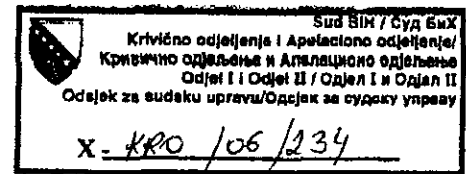


08-11-2006
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**BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF
BOSNIA AND HERZEGOVINA
SARAJEVO
Special Section for War Crimes
Regional Team III
KT-RZ-142/06
Sarajevo, 30 October 2006**

**COURT of BOSNIA AND HERZEGOVINA
- PRELIMINARY HEARING JUDGE -**

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

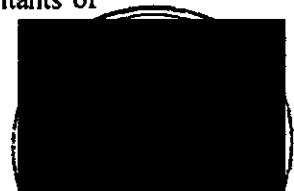
I N D I C T M E N T

AGAINST:

JANKOVIĆ ZORAN, a.k.a. „Zoka“, son of Marjan and Zagorka, née Nikolić, born on 20 March 1960 in Dubnica, Kalesija Municipality, permanently residing in Bijeljina, in the settlement of Dvorovi b.b., Serb, citizenship of BiH, JMB 2003960182223, commercial technician by occupation, married, father of one child, served the army in 1980/1981 in Leskovac, entered in the military records Bijeljina, average income, sentenced by the Judgment of the Basic Court in Tuzla number K-1128/86 of 20 January 1987 for the criminal offence referred to in Article 165 (2) of the CC RBiH and fined with 30,000 dinars, currently in custody pursuant to the Decision of the Cantonal Court Tuzla number 003-0-Kv-06-000110 of 9 May 2006, which was extended by the Decision of the Court of Bosnia and Herzegovina, which can last no longer than 8 November 2006 at 17:00 hours.

Because:

In the period from April to late June 1992, during the armed conflict in Bosnia and Herzegovina, as a member of the Serb Army, he participated in a widespread and systematic attack of the members of the Army and Police of the so called Serb Republic of Bosnia and Herzegovina and members of paramilitary formations directed against the Bosniak civilian population in the territory of the Municipalities Zvornik and Kalesija, which was in compliance with the policy of the Army, police, paramilitary formations and the Serb Democratic Party (hereinafter: “the SDS”), with a view to removing all inhabitants of



Bosniak ethnicity from the region of east and northeast Bosnia, whereby hundreds of civilians were killed, tortured, beaten up, unlawfully deprived of liberty, detained and kept in inhumane conditions, and forcibly removed from the territory of Municipalities Zvornik and Kalesija, while Bosniak women were raped and property of Bosniaks unlawfully seized, destroyed and burnt down, and all this due to their political, national, ethnic, cultural and religious origin, of which the accused had knowledge and in which he participated in the manner that:

1. On 29 April 1992, in the territory of the village of Snagovo, Zvornik Municipality, together with Matić Radenko, Commander of the Artillery Unit in Osmaci, and members of paramilitary formations, he captured a group of Bosniak civilians who were hiding themselves in the woods for the fear of members of the Army of the so called Serb Republic of BiH and paramilitary formations, who were then ordered to go escorted by them to the place called „Rašidov Han“ in Snagovo, where in front of the house of [REDACTED] [REDACTED] by firing individual shots and firing in bursts from automatic rifles at the gathered civilians, they killed the following persons:

[REDACTED]

wounded

and

[REDACTED] and thereafter on that day, with the view to concealing the evidence of the crime, they set on fire the bodies of the killed persons;

2. On 27 May 1992 around 18:00 hours, in the territory of the villages Šeher and Lika, Kalesija Municipality, after members of paramilitary formations with members of the Šekovići Brigade had carried out an armed attack on these villages, at gunpoint forced

