brought men from the other bus in small groups of two or three to the same spot or nearby and opened fire at them at point blank range from pistols and then from automatic rifles. Thereafter, they threw hand grenades from the top of the precipice and opened fire at the bodies of the dead and at the wounded men who shrieked with pain from the abyss, killing over 200 men: [REDACTED]

[REDACTED]

[REDACTED] while a certain number of the able-bodied men who were shot at managed to survive (at least 12 of them); four bodies have been recovered and identified so far: [REDACTED]

[REDACTED] a number of body parts of the killed men have been identified as belonging to the following persons: [REDACTED]

[REDACTED]

remaining bodies have not been recovered to date.

Therefore, as part of a widespread and systematic attack of the military and police of the Republika Srpska, with knowledge of such an attack and that their acts are part of that attack, Dušan Janković ordered and, together with other suspects, committed, participated and aided in the preparation and commission of the crime of persecution by way of forcible transfer of population, deliberate deprivation of life (murders), inhumane treatment, while knowingly participating in the joint criminal enterprise of the civil and military authorities of Prijedor Municipality, including Milomir Stakić, Simo Drljača, Slobodan Kuruzović and other members of the civil



and military authorities in Prijedor and the Republika Srpska whose goal was to expel Bosniaks and Croats from the territory controlled by the Serb authorities, committing the crimes of murder, forcible transfer, inhumane treatment. Dušan Janković, as a superior, failed to undertake necessary and reasonable measures to prevent the commission of the aforesaid offenses and punish the perpetrators thereof although he knew or had reason to know about the commission of those offenses,

Whereby the suspects Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Ljubila Četić, Dušan Janković and Željko Stojnić committed the criminal offense of Crimes against Humanity in violation of Article 172(1)(h), in relation to subparagraphs (a), (d), (e) and (k), all in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina and, in relation to Dušan Janković, Article 180(2) of the Criminal Code of Bosnia and Herzegovina.

I therefore hereby:

PROPOSE

1. That the following persons be summoned:

1. Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina,
2. Suspect Damir Ivanković and his Defense Counsel Izet Baždarević, attorney from Sarajevo,
3. Suspect Zoran Babić, Zmaj Jovina Street bb/no number/, Prijedor and his Defense Counsel Slavica Bajić, attorney from Prijedor,
4. Suspect Gordan Đurić and his Defense Counsel Dragan Medović, attorney from Sarajevo,
5. Suspect Milorad Radaković and his Defense Counsel Slavica Čvoro, attorney from Istočno Sarajevo,
6. Suspect Milorad Škrbić, 16 Veliko Palančište Street, Prijedor, and his Defense Counsel Dragica Glušac, attorney from Banja Luka,
7. Suspect Ljubila Četić and his Defense Counsel Slobodan Perić, attorney from Banja Luka,
8. Suspect Dušan Janković and his Defense Counsel Ranko Dakić, attorney from Banja Luka,
9. Suspect Željko Stojnić and his Defense Counsel Zlatko Knežević, attorney from Novi Grad,

2. That the following evidence be presented:

a) By examining as witnesses the following persons:

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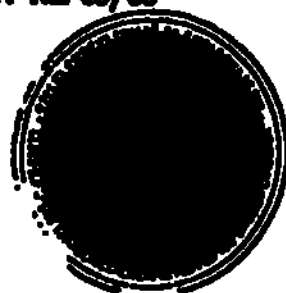
- 62. Witness KS-1
- 63. Witness KS-2
- 64. Witness KS-3
- 65. Witness KO-1
- 66. Witness KO-2
- 67. Witness KO-3
- 68. Witness KO-4
- 69. Witness KO-5
- 70. Witness KO-6
- 71. Witness KO-7
- 72. Witness KO-8
- 73. Witness KO-9
- 74. Witness KO-10
- 75. Witness KO-11
- 76. Witness KO-12
- 77. Witness KO-13
- 78. Witness KO-14
- 79. Witness KO-15
- 80. Witness KO-16
- 81. Witness KO-17
- 82. Witness K-1
- 83. Witness K-2
- 84. Witness K-3.

b) By examining as expert witnesses the following persons:

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2.

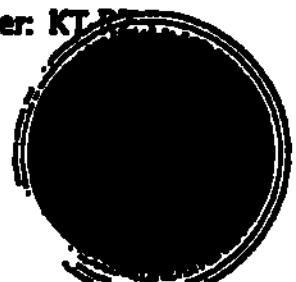
c) By inspection of the following documents:

1. Record on the examination of the suspect Damir Ivanković, number: KT-RZ 48/06 dated 27 May 2008, 11 December 2008 and 23 December 2008,
2. Record on the examination of the suspect Zoran Babić, number: KT-RZ 48/06 dated 28 May 2008,
3. Record on the examination of the suspect Gordan Đurić, number: KT-RZ 48/06 dated 14 October 2008,
4. Record on the examination of the suspect Milorad Radaković, number: KT-RZ 48/06 dated 14 October 2008,
5. Record on the examination of the suspect Milorad Škrbić, number: KT-RZ 48/06 dated 15 October 2008,
6. Record on the examination of the suspect Ljubiša Četić, number: KT-RZ 48/06 dated 14 October 2008,
7. Record on the examination of the suspect Dušan Janković, number: KT-RZ 48/06 dated 27 May 2008,
8. Record on the examination of the suspect Željko Stojnić, number: KT-RZ 48/06 dated 30 May 2008,
9. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008 with the attached appointment book belonging to [REDACTED]
10. Record on the examination of the witness [REDACTED] number KT-RZ 48/06 dated 27 March 2008,
11. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 March 2008,
12. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 March 2008,
13. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 March 2008,
14. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 25 March 2008,
15. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 3 April 2006,
16. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 25 March 2008,
17. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
18. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 April 2006,
19. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 24 April 2006,
20. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 26 April 2006,
21. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 7 May 2008,



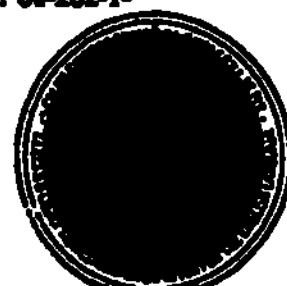
22. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 19 May 2008,
23. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 May 2008,
24. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 7 May 2008,
25. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 25 March 2008 and 4 December 2008,
26. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
27. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 4 April 2006,
28. Record on the examination of the witness [REDACTED] number: 17-04/2-146/06 dated 22 March 2006,
29. Record on the examination of the witness [REDACTED] number: 17-04/2-143/06 dated 21 March 2006,
30. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 18 July 2008,
31. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 5 April 2006,
32. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1044/08 dated 22 October 2008,
33. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 21 October 2008,
34. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 6 April 2006,
35. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1043/08 dated 22 October 2008,
36. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 6 April 2006,
37. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 July 2008,
38. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 7 April 2006,
39. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 12 March 2008,
40. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 13 March 2008,
41. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 May 2008,
42. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 May 2008,
43. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 September 2008,
44. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 26 March 2008,

45. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 29 April 2008,
46. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 November 2008,
47. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 29 April 2008,
48. Record on the examination of the witness [REDACTED] number KT-RZ 48/06 dated 12 August 2008,
49. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1038/08 dated 20 October 2008,
50. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 April 2008,
51. Record on the examination of the witness [REDACTED] number KT-RZ-48/06 dated 8 August 2008,
52. Record on the examination of the witness [REDACTED] number KT-RZ-48/06 dated 5 August 2008,
53. Record on the examination of the witness [REDACTED] number KT-RZ-48/06 dated 5 August 2008,
54. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1035/08 dated 16 October 2008,
55. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 29 April 2008,
56. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 13 March 2008,
57. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 5 April 2006,
58. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1301/08 dated 25 December 2008,
59. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1297/08 dated 24 December 2008,
60. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 14 July 2008,
61. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 July 2008,
62. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 26 March 2008,
63. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 July 2008,
64. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 6 April 2006,
65. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 23 August 2006,
66. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 22 August 2006,
67. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 12 June 2008



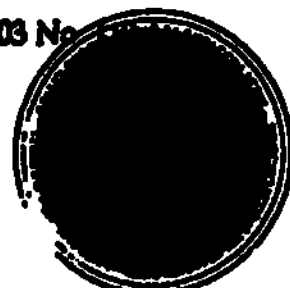
68. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 13 June 2008,
69. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 August 2008
70. Records on the examination of the witness KS-1, number KT-RZ 48/06, 2X,
71. Records on the examination of the witness KS-2, number KT-RZ 48/06, 2X,
72. Record on the examination of the witness KS-3, number KT-RZ 48/06,
73. Record on the examination of the witness KO-1, number KT-RZ 48/06,
74. Record on the examination of the witness KO-2, number KT-RZ 48/06,
75. Record on the examination of the witness KO-3, number KT-RZ 48/06,
76. Record on the examination of the witness KO-4, number KT-RZ 48/06,
77. Record on the examination of the witness KO-5, number KT-RZ 48/06,
78. Record on the examination of the witness KO-6, number KT-RZ 48/06,
79. Record on the examination of the witness KO-7, number KT-RZ 48/06,
80. Record on the examination of the witness KO-8, number KT-RZ 48/06,
81. Record on the examination of the witness KO-9, number KT-RZ 48/06,
82. Record on the examination of the witness KO-10, number KT-RZ 48/06,
83. Record on the examination of the witness KO-11 number KT-RZ 48/06,
84. Record on the examination of the witness KO-12 number KT-RZ 48/06,
85. Record on the examination of the witness KO-13 number KT-RZ 48/06,
86. Record on the examination of the witness KO-14 number KT-RZ 48/06,
87. Record on the examination of the witness KO-15, number KT-RZ 48/06,
88. Record on the examination of the witness KO-16, number KT-RZ 48/06,
89. Record on the examination of the witness KO-17, number KT-RZ 48/06,
90. Records on the examination of the witness K-1, number KT-RZ 48/06, 2X,
91. Record on the examination of the witness K-2, number KT-RZ 48/06,
92. Record on the examination of the witness K-3, number KT-RZ 48/06,
93. Death certificate for [REDACTED] number: 04-202-1-423/2008 dated 12 August 2008,
94. Death certificate for [REDACTED] number: 04-202-1-4583/2008 dated 11 August 2008,
95. Death certificate for [REDACTED] number: 04-202-1-4583/2008 dated 11 August 2008,
96. Death certificate for [REDACTED] number: 04-202-1-4586/2008 dated 11 August 2008,
97. Death certificate for [REDACTED] number: 04-202-1-426/2008 dated 12 August 2008,
98. Death certificate for [REDACTED] number: 04-202-1-427/2008 12 August 2008,
99. Death certificate for [REDACTED] number: 04-202-1-429/2008 dated 12 August 2008,
100. Death certificate for [REDACTED] number: 04-202-1-430/2008 dated 12 August 2008,
101. Death certificate for [REDACTED] number: 04-202-1-432/2008 dated 12 August 2008,
102. Death certificate for [REDACTED] number: 04-202-1-433/2008 dated 12 August 2008,