[REDACTED]

the Bosniak civilians to leave their houses, hitting them with batons and rifle butts, kicking and punching them, in which Sokolović Maksim, Lozanović Nedeljko a.k.a. „Tolja“, Stojanović Čedo, Pelemiš Predrag, Pelemiš Drago, Stojanović Risto, Smiljanić Rado, Kalajdžić Cvijetin, Rikić Svetozar participated most actively, while [REDACTED] and his son [REDACTED] (who was only 15 at the time), [REDACTED] were beaten up most severely, after which they forced all civilians from the said villages to round up in front of the house of [REDACTED] together with more than 100 inhabitants from other villages, where Janković Zoran came and kicked in the back [REDACTED] and then ordered that all gathered civilians be loaded on trucks and transported to Serbia, after which men were separated from women and children, and women and children forcibly removed from the region where they lawfully resided in the direction of Memići, Kalesija Municipality, while men were detained during night in the reading-room in Kula in Osmaci where they were physically abused, and certain number of men killed, while those who survived were transported to other camps in the territory of the Municipalities Kalesija, Vlasenica and Bijeljina,

Thus,

by the above described acts, which constituted a part of the widespread and systematic attack directed against the civilian Bosniak population, and knowing of such an attack, he persecuted civilian Bosniak population on political, national, ethnical, cultural and religious grounds, and all this by: murders, forcible transfer of population and other inhumane acts intentionally causing serious injury to body or to physical or mental health,

Whereby he committed the criminal offence of persecution as Crime against Humanity in violation of Article 172 (1) h) of the Criminal Code of BiH, in conjunction with the following items of the same Article:

- a) Depriving another person of his life (murder),
- d) Deportation or forcible transfer of population.

Therefore,

I P R O P O S E

I That the following persons be summoned for the main trial before the Court of Bosnia and Herzegovina, as the Court with the subject matter and territorial jurisdiction in this case, and after confirmation of the Indictment:

- Prosecutor of the BiH Prosecutor's Office,
- Suspect Janković Zoran, currently in custody in the Detention Unit of the semi-open Penal and Correctional Institution in Tuzla and his defense counsel, Stojanović Miodrag, attorney practicing in Bijeljina;

II That the following evidence be presented:

a) Hearing in capacity of witnesses:

- 1.
- 2.
- 3.
- 4.
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- 17.

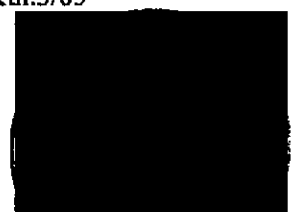


b) Hearing in capacity of expert witness:

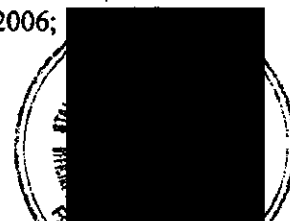
- Prof. Dr. [REDACTED] forensic medicine expert

c) That the review of the following evidence be carried out:

1. Reading of the Witness Examination Record of [REDACTED] Cantonal Prosecutor's Office of Tuzla Canton, number: Kt. 8/06 of 22 February 2006 (the witness died on 15 April 2006);
2. Official Note, Cantonal Prosecutor's Office of Tuzla Canton, number: Ktn.3/05 of 27 October 2005;



3. Official Note on Identification of Person, Cantonal Prosecutor's Office of Tuzla Tuzla, number 08/02/3-1-04.3-370/05 of 22 December 2005;
4. Letter to SIPA for checking the data for Matić Radenko and Janković Zoran, Cantonal Prosecutor's Office of Tuzla Canton, number: Ktn. 3/05 of 4 January 2006;
5. Request to the Registry Office of the Municipality Zvornik for delivery of death certificates for 36 persons, Cantonal Prosecutor's Office of Tuzla Canton, number: Ktn. 3/05 of 12 January 2006;
6. Letter on delivery of Death Certificates, Municipality Zvornik, number 07-22/06 of 18 January 2006 (copy);
7. Excerpt from the Register of Deaths for [REDACTED] Municipality Zvornik, number 07-784/06 of 17 January 2006;
8. Excerpt from the Register of Deaths for [REDACTED] Municipality Zvornik, number 07-783/06 of 17 January 2006;
9. Excerpt from the