103. Death certificate for [REDACTED] number: 04-202-1-401/2008
dated 8 August 2008,
104. Death certificate for [REDACTED] number: 04-202-1-
4506/2008 dated 7 August 2008,
105. Death certificate for [REDACTED] number: 04-202-1-
4507/2008 dated 7 August 2008,
106. Death certificate for [REDACTED] number: 04-202-1-
398/2008 dated 8 August 2008,
107. Death certificate for [REDACTED] number: 04-202-1-434/2008
dated 12 August 2008,
108. Death certificate for [REDACTED] number: 04-202-1-435/2008
dated 12 August 2008,
109. Death certificate for [REDACTED] number: 04-202-1-
436/2008 dated 12 August 2008,
110. Death certificate for [REDACTED] number: 04-202-1-
437/2008 dated 12 August 2008,
111. Death certificate for [REDACTED] number: 04-202-1-438/2008
dated 12 August 2008,
112. Death certificate for [REDACTED] number: 04-202-1-399/2008
dated 8 August 2008,
113. Death certificate for [REDACTED] number: 04-202-1-4590/2008
dated 11 August 2008,
114. Death certificate for [REDACTED] number: 04-202-1-4591/2008
dated 11 August 2008,
115. Death certificate for [REDACTED] number: 04-202-1-441/2008 dated
12 August 2008,
116. Death certificate for [REDACTED] number: 04-202-1-
442/2008 dated 12 August 2008,
117. Death certificate for [REDACTED] number: 04-202-1-4513/2008
dated 7 August 2008,
118. Death certificate for [REDACTED] number: 04-202-1-405/2008
dated 8 August 2008,
119. Death certificate for [REDACTED] number: 04-202-1-482/2008
dated 12 August 2008,
120. Death certificate for [REDACTED] number: 04-202-1-413/2008
dated 8 August 2008,
121. Death certificate for [REDACTED] number: 04-202-1-
404/2008 dated 8 August 2008,
122. Death certificate for [REDACTED] number: 04-202-1-
445/2008 dated 11 August 2008,
123. Death certificate for [REDACTED] number: 04-202-1-
446/2008 dated 12 August 2008,
124. Death certificate for [REDACTED] number: 04-202-1-
447/2008 dated 12 August 2008,
125. Death certificate for [REDACTED] number: 04-202-1-
449/2008 dated 12 August 2008,



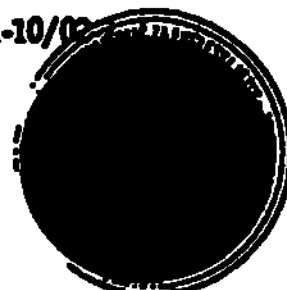
126. Death certificate for [REDACTED] number: 04-202-1-450/2008 dated 1 August 2008.
127. Death certificate for [REDACTED] number: 04-202-1-453/2008 dated 12 August 2008.
128. Death certificate for [REDACTED] number: 04-202-1-458/2008 dated 12 August 2008.
129. Decision of the Prijedor Basic Court number: R:784/02 dated 20 August 2002.
130. Record of the Prijedor Basic Court number: R:784/02 made on 20 August 2002.
131. Death certificate for [REDACTED] number: 04-202-1-459/2008 dated 12 August 2008.
132. Decision of the Prijedor Basic Court number: R:290/02 dated 26 November 2002.
133. Record of the Prijedor Basic Court number: R:290/02 made on 6 August 2002.
134. Death certificate for [REDACTED] number: 04-202-1-4498/2008 dated 7 August 2008.
135. Decision of the Prijedor Basic Court number: R:157/2000 dated 26 March 2000.
136. Record of the Prijedor Basic Court number: R:157/2000 made on 26 March 2000.
137. Death certificate for [REDACTED] number: 04-202-1-650/2008 dated 8 December 2008.
138. Death certificate for [REDACTED] number: 04-202-1-463/2008 dated 12 August 2008.
139. Death certificate for [REDACTED] number: 04-202-1-651/2008 dated 8 December 2008.
140. Death certificate for [REDACTED] number: 04-202-1-649/2008 dated 8 December 2008.
141. Record on forensic medicine examination of bodies in the location of Korćanske stijene, village of Korćani, Kneževio Municipality, dated 31 August 1992.
142. Record on exhumation by the Cantonal Court Travnik number: Kri-8/03 dated 12 June 2003 with the sketch of the site and photo documentation.
143. Photo documentation - examination of the remains of bones exhumed in the location of Korćanske stijene KRI: 8/93 dated 11 June 2003.
144. Forensic medicine analysis of mortal skeletal remains from the location of Korćanske stijene - Vlačić, Skender Vakuf Municipality, June 2003, certified court expert, [REDACTED]
145. Cover document of the Banja Luka Public Security Center (PSC), Crime Police Sector number: PP/164/99 dated 4 February 2004 with the attached Record on exhumation number: 10-02/4.1-6/2/03 dated 21 May 2003 and photo documentation.
146. Cover document of the Banja Luka PSC, Crime Police Sector number: PP/164/99 dated 12 February 2004 with the attached Record on exhumation number: 10-02/4.1-/286 dated 9 October 2003, with the sketch of the site, photo documentation and Report on crime scene investigation.
147. Photo documentation of the Bihać Cantonal Ministry of Interior number: 72/03 - exhumation of 4 unidentified bodies, Korćani - I, Skender Vakuf Municipality, 3 October 2003 with the sketch of the site

148. Final report on autopsy of [REDACTED] by prim. dr. [REDACTED]
149. Final report on autopsy of [REDACTED] Rakočević, [REDACTED]
150. Report on re-autopsy of [REDACTED]
151. Final report on autopsy of [REDACTED]
152. Photo documentation of the site where the remains of human bones were found in the location of „Korićanske stijene“ - site of execution of 210 persons, Bosniak Muslims, dated 12 July 1996,
153. Photo documentation of the site where the crime was committed and of the remains of human bodies and clothes (attachments: 4) - description of the photo documentation,
154. DNA report for [REDACTED] number: KRI-8/03 no. 149, dated 24 November 2003,
155. DNA report for [REDACTED] number: KRI-8/03 no. 147, dated 24 November 2003,
156. DNA report for [REDACTED] number: KRI-8/03 no. 76, dated 2 March 2004,
157. DNA reports for [REDACTED] number: KRI-8/03 no. 33, dated 14 November 2003, no. 98, dated 13 November 2003 and no. 146, dated 8 December 2003,
158. DNA report for [REDACTED] number: KRI-8/03 no. 92, dated 10 November 2003,
159. DNA report for [REDACTED] number: KRI-8/03 no. 39, dated 3 June 2003,
160. DNA report for [REDACTED] number: KRI-8/03 no. 95, dated 8 November 2003,
161. DNA report for [REDACTED] number: KRI-8/03 no. 124, dated 26 November 2003,
162. DNA report for [REDACTED] number: KRI-8/03 No. 42, dated 14 September 2003,
163. DNA reports for [REDACTED] number: KRI-08/03 No. 12, dated 24 November 2003, No. 21, dated 8 November 2003, No. 29, dated 8 November 2003, No. 37, dated 8 November 2003 and No. 111, dated 8 March 2004,
164. DNA reports for [REDACTED] number: KRI-8/03 No. 26, dated 6 May 2004, No. 119, dated 5 December 2003, No. 127, dated 8 March 2004 and No. 127, dated 8 December 2003,
165. DNA reports for [REDACTED] number: KRI-08/03 No. 49, dated 8 December 2003 and No. 121, dated 8 December 2003,
166. DNA reports for [REDACTED] number: KRI-8/03 No. 142, dated 13 February 2004 and No. 155, dated 16 April 2004,
167. DNA report for [REDACTED] number: KRI-8/03 No. [REDACTED] dated 6 May 2004



168. DNA reports for [REDACTED], number: KRI-8/03 No. 109, dated 21 January 2004, No. 131, dated 21 January 2004 and No. 150, dated 17 March 2004,
169. DNA reports for [REDACTED] number: KRI-8/03 No. 96, dated 11 December 2005 and No. 129, dated 11 February 2005,
170. DNA report for [REDACTED] number: KRI-08/03 No. 7, dated 8 November 2003,
171. DNA report for [REDACTED], number: KRI-08/03 No. 40, dated 11 February 2005,
172. DNA report for [REDACTED] number: KRI-8/03 No. 115, dated 11 December 2003 and No. 156, dated 2 December 2003,
173. DNA reports for [REDACTED] (son of [REDACTED]), number: KRI-8/03 No. 46, dated 8 November 2003 and No. 136, dated 31 March 2004,
174. DNA reports for [REDACTED] number: KRI-8/03 No. 91, dated 6 May 2004 and No. 112, dated 8 November 2003,
175. Two black and white photographs of the team for the terrain clear-up,
176. List of intervention platoons,
177. Public Security Station (PSS), Prijedor Police Station, List of the police employees for the calculation of salaries in the period from 16 March to 15 April 1992,
178. Report on overtime work hours, Prijedor Police Station number: 11-11/1-1_/90,
179. Prijedor PSS, Prijedor RPS - Center, List of the members of the Reserve Police (for the payment of salaries) engaged in May 1992,
180. RPS Prijedor - Center, List of the members of the Reserve Police for July 1992 /employed/,
181. Prijedor RPS - Center, List of the members of the Reserve Police for July 1992 /unemployed/,
182. Objection to the calculation of salary for Miroslav Paraš dated 31 July 1992,
183. List of authorized employees of the Prijedor Police Station number: 11-12/01-1-strictly confidential number 41/92 dated 13 August 1992,
184. List of the Prijedor Public Security Station employees in August 1992,
185. Prijedor RPS - Center, List of the members of the Reserve Police for August 1992 /unemployed/,
186. RSM Prijedor - Center, List of the members of the Reserve Police for September 1992 /unemployed/,
187. Cover document of the Prijedor PSS with the list of the Reserve Police members - men liable for military service number: 11-12-154 dated 7 September 1992,
188. Corrections to the list of the RPS for October,
189. Interim operational report no. 21/08 of the 22nd Light Infantry Brigade Command no. 43/4 dated 21 August 1992,
190. Combat report of the 1st Krajina Corps Command, strictly confidential no. 44-1/314 dated 22 August 1992,

191. Regular Combat report of the 1st Krajina Corps Command, strictly confidential number 44-1/315,
192. Mico Stanišić's Order dated 31 August 1992,
193. Dispatch note number 11-1/02-2/345 dated 11 September 1992,
194. Dispatch note by the Security Services Center, Banja Luka Public Security Service Sector number 11-1/02-2/345 dated 11 September 1992,
195. Dispatch note by the Prijedor PSS number: 11-12-2267 dated 14 September 1992,
196. Dispatch note by the Security Services Center, Banja Luka Public Security Service Sector number 11-1/02-2/370 dated 7 October 1992,
197. Dispatch note by the Prijedor PSS number: 11-12-2344 dated 13 October 1992,
198. Criminal report of the Banja Luka PSC number: 11-1/02-230-dated 8 September 1992,
199. Motion for undertaking certain investigative actions by the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 14 September 1992,
200. Document of the Basic Court in Banja Luka dated 24 September 1992,
201. Request for the collection of necessary information of the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 30 September 1992,
202. Document of the 1st Krajina Corps Command (IKM) no. 604-1/92 dated 16 October 1992 with the attached list,
203. List of the Prijedor PSS number 11-12-74 dated 2 February 1993,
204. List of the police employees deployed to perform special tasks in Republika Srpska Krajina, Prijedor PSS dated 27 January 1993,
205. Dispatch note by the Prijedor PSS number: 11-12-97 dated 10 February 1993,
206. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-T dated 31 July 2003,
207. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-A dated 22 March 2006,
208. Instruction on organization and activities of the authorities of the Serb people in Bosnia and Herzegovina in extraordinary circumstances dated 19 December 1991 - variant A and variant B.
209. Decision on strategic goals of the Serb people in BiH dated 12 May 1992 published in the Official Gazette of Republika Srpska no. 22 dated 26 November 1993,
210. Order of the Prijedor PSS number: 11-12-20 dated 31 May 1992,
211. Dispatch notes by the Banja Luka PSC number: 11-1/01-10 dated 6 July 1992,
212. Dispatch note number: 11-1/01-67 dated 21 August 1992 marked „DD” Banja Luka PSC,
213. Information on the execution of conclusions, decisions and orders of the Banja Luka PSC - Prijedor PSS number: 11-12-13 dated 3 September 1992
214. 2003 January Report on the work of the Prijedor PSS for the last 9 months of 1992,
215. Excerpt from the criminal records of the Prijedor PSS number: 08-1-10/02-2-236-235/49-36/08 dated 4 August 2008,
216. Excerpt from the criminal records of the Prijedor PSS number: 08-1-10/02-23-235/49-104/08 dated 15 October 2008,



217. Excerpt from the criminal records of the Special Purpose Department of the Crime Police Sector of the Police Administration of the Canton Sarajevo Mol, number: 02/2-9-04-8-2/4263/08 dated 15 October 2008,
218. Excerpt from the criminal records of the Third Police Administration, Sanski Most Police Station number: 05-1/08-2-1725/08 dated 15 October 2008,
219. Death certificate for [REDACTED] number: 04-202-1-6470/2008 dated 21 October 2008,
220. Death certificate for [REDACTED] number: 04-202-1-6471/2008 dated 21 October 2008,
221. Military ID for Damir Ivanković number: 173941 with the issuance date of 31 March 1987,
222. Certificate of injury of the Prijedor Public Security Station number: 11-12-74 dated 27 October 1992,
223. Certificate of the Personnel Service of the Military Post Office 3670 Prijedor Int. number: 716-20/395 dated 30 October 1992,
224. Master file and Unit Record for Damir Ivanković, son of Ivan,
225. Military ID for Zoran Babić number: 347824 with the issuance date of 23 October 1985,
226. Application for the competition of the Ministry of Interior of the Serb Republic of Bosnia and Herzegovina for the admission to a six-month police training for Zoran Babić dated 21 May 1992,
227. Certificate of the Department for Defense of the Ministry for Defense of the Serb Republic of Bosnia and Herzegovina number: 03/2-845-1-1133 dated 10 August 1992,
228. Request for the issuance of a certificate for Zoran Babić a.k.a Bakin dated 10 August 1992 submitted to the Prijedor Basic Court and recorded under the number Kv: 1879/92,
229. Certificate of the Banja Luka Secondary School for internal affairs number: 01/217/92 date 30 December 1992,
230. Certificate of completed course of the Secondary school for internal affairs dated 5 April 1993,
231. Decision of the Banja Luka Security Services Center number: 11-120/261 dated 29 April 1993,
232. Decision of the Republika Srpska Ministry of Interior number: 09/3-1203334 dated 1 September 1994,
233. Personnel questionnaire of the Republika Srpska Ministry of Interior for Zoran Babić dated 28 October 1994,
234. Decision of the Republika Srpska Ministry of Interior number: 08/1-134-2018 dated 20 October 1995,
235. Certificate of the Republika Srpska Ministry of Defense - Prijedor Department dated 4 December 2002 number: 8/2-04-04-835-5-4116/02,
236. Decision of the Republika Srpska Pension and Disability Insurance Fund - Prijedor branch office, number: 9308031504 dated 26 March 2004,
237. Decision on the termination of employment of the Republika Srpska Ministry of Interior number: 05/2-126-230 dated 13 May 2004,
238. A color photograph of YNA members in uniforms including Zoran Babić,

239. Master file and Unit Record for Zoran Babić, son of Dušan,
240. Military ID for Gordan Đurić,
241. Four color photographs from the war period, three of which depict Gordan Đurić,
242. Decision of the Prijedor Department for protection of veterans and disabled persons number: 03-568-3784/01 dated 12 November 2002,
243. Six color photographs showing among others, Milorad Radaković,
244. Master file for Milorad Radaković, son of Stojan,
245. Master file and Unit Record for Milorad Škrbić, son of Drago,
246. Military ID for Ljubiša Četić,
247. Decision of the Banja Luka Security Service Center number: 11-120-1/1976 dated 17 June 1992,
248. Questionnaire ME-1 for Dušan Janković dated 29 December 1992,
249. Decision of the Banja Luka Security Services Center number: 11-120-11/ dated 27 October 1993,
250. Decision of the Banja Luka Security Services Center number: 09-6425 dated 3 November 1993,
251. Decision of the Republika Srpska Ministry of Interior number: 09-6492 dated 27 December 1993,
252. Decision of the Republika Srpska Ministry of Interior number: 09-6731 dated 27 May 1994,
253. Personnel questionnaire of the Republika Srpska Ministry of Interior for Dušan Janković dated 15 October 1994,
254. Personnel questionnaire for determining the rank of the authorized officer of the Republika Srpska Ministry of Interior, Prijedor PSC, for Dušan Janković number: 14-24 dated 19 October 1995,
255. Decision on determining the rank by the Republika Srpska Ministry of Interior number: 08/1-134-3524 dated 20 October 1995,
256. Decision of the Republika Srpska Ministry of Interior number: 09/3-120-1110 dated 24 April 1996,
257. Decision on special promotion to a next higher rank of the Republika Srpska Ministry of Interior number: 09/3-134-53 dated 6 February 1997,
258. Certificate of the Prijedor Public Security Center number: 14-09-120-350 dated 14 April 1997,
259. Decision of the Republika Srpska Ministry of Interior number: 01-01-39/97 dated 19 September 1997,
260. Decision of the Republika Srpska Ministry of Interior number: 06/3-120-858 dated 8 April 1998,
261. Decision of the Republika Srpska Ministry of Interior number: 03/1-2-120-10020 dated 31 December 1999,
262. Decision of the Republika Srpska Ministry of Interior number: 03/1-2-126-424 dated 3 September 2001,
263. Certificate of the Sector for legal, personnel, and foreigners' affairs of the RS MoI number: 03/1-2-126-424/01 dated 1 October 2001,
264. Certificate of the Administration for legal, personnel, and foreigners' affairs of the RS MoI number: 05/2-126-424/01 dated 12 March 2002,

265. Document of the Banja Luka PSC number: 10-1-126/7-5 dated 26 March 2002,
266. Decree on awarding decorations of the President of Republika Srpska,
267. Supplement information regarding the Decree on awarding decorations of the Republika Srpska Ministry of Interior, Ministry Cabinet, dated 26 April 1995,
268. Miloš Obilić's Order,
269. Master file and Unit Record for Dragoje Janković, son of Dušan,
270. Identity card of the Republika Srpska Mol for Dušan Janković and a tag with the name of D. Janković,
271. Decision of the Republika Srpska Ministry of Interior number: 09/3-120-3312 dated 1 September 1994,
272. Decision of the Republika Srpska Ministry of Interior number: 09/3-120-70 dated 1 October 1994,
273. Personnel questionnaire for determining the rank of the authorized officer of the Republika Srpska Ministry of Interior, Prijedor PSC for Željko Stojnić number: 14-01-1-120-66 dated 14 September 1995,
274. Proposal for special promotion, Prijedor PSC, number: 14-40 fated 23 October 1995,
275. Decision of the Republika Srpska Ministry of Interior number: 08/1-134-2019 dated 20 October 1995,
276. Decision of the Republika Srpska Ministry of Interior number: 03/1-2-120-547 dated 13 April 1999,
277. Personnel questionnaire of the Republika Srpska Ministry of Interior for Željko Stojnić dated 31 January 2002,
278. Certificate of passed professional exam of the Committee for professional exam, Prijedor PSC number: 14-03/1-1-153/17-403 dated 17 October 2001,
279. Decision of the Republika Srpska Ministry of Interior number: 05/2-120-6660 dated 1 November 2001,
280. Decision of the Republika Srpska Ministry of Interior number: 05/2-134,1- dated 12 February 2003,
281. Master file and Unit Record for Željko Stojnić, son of Boško.

RESULTS OF THE INVESTIGATION

The evidence gathered by the Prosecutor's Office of BiH during the investigation unequivocally confirms the wellfoundedness of the present indictment, that is, the allegations that the suspects Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Ljubila Četić, Dušan Janković and Željko Stojnić satisfied all the essential elements of the criminal offense of Crimes against Humanity; that is, that there was a widespread and systematic attack in the town of Prijedor and its surrounding area directed against the civilian population at the time of commission of the offense charged, that the suspects were aware of the existence of such an attack and they, at the time and in the place of commission of the offense referred to in the indictment's operative part, acted as part of a joint criminal enterprise aimed at the persecution of non-Serb civilian population as described above and their acts satisfy all the elements of the offense of Crimes against Humanity in violation of Article 172(1)(h), (a), (d), (e) and (k), in conjunction with Article 180(1) of the Criminal Code

of Bosnia and Herzegovina and, in relation to Dušan Janković, Article 180(2) of the Criminal Code of Bosnia and Herzegovina.

Under the final judgment of the ICTY in the *Prosecutor v. Milomir Stakić* case, the 1991 census showed that Prijedor municipality had 112,549 inhabitants of whom 49,351 (43.9%) were Muslim, 47,581 (42.3%) Serb and 6,316 (5.6%) Croat.

It was also found that the objective of consolidating Serb control in Prijedor Municipality which had a majority Muslim population (variant B municipalities) was first articulated in the Instructions issued by the Main Board of the Serb Democratic Party of Bosnia and Herzegovina on 19 December 1991.

The Instructions provided a blueprint for the Serb people in Bosnia and Herzegovina to "live in a single state". This objective was embraced by the SDS Prijedor Municipal Board which started to implement the first stage preparations in respect of variant B municipalities. With the establishment of the self-proclaimed Assembly of the Serbian people in Prijedor Municipality on 7 January 1992, the plan on the municipal level took a tangible form. The Serb Assembly's decision of 17 January 1992 to join the Autonomous Region of Krajina („ARK“) reinforces the idea that it was sought to establish a Serb-dominated and Serb controlled territory on a municipal level. The common goal on the Prijedor level found its vibrant expression in Radovan Karadžić's six strategic goals of the Bosnian Serb leadership in Bosnia and Herzegovina which included as the first goal the separation of Serbs from "the other two national communities". Karadžić remarked that the accomplishment of his goals "shall finally and definitely finish the job of the freedom struggle of the Serb people". By the time Karadžić set out these goals, preparations were already underway for the fulfillment of the first goal in Prijedor Municipality. On 29 April 1992, both at the meeting convened by Dr. Stakić at the Prijedor JNA barracks and at the gathering in Ćirkin Polje, the final agreement was made amongst those willing to participate, in particular the police and armed Serbs, that power would be taken over in Prijedor municipality during the night. This was the trigger and the first in a series of events and the first of agreements necessary to achieve the common goal. No formal agreement was necessary and all participants were aware of where the decision to take over power would lead. The takeover of power by the Serbian authorities on 30 April 1992 was the culmination of months of planning by the SDS which, at that time, was already cooperating with the police to boost security forces in the municipality in anticipation of the *coup d'état*. After the takeover, Dr. Stakić and other SDS leaders assumed positions in the municipal government, while legally elected Muslim and Croat politicians were forcibly removed. Other leading SDS members were installed in strategic positions throughout the municipality. Simo Drijača became Chief of Police. After the takeover, the Serb leadership sought to achieve a state of readiness for war in the Municipality of Prijedor ... The Prijedor Crisis Staff began to impose restrictions on the non-Serb residents of Prijedor. In particular, announcements were made that all weapons should be surrendered. The creation of a coercive environment for the non-Serb residents of Prijedor municipality is consistent with the co-perpetrators' objective of consolidating Serb power in the municipality by forcing non-Serbs to flee or be deported, thereby changing fundamentally the ethnic balance

in the municipality. A propaganda campaign helped to polarize the Prijedor population along ethnic lines and created an atmosphere of fear. Dr. Stakić made a number of media appearances during the summer of 1992 instilling inter-ethnic suspicion. The newspaper "Kozarski Vjesnik" became a propaganda tool of the Serb authorities. Residents were prevented from receiving the Sarajevo TV station and could only watch TV programs from Belgrade or Banja Luka. In a speech reported in "Kozarski Vjesnik", Dr. Stakić proclaimed: "Now we have reached a state in which the Serbs alone are drawing the borders of their new state". This is also demonstrated by the fact that the Official Gazette of Prijedor Municipality of 20 May 1992 started explicitly with a "Year 1" edition. The creation of an atmosphere of fear in Prijedor Municipality culminated in the agreement amongst members of the Crisis Staff to use armed force against civilians and to establish the Omarska, Keraterm and Trnopolje camps. The order to set up the Omarska camp on 31 May 1992, signed by Simo Drijaca, was issued "in accordance with the Decision of the Crisis Staff" presided over by Dr. Stakić. The Trial Chamber finds no reason to doubt Dr. Stakić's own statement in a television interview that "[Omarska, Keraterm, and Trnopolje were] a necessity at the given moment" and his confirmation that these camps "were formed according to a decision of [his] civilian authorities in Prijedor" (paragraphs 470 - 477).

The Trial Chamber was satisfied in the same case that the attack directed against the civilian population was prepared as of 7 January 1992 when the Assembly of the Serb People in Prijedor was first established. The plan to rid the Prijedor municipality of non-Serbs and others not loyal to the Serb authorities was activated through the takeover of power by Serbs on 30 April 1992. Thereafter the attack directed against the civilian population intensified, according to the plan, culminating with the attacks on Hambarine and Kozarac in late May 1992. Attacks on predominantly non-Serb areas including the Brdo region ensued, with hundreds of non-Serbs killed and many more arrested and detained by the Serb authorities, *inter alia* in detention facilities. Having established that the attack was systematic, the Trial Chamber held that it was not strictly necessary to consider the requirement that the attack be widespread. Nonetheless, the Trial Chamber found that the attack on the non-Serb population of Prijedor was also widespread. The attacks, as such, occurred throughout the municipality of Prijedor, initially in Hambarine and Kozarac, and then spreading to the whole of the Brdo region. Moreover, thousands of citizens of Prijedor municipality passed through one or more of the three main detention camps, Omarska, Keraterm and Trnopolje, established in the towns of Omarska, Prijedor and Trnopolje respectively (paragraphs 629 and 630). This view of the Trial Chamber was upheld by the Appeals Chamber (IT-97-24-A dated 22 March 2006, paragraph 250).

Furthermore, the Trial Chamber (paragraph 571) was satisfied that an armed conflict existed in the territory of the Municipality of Prijedor at the relevant time, and the Appeals Chamber upheld this view in its judgment (paragraph 349).

The Appeals Chamber concluded in the same judgment that there was a joint criminal enterprise of the first category operating in the Municipality of Prijedor

in the period relevant to the Indictment (between April and September 1992) (paragraph 85).

Moreover, the Trial Chamber noted in the judgment that that the atmosphere in the municipality of Prijedor during the time relevant to the Indictment was of such a coercive nature that the persons leaving the municipality cannot be considered as having voluntarily decided to give up their homes (paragraph 707). The Appeals Chamber upheld the Trial Chamber's conclusion finding that the departures were involuntary, and therefore unlawful (paragraph 283). Furthermore, the Appeals Chamber noted in paragraph 321 that it was satisfied beyond reasonable doubt that the following incidents amount to acts of forcible transfer...(4) A convoy from Tukovi Stadium in the Municipality of Prijedor to Travnik (non-Serb controlled territory) on 21 August 1992 ... The Trial Chamber has found that members of the Prijedor intervention platoon escorting the deportation convoy murdered about 200 people on the Vlasici Mountain on 21 August 1992 (paragraph 13).

All the aforesaid is corroborated by the documentary evidence and the witness statements gathered during the investigation. The evidence gathered during the investigation clearly show that the suspects were aware of a widespread and systematic attack, that they knowingly participated in the widespread and systematic attack and that they knowingly implemented the devised plan to accomplish the common goal. Numerous witnesses have confirmed that their residences were attacked by the Serbian military and police and that they were apprehended and detained in camps thereafter, ultimately having a possibility to flee from Prijedor or be murdered or detained in camps. As members of the police and of the Prijedor police intervention platoon, the suspects participated in the implementation of a plan to takeover power in Prijedor and in the attacks against the Bosniak and Croat villages in Prijedor Municipality. Prior to escorting the convoy in question, they had escorted a number of other convoys transporting Bosniaks and Croats from Prijedor Municipality and thus forcibly transferred population. When the convoy set out on 21 August 1992, all the suspects knew what to do in the escort of the convoy, that is, they were supposed to seize money, gold and other valuables from the persons on the convoy and separate from the convoy as many people as possible and murder them, which stems from the statements by witnesses K-3, K-1, [REDACTED] KO-4, KO-5, KO-6, KO-7, KO-14, other statements of witnesses heard and proposed and the statement by the suspect Damir Ivanković.

At the time of commission of the offense, the suspects were members of the Prijedor Police Station and of the Prijedor police intervention platoon, which, among other things, ensues from the following evidence:

- with respect to the suspect Damir Ivanković: page 29 of the military card of Damir Ivanković reads that he was a member of the Prijedor PSS /Public Security Station, Police Station/ between 29 April 1992 and 9 September 1992, Prijedor PSS certificate of wounding issued to Damir Ivanković no. 11-12-74 dated 27 October 1992 reading that Damir Ivanković was a member of the reserve police force of the Prijedor PSS between 29 April 1992 and 9 September 1992 when he was deployed at the Han Pijesak frontline as part of a war unit, unit and personal file of Damir Ivanković, a

of members of the intervention platoon with the name Damir Ivanković mentioned under number 13;

- with respect to the suspect Zoran Babić: page 29 of the military card of Zoran Babić reads that he was a member of the Prijedor PSS between 29 April 1992 and 9 September 1992, personal questionnaire of Zoran Babić dated 28 October 1994 with the date „as of 29 April 1992” written in the „Years of service in the MUP /Ministry of Interior/BiH” column, unit and personal file of Zoran Babić, a list of members of the intervention platoon with the name Zoran Babić mentioned under number 8;

- with respect to Gordan Đurić: page 29 of the military card of Gordan Đurić reads that he was a member of the Prijedor PSS between 29 April 1992 and 9 September 1992;

- with respect to Milorad Radaković: the decision of the Prijedor Department for Veterans and Disabled Veterans (no. 03-568/3784/01 dated 12 November 2002) and the personal file of Milorad Radaković show that he was a member of the Prijedor PSS between 29 April 1992 and 9 September 1992,

- with respect to Milorad Škrbić: unit and personal file of Milorad Škrbić reads that he was a member of the Prijedor PSS between 29 April 1992 and 9 September 1992;

- with respect to Ljubiša Četić: page 29 of the military card of Ljubiša Četić reads that he was a member of the Prijedor PSS between 29 April 1992 and 9 September 1992;

- with respect to Dušan Janković: decision of the Banja Luka Security Service Center no. 11-120-1/1376 dated 17 June 1992 reading that Dušan Janković is assigned to the post of *komandir* /commander/ of the Prijedor Police Station in the Prijedor PSS, letter of the Prijedor Police Station no. 11-12/01-1-strictly confidential no. 41792 dated 13 August 1992 delivering a list of authorized employees (the letter was signed by the suspect Dušan Janković as the Station Commander), ME-1 questionnaire for Dušan Janković dated 29 December 1992 signed by Dušan Janković (according to this document, Dušan Janković was the Police Station Commander as of 1 April 1992);

- with respect to Željko Stojnić: personal questionnaire to determine the rank of an authorized official person of the Ministry of Interior of the Republika Srpska-Prijedor CJB /Public Security Center/ no. 14-01-1-120-66 dated 14 September 1995 reading that Željko Stojnić was a member of the Prijedor PSS as of 29 April 1992 onwards, unit and personal file of Željko Stojnić and a list of members of the intervention platoon with the name Željko Stojnić mentioned under number 7.

That the suspects Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Ljubiša Četić and Željko Stojnić were members of the Prijedor PSS and were reserve police officers at the time of commission of the offenses in 1992 stems from the List of Reserve Police Force Members (disbursement of salary) Engaged in May 1992, List of Reserve Police Force Members for July 1992 /employed/, List of Reserve Police Force Members for July 1992 /unemployed/, List of Reserve Police Force Members for August 1992 /unemployed/, List of Reserve Police Force Members for September 1992 /unemployed/, Cover letter of the Prijedor PSS with a List of Reserve Police Force Members - military conscripts, no. 11-12-154 dated 7 September 1992.

In addition, it ensues from Interim Operations Report no. 21/08 of the Command of the 22nd Light Infantry Brigade strictly confidential no. 43/4 dated 21 August 1992, Combat Report of the Command of the 1st Krajina Corps strictly confidential no. 44-1/314 dated 22 August 1992, Regular Combat Report of the Command of the 1st Krajina Corps strictly confidential no. 44-1/315, Order by Mićo Stanišić dated 31 August 1992, Dispatch Note no. 11-1/02-2/345 dated 11 September 1992, Dispatch Note of the B. Luka CSB SPSS no. 11-1/02-2/345 dated 11 September 1992, Dispatch Note of the Prijedor PSS no. 11-12-2267 dated 14 September 1992, Dispatch Note of the B. Luka CSB SPSS no. 11-1/02-2/370 dated 7 October 1992 and Dispatch Note of the Prijedor PSS no. 11-12-2344 dated 13 October 1992 that the criminal offense in question was committed by police officers of the Prijedor PSS.

The evidence gathered in the course of the investigation, statements of witnesses:

KS-1, KS-2, KO-1, KO-4, KO-8, KO-9, KO-10, KO-11, KO-14, KO-15, K-1, K-2, K-3, the statements by other witnesses heard and proposed and the submitted documents show that the suspects Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Ljubiša Četić, Dušan Janković and Željko Stojnić committed the offense charged, in the manner, at the time and in the place as set out in the Indictment's operative part.

All the suspects were questioned during the investigation. Suspects Milorad Škrbić, Dušan Janković and Željko Stojnić exercised their legal right to remain silent during the questioning whereas suspects Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković and Ljubiša Četić exercised their legal right and presented their defense on record.

When presenting his defense on the record of questioning, suspect Damir Ivanković stated that he had learned about the escort of the convoy in question the day before the convoy set out and he confirmed that it is true that he was escorting the convoy on 21 August 1992. He also confirmed seeing Dušan Janković aka „Dule“ in Tukovi before the convoy set out and stated that Zoran Babić aka „Bakin“, Gordan Đurić aka „Buzda“ or „Buzdovan“, Milorad Radaković aka „Srbo“, Milorad Škrbić aka „Škrba“, Ljubiša Četić and Željko Stojnić and others set out from Tukovi escorting the convoy. The convoy was escorted by a white van otherwise used by the intervention platoon. He said that he knew when the convoy stopped by the Ugar River that the people who were separated were earmarked to be killed.

It also follows from the statement by suspect Damir Ivanković that, among others, Darko Mrđa, Zoran Babić aka Bakin and Milorad Škrbić were murdering non-Serbs at the Korićanske stijene while he was hitting the air. He further stated that all members of the intervention platoon who remained by the two buses had automatic weapons with additional clips and rifle kits, but he only had his gun that day because his rifle was in the Prijedor PSS. He also stated that members of the intervention platoon took out bags containing money and jewelry in a coffee bar in

Kneževo where they stopped at after killing people at the Korićanske stijene. At that moment, Dušan Janković and several members of the intervention platoon (among whom he saw Petar Čivčić) passed by the coffee bar in a vehicle. Upon return to Prijedor, vast quantities of money and valuables that had been seized from people on the convoy were handed over in an office to the suspect Dušan Janković and Milutin Čado. Suspect Damir Ivanković distinctly described how he was put under pressure to sign a statement that had been typed out and prepared in advance. The statement read that suspect Dušan Janković did not escort the convoy in question.

When presenting his defense on the record of questioning, suspect Zoran Babić aka „Bakin“ stated that he, as a reserve police officer, was a member of the intervention platoon and that the intervention platoon belonged to the Prijedor Police Station, whose commander at that time was Dule Janković. On the relevant day, he, together with other members of the police intervention platoon and active police, was on a meadow in close vicinity of the stadium in the local community of Tukovi that was not fully built and they were all wearing blue camouflage uniforms and carrying automatic rifles while some even carried pistols. He saw men boarding vehicles, but stated that he did not wait for the convoy to form and set out because he had left the scene and did not escort the convoy.

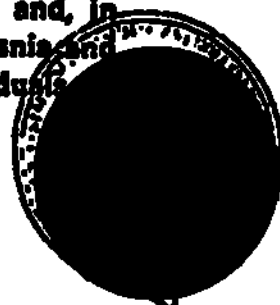
When presenting his defense on the record of questioning, suspect Gordan Đurić, too, confirmed that he, as a reserve police officer, was a member of the police intervention platoon, just like Zoran Babić aka „Bakin“, Damir Ivanković, Milorad Škribić, Milorad Radaković, Željko (son of Boško) Stojnić and others, and that on the relevant day, together with other members of the intervention platoon, escorted the convoy in question. Two members of the intervention platoon were in each vehicle as escort. He further stated that he noticed there were more people on the bus he was in after they stopped by the river and then continued moving with additional escort entering the bus. Upon arrival at the section of the road „where that misfortune occurred“, both the bus he was in as escort and the bus behind that bus stopped. He got out through the front door to the right and he was followed by the driver. One man from the escort told the drivers to move a bit more away from the vehicles. He followed the drivers feeling some tension and they moved 30-40 meters away from the buses. He said that he could not see the entire bus but only one part of it whereas he could not see the second bus at all. Only when they were 30-40 meters away and while talking to the drivers did he hear bursts of fire and individual shots, but he did not know who was shooting, who was being shot at and why. At one point, a man wearing an olive-drab uniform approached them and asked them what was going on and they briefly talked to that man. After a while, someone called the drivers and he, together with another man from the escort, entered a vehicle and moved away. He said that he, the driver and the man from the escort were in the same vehicle. He said that he (as escort) together with the driver returned to Prijedor and saw dead bodies when passing by the site where the murders were committed.

When presenting his defense on the record of questioning, suspect Milorad Radaković aka „Srbo“ did not contest that he escorted the convoy as medical

support with the intervention platoon of the Prijedor PSS and that he was wearing a blue camouflage uniform and was issued with an automatic rifle and an M-88 pistol or the so-called *depetka* /nine-millimeter automatic pistol/. He also stated that he had escorted other convoys together with other members of the intervention platoon prior to this convoy. As for the convoy in question, he stated that the driver of the bus in which he was as escort went around two buses that stopped and proceeded towards Smetovi. On the way back, he came across the stopped buses and Darko Mrda, Damir Ivanković and others signaled them to continue moving and not stopping. He further stated that on that occasion he did not see people on the buses and he did not know where they were. He returned to Prijedor the same evening and asked his colleagues who were in the escort and who came back why they had parked there, that is, why the two buses had stopped, and he thinks that Darko Mrda told him on that occasion that an exchange had taken place there. All this occurred some 15 minutes upon his return to the Prijedor PSS because he waited for about 15 minutes for other members of the intervention platoon to return so that a van could take them home as most of them were living in the Tukovi MZ /local community/. He learned about the killing of people on the second day having arrived at work because he only then learned that people were not exchanged but killed.

When presenting his defense on the record of questioning, suspect Ljubila Četić said that he was assigned to the intervention platoon prior to the start of the convoy. He said that he learned in the morning of that day that he was supposed to escort a convoy and so he and others went to Tukovi and only then did they find out whom they were escorting. He personally entered a vehicle with another member of the intervention platoon and escorted a truck/trucks. In addition to members of the intervention platoon, active police officers were in the escort and they all wore blue camouflage uniforms (active police officers had ranks). He said that he, a man from the escort and a driver came to a final destination where he did not see any of his colleagues from the intervention platoon. After that, he, the driver and the man from the escort returned to Prijedor in a column of vehicles. On their way back, they did not encounter any vehicles from the convoy and he said that they arrived in Prijedor late and then went home. He learned about the killing of people one or two days after being in the escort of the convoy. He said that he returned to the military unit 10-15 days thereafter and was deployed to the Brčko frontline.

Therefore, a complex evaluation of the facts contained in the Indictment's operative part and corroborated by the documentary evidence and witness statements, suggests the only possible conclusion that the suspects knowingly participated in the joint criminal enterprise and that the acts of the suspects Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Ljubila Četić, Dušan Janković and Željko Stojnić satisfy all the elements of the criminal offense of Crimes against Humanity in violation of Article 172(1)(h), (a), (d), (e) and (k) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina and, in relation to Dušan Janković, Article 180(2) of the Criminal Code of Bosnia and Herzegovina. This Indictment is filed against the aforementioned individuals.



committing the quoted offense. I hereby petition the preliminary hearing judge of the Court of BiH to confirm the indictment.

EVIDENCE CORROBORATING THE ALLEGATIONS IN THE INDICTMENT

1. Record on the examination of the suspect Damir Ivanković, number: KT-RZ 48/06 dated 27 May 2008, 11 December 2008 and 23 December 2008,
2. Record on the examination of the suspect Zoran Babić, number: KT-RZ 48/06 dated 28 May 2008,
3. Record on the examination of the suspect Gordan Đurić, number: KT-RZ 48/06 dated 14 October 2008,
4. Record on the examination of the suspect Milorad Radaković, number: KT-RZ 48/06 dated 14 October 2008,
5. Record on the examination of the suspect Milorad Škrbić, number: KT-RZ 48/06 dated 15 October 2008,
6. Record on the examination of the suspect Ljubila Četić, number: KT-RZ 48/06 dated 14 October 2008,
7. Record on the examination of the suspect Dušan Janković, number: KT-RZ 48/06 dated 27 May 2008,
8. Record on the examination of the suspect Željko Stojnić, number: KT-RZ 48/06 dated 30 May 2008,
9. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008 with the attached appointment book belonging to [REDACTED]
10. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
11. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 March 2008,
12. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 March 2008,
13. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 March 2008,
14. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 25 March 2008,
15. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 3 April 2006,
16. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 25 March 2008,
17. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
18. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 April 2006,
19. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 24 April 2006,

20. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 26 April 2006,
21. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 7 May 2008,
22. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 19 May 2008,
23. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 May 2008,
24. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 7 May 2008,
25. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 23 March 2008 and 4 December 2008,
26. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 27 March 2008,
27. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 4 April 2006,
28. Record on the examination of the witness [REDACTED] number: 17-04/2-146/06 dated 22 March 2006,
29. Record on the examination of the witness [REDACTED] number: 17-04/2-149/06 dated 21 March 2006,
30. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 18 July 2008,
31. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 5 April 2006,
32. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1044/08 dated 22 October 2008,
33. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 21 October 2008,
34. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 6 April 2006,
35. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1043/08 dated 22 October 2008,
36. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 6 April 2006,
37. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 July 2008,
38. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 7 April 2006,
39. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 12 March 2008,
40. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 13 March 2008,
41. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 May 2008,
42. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 May 2008,



43. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 September 2008,
44. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 26 March 2008,
45. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 29 April 2008,
46. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 November 2008,
47. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 29 April 2008,
48. Record on the examination of the witness [REDACTED] number KT-RZ 48/06 dated 12 August 2008,
49. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1038/08 dated 20 October 2008,
50. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 28 April 2008,
51. Record on the examination of the witness [REDACTED] number KT-RZ-48/06 dated 8 August 2008,
52. Record on the examination of the witness [REDACTED] number KT-RZ-48/06 dated 5 August 2008,
53. Record on the examination of the witness [REDACTED] number KT-RZ-48/06 dated 5 August 2008,
54. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1035/08 dated 16 October 2008,
55. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 29 April 2008,
56. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 13 March 2008,
57. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 5 April 2006,
58. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1301/08 dated 25 December 2008,
59. Record on the examination of the witness [REDACTED] number: 17-04/2-2-04-2-1297/08 dated 24 December 2008,
60. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 14 July 2008,
61. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 July 2008,
62. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 26 March 2008,
63. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 17 July 2008,
64. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 6 April 2006,
65. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 23 August 2006,

66. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 22 August 2006,
67. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 12 June 2008
68. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 13 June 2008,
69. Record on the examination of the witness [REDACTED] number: KT-RZ 48/06 dated 15 August 2008
70. Records on the examination of the witness KS-1, number KT-RZ 48/06, 2X,
71. Records on the examination of the witness KS-2, number KT-RZ 48/06, 2X,
72. Record on the examination of the witness KS-3, number KT-RZ 48/06,
73. Record on the examination of the witness KO-1, number KT-RZ 48/06,
74. Record on the examination of the witness KO-2, number KT-RZ 48/06,
75. Record on the examination of the witness KO-3, number KT-RZ 48/06,
76. Record on the examination of the witness KO-4, number KT-RZ 48/06,
77. Record on the examination of the witness KO-5, number KT-RZ 48/06,
78. Record on the examination of the witness KO-6, number KT-RZ 48/06,
79. Record on the examination of the witness KO-7, number KT-RZ 48/06,
80. Record on the examination of the witness KO-8, number KT-RZ 48/06,
81. Record on the examination of the witness KO-9, number KT-RZ 48/06,
82. Record on the examination of the witness KO-10, number KT-RZ 48/06,
83. Record on the examination of the witness KO-11 number KT-RZ 48/06,
84. Record on the examination of the witness KO-12 number KT-RZ 48/06,
85. Record on the examination of the witness KO-13 number KT-RZ 48/06,
86. Record on the examination of the witness KO-14 number KT-RZ 48/06,
87. Record on the examination of the witness KO-15, number KT-RZ 48/06,
88. Record on the examination of the witness KO-16, number KT-RZ 48/06,
89. Record on the examination of the witness KO-17, number KT-RZ 48/06,
90. Records on the examination of the witness K-1, number KT-RZ 48/06, 2X,
91. Record on the examination of the witness K-2, number KT-RZ 48/06,
92. Record on the examination of the witness K-3, number KT-RZ 48/06,
93. Death certificate for Enver Arifagić (son of Avdo) number: 04-202-1-425/2008 dated 12 August 2008,
94. Death certificate for [REDACTED] number: 04-202-1-4583/2008 dated 11 August 2008,
95. Death certificate for [REDACTED] number: 04-202-1-4583/2008 dated 11 August 2008,
96. Death certificate for [REDACTED] number: 04-202-1-4586/2008 dated 11 August 2008,
97. Death certificate for [REDACTED] number: 04-202-1-426/2008 dated 12 August 2008,
98. Death certificate for [REDACTED] number: 04-202-1-427/2008 12 August 2008,
99. Death certificate for [REDACTED] number: 04-202-1-429/2008 dated 12 August 2008,
100. Death certificate [REDACTED] number: 04-202-1-430/2008 dated 12 August 2008,

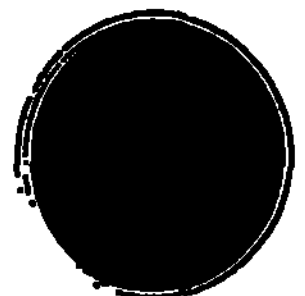


101. Death certificate for [REDACTED] number: 04-202-1-432/2008 dated 12 August 2008,
102. Death certificate for [REDACTED] number: 04-202-1-433/2008 dated 12 August 2008,
103. Death certificate for [REDACTED] number: 04-202-1-401/2008 dated 8 August 2008,
104. Death certificate for [REDACTED] number: 04-202-1-4506/2008 dated 7 August 2008,
105. Death certificate for [REDACTED] number: 04-202-1-4507/2008 dated 7 August 2008,
106. Death certificate for [REDACTED] number: 04-202-1-398/2008 dated 8 August 2008,
107. Death certificate for [REDACTED] number: 04-202-1-434/2008 dated 12 August 2008,
108. Death certificate for [REDACTED] number: 04-202-1-435/2008 dated 12 August 2008,
109. Death certificate for [REDACTED] number: 04-202-1-436/2008 dated 12 August 2008,
110. Death certificate for [REDACTED] number: 04-202-1-437/2008 dated 12 August 2008,
111. Death certificate for [REDACTED] number: 04-202-1-438/2008 dated 12 August 2008,
112. Death certificate for [REDACTED] number: 04-202-1-399/2008 dated 8 August 2008,
113. Death certificate for [REDACTED] number: 04-202-1-4590/2008 dated 11 August 2008,
114. Death certificate for [REDACTED] number: 04-202-1-4591/2008 dated 11 August 2008,
115. Death certificate for [REDACTED] number: 04-202-1-441/2008 dated 12 August 2008,
116. Death certificate for [REDACTED] number: 04-202-1-442/2008 dated 12 August 2008,
117. Death certificate for [REDACTED] number: 04-202-1-4513/2008 dated 7 August 2008,
118. Death certificate for [REDACTED] number: 04-202-1-405/2008 dated 8 August 2008,
119. Death certificate for [REDACTED] number: 04-202-1-482/2008 dated 12 August 2008,
120. Death certificate for [REDACTED] number: 04-202-1-413/2008 dated 8 August 2008,
121. Death certificate for [REDACTED] number: 04-202-1-404/2008 dated 8 August 2008,
122. Death certificate for [REDACTED] number: 04-202-1-445/2008 dated 11 August 2008,
123. Death certificate for [REDACTED] number: 04-202-1-446/2008 dated 12 August 2008,

124. Death certificate for [REDACTED] number: 04-202-1-447/2008 dated 12 August 2008,
125. Death certificate for [REDACTED] number: 04-202-1-449/2008 dated 12 August 2008,
126. Death certificate for [REDACTED] number: 04-202-1-450/2008 dated 1 August 2008,
127. Death certificate for [REDACTED] number: 04-202-1-453/2008 dated 12 August 2008,
128. Death certificate for [REDACTED] number: 04-202-1-458/2008 dated 12 August 2008,
129. Decision of the Prijedor Basic Court number: R:784/02 dated 20 August 2002,
130. Record of the Prijedor Basic Court number: R:784/02 made on 20 August 2002,
131. Death certificate for [REDACTED] number: 04-202-1-459/2008 dated 12 August 2008,
132. Decision of the Prijedor Basic Court number: R:290/02 dated 26 November 2002,
133. Record of the Prijedor Basic Court number: R:290/02 made on 6 August 2002,
134. Death certificate for [REDACTED] number: 04-202-1-4498/2008 dated 7 August 2008,
135. Decision of the Prijedor Basic Court number: R:157/2000 dated 26 March 2000,
136. Record of the Prijedor Basic Court number: R:157/2000 made on 26 March 2000,
137. Death certificate for [REDACTED] number: 04-202-1-650/2008 dated 8 December 2008,
138. Death certificate for [REDACTED] number: 04-202-1-463/2008 dated 12 August 2008,
139. Death certificate for [REDACTED] number: 04-202-1-651/2008 dated 8 December 2008,
140. Death certificate for [REDACTED] number: 04-202-1-649/2008 dated 8 December 2008,
141. Record on forensic medicine examination of bodies in the location of Korćanske stijene, village of Korćani, Kneževio Municipality, dated 31 August 1992,
142. Record on exhumation by the Cantonal Court Travnik number: Kri-8/03 dated 12 June 2003 with the sketch of the site and photo documentation,
143. Photo documentation - examination of the remains of bones exhumed in the location of Korćanske stijene KRI: 8/93 dated 11 June 2003,
144. Forensic medicine analysis of mortal skeletal remains from the location of Korćanske stijene - Vlačić, Skender Vakuf Municipality, June 2003, certified court expert, [REDACTED]
145. Cover document of the Banja Luka Public Security Center (PSC), Crime Police Sector number: PP/164/99 dated 4 February 2004 with the attached Record on exhumation number: 10-02/4.1-6/2/03 dated 21 May 2003 and photo documentation,
146. Cover document of the Banja Luka PSC, Crime Police Sector number: PP/164/99 dated 12 February 2004 with the attached Record on exhumation

- number: 10-02/4.1-/286 dated 3 October 2003, with the sketch of the site, photo documentation and Report on crime scene investigation,
147. Photo documentation of the Bihać Cantonal Ministry of Interior number: 72/03 - exhumation of 4 unidentified bodies, Korčani - I, Skender Vakuf Municipality, 3 October 2003 with the sketch of the site
 148. Final report on autopsy of [REDACTED]
 149. Final report on autopsy of [REDACTED]
 150. Report on re-autopsy of [REDACTED]
 151. Final report on autopsy of [REDACTED]
 152. Photo documentation of the site where the remains of human bones were found in the location of „Korićanske stijene“ - site of execution of 210 persons, Bosniak Muslims, dated 12 July 1996,
 153. Photo documentation of the site where the crime was committed and of the remains of human bodies and clothes (attachments: 4) - description of the photo documentation,
 154. DNA report for [REDACTED] number: KRI-8/03 no. 149, dated 24 November 2003,
 155. DNA report for [REDACTED] number: KRI-8/03 no. 147, dated 24 November 2003,
 156. DNA report for [REDACTED] number: KRI-8/03 no. 76, dated 2 March 2004,
 157. DNA reports for [REDACTED] number: KRI-8/03 no. 93, dated 14 November 2003, no. 98, dated 13 November 2003 and no. 146, dated 8 December 2003,
 158. DNA report for [REDACTED] number: KRI-8/03 no. 92, dated 10 November 2003,
 159. DNA report for [REDACTED] number: KRI-8/03 no. 39, dated 3 June 2003,
 160. DNA report for [REDACTED] number: KRI-8/03 no. 95, dated 8 November 2003,
 161. DNA report for [REDACTED] number: KRI-8/03 no. 124, dated 26 November 2003,
 162. DNA report for [REDACTED] number: KRI-8/03 No. 42, dated 14 September 2004,
 163. DNA reports for [REDACTED] number: KRI-08/03 No. 12, dated 24 November 2003, No. 21, dated 8 November 2003, No. 29, dated 8 November 2003, No. 37, dated 8 November 2003 and No. 111, dated 8 March 2004,
 164. DNA reports for [REDACTED] number: KRI-8/03 No. 26, dated 6 May 2004, No. 119, dated 5 December 2003, No. 127, dated 8 March 2004 and No. 127, dated 8 December 2003,

165. DNA reports for [REDACTED], number: KRI-8/03 No. 43, dated 8 December 2003 and No. 121, dated 8 December 2003,
166. DNA reports for [REDACTED] number: KRI-8/03 No. 142, dated 13 February 2004 and No. 155, dated 16 April 2004,
167. DNA report for [REDACTED] number: KRI-8/03 No. 113, dated 6 May 2004
168. DNA reports for [REDACTED], number: KRI-8/03 No. 109, dated 21 January 2004, No. 131, dated 21 January 2004 and No. 150, dated 17 March 2004,
169. DNA reports for [REDACTED], number: KRI-8/03 No. 96, dated 11 December 2003 and No. 129, dated 11 February 2005,
170. DNA report for [REDACTED], number: KRI-8/03 No. 7, dated 8 November 2003,
171. DNA report for [REDACTED], number: KRI-8/03 No. 40, dated 11 February 2005,
172. DNA report for [REDACTED] number: KRI-8/03 No. 115, dated 11 December 2003 and No. 156, dated 2 December 2003,
173. DNA reports for [REDACTED] (son of [REDACTED]), number: KRI-8/03 No. 46, dated 8 November 2003 and No. 136, dated 31 March 2004,
174. DNA reports for [REDACTED], number: KRI-8/03 No. 91, dated 6 May 2004 and No. 112, dated 8 November 2003,
175. Two black and white photographs of the team for the terrain clear-up,
176. List of intervention platoons,
177. Public Security Station (PSS), Prijedor Police Station, List of the police employees for the calculation of salaries in the period from 16 March to 15 April 1992,
178. Report on overtime work hours, Prijedor Police Station number: 11-11/1-1_/90,
179. Prijedor PSS, Prijedor RPS - Center, List of the members of the Reserve Police (for the payment of salaries) engaged in May 1992,
180. RPS Prijedor - Center, List of the members of the Reserve Police for July 1992 /employed/,
181. Prijedor RPS - Center, List of the members of the Reserve Police for July 1992 /unemployed/,
182. Objection to the calculation of salary for Miroslav Paraš dated 31 July 1992,
183. List of authorized employees of the Prijedor Police Station number: 11-12/01-1-strictly confidential number 41/92 dated 13 August 1992,
184. List of the Prijedor Public Security Station employees in August 1992,
185. Prijedor RPS - Center, List of the members of the Reserve Police for August 1992 /unemployed/,
186. RSM Prijedor - Center, List of the members of the Reserve Police for September 1992 /unemployed/,



187. Cover document of the Prijedor PSS with the list of the Reserve Police members - men liable for military service number: 11-12-154 dated 7 September 1992,
188. Corrections to the list of the RPS for October,
189. Interim operational report no. 21/08 of the 22nd Light Infantry Brigade Command no. 43/4 dated 21 August 1992,
190. Combat report of the 1st Krajina Corps Command, strictly confidential no. 44-1/314 dated 22 August 1992,
191. Regular Combat report of the 1st Krajina Corps Command, strictly confidential number 44-1/315,
192. Miko Stanišić's Order dated 31 August 1992,
193. Dispatch note number 11-1/02-2/345 dated 11 September 1992,
194. Dispatch note by the Security Services Center, Banja Luka Public Security Service Sector number 11-1/02-2/345 dated 11 September 1992,
195. Dispatch note by the Prijedor PSS number: 11-12-2267 dated 14 September 1992,
196. Dispatch note by the Security Services Center, Banja Luka Public Security Service Sector number 11-1/02-2/370 dated 7 October 1992,
197. Dispatch note by the Prijedor PSS number: 11-12-2344 dated 13 October 1992,
198. Criminal report of the Banja Luka PSC number: 11-1/02-230-dated 8 September 1992,
199. Motion for undertaking certain investigative actions by the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 14 September 1992,
200. Document of the Basic Court in Banja Luka dated 24 September 1992,
201. Request for the collection of necessary information of the Banja Luka Basic Public Prosecutor's Office number: KTN 2293/92 dated 30 September 1992,
202. Document of the 1st Krajina Corps Command (IKM) no. 604-1/92 dated 16 October 1992 with the attached list,
203. List of the Prijedor PSS number 11-12-74 dated 2 February 1993,
204. List of the police employees deployed to perform special tasks in Republika Srpska Krajina, Prijedor PSS dated 27 January 1993,
205. Dispatch note by the Prijedor PSS number: 11-12-97 dated 10 February 1993,
206. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-T dated 31 July 2003,
207. ICTY Judgment in the case against Milomir Stakić number: IT-97-24-A dated 22 March 2006,
208. Instruction on organization and activities of the authorities of the Serb people in Bosnia and Herzegovina in extraordinary circumstances dated 19 December 1991 - variant A and variant B.
209. Decision on strategic goals of the Serb people in BiH dated 12 May 1992 published in the Official Gazette of Republika Srpska no. 22 dated 26 November 1993,
210. Order of the Prijedor PSS number: 11-12-20 dated 31 May 1992,
211. Dispatch notes by the Banja Luka PSC number: 11-1/01-10 dated 6 July 1992,
212. Dispatch note number: 11-1/01-67 dated 21 August 1992 marked „DD“ Banja Luka PSC,

213. Information on the execution of conclusions, decisions and orders of the Banja Luka PSC - Prijedor PSS number: 11-12-19 dated 3 September 1992
214. 2003 January Report on the work of the Prijedor PSS for the last 9 months of 1992,
215. Excerpt from the criminal records of the Prijedor PSS number: 08-1-10/02-2-236-235/49-36/08 dated 4 August 2008,
216. Excerpt from the criminal records of the Prijedor PSS number: 08-1-10/02-2-23-235/49-104/08 dated 15 October 2008,
217. Excerpt from the criminal records of the Special Purpose Department of the Crime Police Sector of the Police Administration of the Canton Sarajevo Mol, number: 02/2-3-04-8-2/4263/08 dated 15 October 2008,
218. Excerpt from the criminal records of the Third Police Administration, Sanski Most Police Station number: 05-1/08-2-1725/08 dated 15 October 2008,
219. Death certificate for [REDACTED] number: 04-202-1-6470/2008 dated 21 October 2008,
220. Death certificate for [REDACTED] number: 04-202-1-6471/2008 dated 21 October 2008,
221. Military ID for Damir Ivanković number: 173941 with the issuance date of 31 March 1987,
222. Certificate of injury of the Prijedor Public Security Station number: 11-12-74 dated 27 October 1992,
223. Certificate of the Personnel Service of the Military Post Office 3670 Prijedor Int. number: 716-20/395 dated 30 October 1992,
224. Master file and Unit Record for Damir Ivanković, son of Ivan,
225. Military ID for Zoran Babić number: 347824 with the issuance date of 23 October 1983,
226. Application for the competition of the Ministry of Interior of the Serb Republic of Bosnia and Herzegovina for the admission to a six-month police training for Zoran Babić dated 21 May 1992,
227. Certificate of the Department for Defense of the Ministry for Defense of the Serb Republic of Bosnia and Herzegovina number: 03/2-845-1-1133 dated 10 August 1992,
228. Request for the issuance of a certificate for Zoran Babić a.k.a Bakin dated 10 August 1992 submitted to the Prijedor Basic Court and recorded under the number Kv: 1879/92,
229. Certificate of the Banja Luka Secondary School for internal affairs number: 01/217/92 date 30 December 1992,
230. Certificate of completed course of the Secondary school for internal affairs dated 5 April 1993,
231. Decision of the Banja Luka Security Services Center number: 11-120/261 dated 29 April 1993,
232. Decision of the Republika Srpska Ministry of Interior number: 09/3-1203334 dated 1 September 1994,
233. Personnel questionnaire of the Republika Srpska Ministry of Interior for Zoran Babić dated 28 October 1994,



234. Decision of the Republika Srpska Ministry of Interior number: 08/1-134-2018 dated 20 October 1995,
235. Certificate of the Republika Srpska Ministry of Defense - Prijedor Department dated 4 December 2002 number: 8/2-04-04-835-5-4116/02,
236. Decision of the Republika Srpska Pension and Disability Insurance Fund - Prijedor branch office, number: 9308031504 dated 26 March 2004,
237. Decision on the termination of employment of the Republika Srpska Ministry of Interior number: 05/2-126-230 dated 13 May 2004,
238. A color photograph of JNA members in uniforms including Zoran Babić,
239. Master file and Unit Record for Zoran Babić, son of Dušan,
240. Military ID for Gordan Đurić,
241. Four color photographs from the war period, three of which depict Gordan Đurić,
242. Decision of the Prijedor Department for protection of veterans and disabled persons number: 03-568-3784/01 dated 12 November 2002,
243. Six color photographs showing among others, Milorad Radaković,
244. Master file for Milorad Radaković, son of Stojan,
245. Master file and Unit Record for Milorad Škribić, son of Drago,
246. Military ID for Ljubiša Četić,
247. Decision of the Banja Luka Security Services Center number: 11-120-1/1376 dated 17 June 1992,
248. Questionnaire ME-1 for Dušan Janković dated 29 December 1992,
249. Decision of the Banja Luka Security Services Center number: 11-120-11/ dated 27 October 1993,
250. Decision of the Banja Luka Security Services Center number: 09-6425 dated 3 November 1993,
251. Decision of the Republika Srpska Ministry of Interior number: 09-6492 dated 27 December 1993,
252. Decision of the Republika Srpska Ministry of Interior number: 09-6731 dated 27 May 1994,
253. Personnel questionnaire of the Republika Srpska Ministry of Interior for Dušan Janković dated 15 October 1994,
254. Personnel questionnaire for determining the rank of the authorized officer of the Republika Srpska Ministry of Interior, Prijedor PSC, for Dušan Janković number: 14-24 dated 19 October 1995,
255. Decision on determining the rank by the Republika Srpska Ministry of Interior number: 08/1-134-3524 dated 20 October 1995,
256. Decision of the Republika Srpska Ministry of Interior number: 09/3-120-1110 dated 24 April 1996,
257. Decision on special promotion to a next higher rank of the Republika Srpska Ministry of Interior number: 09/3-134-53 dated 6 February 1997,
258. Certificate of the Prijedor Public Security Center number: 14-09-120-350 dated 14 April 1997,
259. Decision of the Republika Srpska Ministry of Interior number: 01-01-39/97 dated 19 September 1997,

260. Decision of the Republika Srpska Ministry of Interior number: 06/3-120-858 dated 8 April 1998,
261. Decision of the Republika Srpska Ministry of Interior number: 03/1-2-120-10020 dated 31 December 1999,
262. Decision of the Republika Srpska Ministry of Interior number: 03/1-2-126-424 dated 3 September 2001,
263. Certificate of the Sector for legal, personnel, and foreigners' affairs of the RS Mol number: 03/1-2-126-424/01 dated 1 October 2001,
264. Certificate of the Administration for legal, personnel, and foreigners' affairs of the RS Mol number: 05/2-126-424/01 dated 12 March 2002,
265. Document of the Banja Luka PSC number: 10-1-126/7-5 dated 26 March 2002,
266. Decree on awarding decorations of the President of Republika Srpska,
267. Supplement information regarding the Decree on awarding decorations of the Republika Srpska Ministry of Interior, Ministry Cabinet, dated 26 April 1995,
268. Miloš Obilić's Order,
269. Master file and Unit Record for Dragoje Janković, son of Dušan,
270. Identity card of the Republika Srpska Mol for Dušan Janković and a tag with the name of D. Janković,
271. Decision of the Republika Srpska Ministry of Interior number: 09/3-120-3312 dated 1 September 1994,
272. Decision of the Republika Srpska Ministry of Interior number: 09/3-120-70 dated 1 October 1994,
273. Personnel questionnaire for determining the rank of the authorized officer of the Republika Srpska Ministry of Interior, Prijedor PSC for Željko Stojnić number: 14-01-1-120-66 dated 14 September 1995,
274. Proposal for special promotion, Prijedor PSC, number: 14-40 fated 23 October 1995,
275. Decision of the Republika Srpska Ministry of Interior number: 08/1-134-2019 dated 20 October 1995,
276. Decision of the Republika Srpska Ministry of Interior number: 03/1-2-120-547 dated 13 April 1999,
277. Personnel questionnaire of the Republika Srpska Ministry of Interior for Željko Stojnić dated 31 January 2002,
278. Certificate of passed professional exam of the Committee for professional exam, Prijedor PSC number: 14-03/1-1-153/17-403 dated 17 October 2001,
279. Decision of the Republika Srpska Ministry of Interior number: 05/2-120-6660 dated 1 November 2001,
280. Decision of the Republika Srpska Ministry of Interior number: 05/2-134,1- dated 12 February 2003,
281. Master file and Unit Record for Željko Stojnić, son of Boško.



MOTION TO ORDER AND EXTEND CUSTODY AND ORDER AND EXTEND PROHIBITING MEASURES

Pursuant to Article 227(3) as read with Article 137 of the BiH CPC, I propose that the Court, should it confirm this indictment, extend the custody of the accused persons Gordan Đurić, Milorad Radaković, Ljubila Četić, Dušan Janković and Željko Stojnić, and order the accused Damir Ivanković into custody, since the general requirement to order and extend custody has been met and there exist special custody grounds under Article 132 (1) b) and d) of the BiH CPC. Pursuant to Article 126 a), 126 b), 126 c) of the BiH CPC the Prosecutor's Office also submits that in case the indictment is confirmed it is necessary to impose the same range of prohibiting measures on the accused Zoran Babić as the Court of BiH imposed on the then suspect Milorad Škrbić by its Decision number: X-KRN-08/549 dated 24 October 2008, and to extend the same range of prohibiting measures against the accused Milorad Škrbić.

As for the special requirements for ordering custody, the Prosecutor's Office of BiH submits that the special requirements set forth in Article 132 (1) b) and d) of the BiH CPC still exist, that is, there exist circumstances indicating that the accused, if at liberty, would hinder the criminal proceedings by influencing witnesses and co-perpetrators as well as that there are extraordinary circumstances since the criminal offense at hand constitutes a Crime against Humanity in violation of Article 172 of the BiH CC, punishable by a ten-year-imprisonment or by a more severe punishment, which is particularly grave considering the manner of perpetration or the consequences thereof. The release of the accused persons would therefore result in a realistic threat of disturbance of public order.

When it comes to the custody grounds set forth in Article 132 (1) b) of the BiH CPC the Prosecutor's Office of BiH once again notes that the grounded suspicion is based mainly on the testimonies of witnesses who are either direct victims or eye-witnesses of the criminal actions the accused have been charged with, and whose identity is well-known to the accused persons given that Prijedor, where the largest number of injured person, but also the accused themselves, lived and still live, is a small place. We believe that in case of their possible release, the accused persons, being aware of the gravity of the offense they are charged with and of the evidence about them which the Prosecutor's Office collected before the completion of the investigation of these accused, would most certainly influence witnesses in order to reduce or avoid their personal responsibility. Witnesses in this case sought protective measures and during the investigation 23 witnesses were granted protective measures. Numerous examples show that witnesses in this case received threats and had unpleasant experiences. Thus, for example, witness KO-6 states that a person, who is under the investigation in the case, came to his house after he gave his testimony to the ICTY investigators in the Hague and retold him his entire testimony, which really shocked and appalled him. Furthermore, witnesses KO-1 and KO-4 stated that they received serious and numerous threats over the telephone. Witness KO-8 also stated that following his return to Prijedor he experienced various

unpleasant situations, that someone wrote the Four S symbol on his house, that he was provoked by clerks in the institutions in Prijedor some of who are related to the perpetrators of the criminal offense under the investigation. Circumstances justifying the ordering and extension of custody follow from the testimonies of witnesses K-1, KS-1 and KS-2. It is particularly important to point out that witnesses who are of the same ethnicity as the accused persons also sought and were granted protective measures. Witness Examination Record of the State Investigation and Protection Agency number: 17-04/2-172/06 dated 30 March 2006 shows that on several occasions bombs were thrown in front of the house belonging to a witness in the case. Furthermore, one of the surviving witnesses stated that he received threatening messages over the telephone and that he was even offered money as a counter favor for not testifying. The release of the accused persons would cause the feeling of insecurity among the witnesses and they would certainly be influenced, which would surely reflect on their testimony. It is important to note that the SIPA document number: 17-04/2-04-2-584/06 dated 23 May 2008 indicates that in May this year, the former members of the Intervention Platoon held a meeting in one of the catering facilities in Prijedor where they discussed their arrest, which only points to the conclusion that they knew and expected to be arrested. We also note that numerous witnesses in this case, whose testimonies have already been delivered to be attached to the Court case file, stated that the crime site was video recorded and photographed after the offense had been committed and that certain documents, for example Record on Crime Scene Investigation (Record on the examination of the witness J.J. number: KT-RZ 48/06 dated 6 April 2008) were made. The Prosecutor's Office points out that even after many attempts and searches of several facilities, it still has not collected the mentioned evidence. In addition to these pieces of evidence the Prosecutor's Office did everything to find other evidence but it has not managed to do so before the Indictment was filed. It is evident that the accused have an enormous interest in preventing the Prosecutor's Office from finding the mentioned evidence and that if released, the accused would certainly destroy, conceal or alter these pieces evidence which are of great importance for these criminal proceedings. This is only further supported by the testimony of the witness K-1. We further note that the mortal remains of those murdered at Korćanske stijene still have not been recovered (4 bodies and parts of the remains of other bodies were found) despite numerous attempts of this Prosecutor's Office and of other authorities. We submit that there is reasonable fear that the accused, who were all police officers at one point in their lives, if released and being aware of the gravity of the offense they have been charged with, would influence the search and cover up the mortal remains, since the investigation showed that all members of the Intervention Police Platoon from Prijedor already covered up the mortal remains of those murdered after the offense was committed in 1992, whereby they would certainly hinder the very search for the missing persons. We particularly note that one should be mindful of the mentioned fact that these accused persons were police officers, that they live and work in the small community where victims, witnesses and other accomplices also live, and that through their work in the police they must have made many acquaintances and acquired knowledge and skills by performing their police duties. These acquaintances, knowledge and skills make it possible for them to obtain, in a



and easy manner, all information about the witnesses who have already testified or are yet to testify before the Prosecutor's Office of BiH. For all the foregoing we are convinced that, in case they are released, the accused would hinder the efficient conduct of these criminal proceedings by influencing witnesses and destroying, concealing or altering evidence.

We must note that in relation to this case, this Prosecutor's Office is also conducting the investigation of other co-perpetrators who are still at large and some of who are on the run, which can be seen from the mentioned SIPA Report on the undertaken measures and actions number 17-04/2-04-547-78/06 dated 22 September 2008. Therefore, having also in mind the testimony of Damir Ivanković who confirmed that he was influenced, we are convinced that the accused, if released, and considering the charges against them, would most certainly establish mutual contact as well as contacts with the suspects who are at liberty, and all in order to avoid or reduce their personal criminal responsibility, and would thus frustrate the conduct of these criminal proceedings. It must be kept in mind that the accused persons already held meetings regarding their arrests.

Taking into account all the foregoing, the Prosecutor's Office of BiH submits that there still exist circumstances indicating that the custody of the accused persons on the grounds under Article 132 (1) b) of the BiH CPC is justified.

As for the custody grounds under Article 132 (1) d), the Prosecutor's Office of BiH holds that there still exist circumstances indicating that the custody of the accused persons is also necessary on these grounds. The accused are charged with the criminal offense punishable by a ten-year imprisonment or a more severe punishment. This criminal offense is indeed particularly grave considering the manner of perpetration and the consequences thereof. The accused are charged with having participated in the commission of the criminal offense which includes systematic persecutions, plundering, cold-blooded murder of over 200 persons including minor boys, all of whom were neighbors of the accused persons and who lived in the territory of the Prijedor municipality. It also needs to be mentioned that only one direct perpetrator was convicted for the commission of the referenced criminal offense by a final judgment before the ICTY in the Hague. This perpetrator also lived in the place Tukovi in Prijedor and was the victims' neighbor. A large number of victims, witnesses and their family members currently reside or live in the territory of the Prijedor municipality. All victims and their relatives feel resentment because only one perpetrator has been convicted for the mentioned criminal offense, which is understandable considering that the criminal offense of Crimes against Humanity, with which the accused have been charged, is one of the most serious violations of the values protected both by the domestic and international law, especially taking into account that the accused are charged with having committed the offense within the joint criminal enterprise which implies a large number of perpetrators. It should also be borne in mind that the accused persons in this case used to be police officers. In the opinion of the Prosecutor's Office all these circumstances constitute extraordinary circumstances as set forth in Article 132 (1) d).

This is even more so taking into account the severe consequences which the mentioned crime undoubtedly left on the victims and their families, as more than 200 persons were murdered. These consequences are clearly still felt today, which is confirmed by the testimony of a witness who stated: "I lost 6 close and extended family members who had travelled in this convoy" I It can be concluded that it is still necessary to order and extend custody on these grounds and that there is strong evidence that the release of the accused would disturb and have a negative reflection on the public order in the community where the victims of the accused persons live. One of the examined witnesses said: "Both brothers and families of these persons [referring to the then suspects] still live in my immediate vicinity and they are still heroes in Prijedor". The remand of the accused in custody would prevent new traumatization of victims and witnesses in this case who must have confidence in the ability of the judicial authorities to prevent any possible contact between them and the accused persons before the completion of these criminal proceedings. The Prosecutor's Office deems that any contact or meeting with the accused persons in this case would jeopardize the peace and co-existence which were difficult to establish, and would ultimately lead to the disturbance of public order in the community where these persons live. We once again point out that at this stage of the proceedings no other measure for securing the presence of the accused would be adequate, particularly because the supervision of the execution of those measures would be conducted by former work colleagues of the accused persons, whose superior for a certain period of time was also for example Dušan Janković. In view of the abovementioned facts, the position of the accused persons, the mentioned SIPA documents and the mentioned testimonies of both witnesses who were granted protective measures as well as those who were not, we hold, and we are of the opinion that the Court can clearly reach this conclusion since the victims of the mentioned criminal offense are still in great fear and are exposed to constant threats, even attacks, that all the requirements for the extension of custody of the accused as set forth in Article 132 (1) d) of the BiH CPC have been met.

We further submit that the special custody grounds under Article 132 (1) b) and d) of the BiH CPC also exist in relation to the accused Damir Ivanković and Zoran Babić. When the custody of Damir Ivanković and Zoran Babić was moved for in the investigation phase, in its Decision number: X-KRN-08/549 dated 29 May 2008, the Court of BiH concluded that the general requirement for ordering custody had not been met, and that is the existence of grounded suspicion that Damir Ivanković and Zoran Babić committed the offense as charged. It also follows from the mentioned Decision that in the investigation phase the Court of BiH did not even assess the existence of special custody grounds in relation to Damir Ivanković and Zoran Babić. The existence of grounded suspicion that Damir Ivanković and Zoran Babić committed the criminal offense as charged clearly ensues from the evidence supporting the allegations of the Indictment. In case the indictment against Damir Ivanković and Zoran Babić is confirmed, whereby the general requirement for ordering custody would be satisfied, the Prosecutor's Office submits that all custody grounds exist in relation to those two accused as they exist in relation to other accused persons. This is even more so, having in mind that the witness KO-16 stated that he was visited by Damir Ivanković. However, when it comes to the accused



Zoran Babić, the Prosecutor's Office proposes that despite the existence of grounded suspicion and special custody grounds, this accused, only due to his health condition, be imposed the same range of prohibiting measures stipulated in Article 126 a), 126 b), 126 c) of the BiH CPC which the Court of BiH imposed on the then suspect Milorad Škrbić. We, however, deem it necessary to determine a different day and time for reporting to the authorized police station, in order to avoid the contact and mutual meetings between Zoran Babić and Milorad Škrbić. We propose that the duration of measures against the accused Milorad Škrbić be extended for the reasons mentioned and explained in detail in the Decision of the Special 24(7) Panel of the Court of BiH number: X-KRN-08/549 dated 24 October 2008.

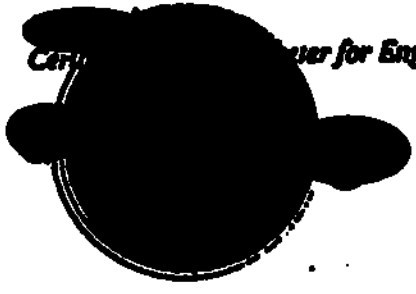
Having in mind that by the confirmation of the Indictment the general requirement for ordering custody would be met, and that on the basis of all the foregoing in our opinion all legal grounds have been fully satisfied to extend the custody of the accused Gordan Đurić, Milorad Radaković, Ljubila Četlić, Dušan Janković and Željko Stojnić, as well as to order the accused Damir Ivanković into custody, as stipulated in Article 132 (1) b) and d) of the Criminal Procedure Code of BiH, and to impose prohibiting measures under Article 126 a), 126b) and 126c) of the BiH CPC on the accused Zoran Babić and extend the prohibiting measure against the accused Milorad Škrbić in accordance with the same legal regulation, I move the Preliminary Hearing Judge of Section I for War Crimes of the Criminal Division of the Court of BiH, to grant the Motion of the Prosecutor's Office to extend and order custody and order and extend prohibiting measures, and to order and extend the requested measures against the accused in accordance with the BiH CPC.

**PROSECUTOR
PROSECUTOR'S OFFICE OF BIH
Slavica Terzić**

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

Sarajevo, 14 January 2009

Certified true for English



Certified true for English

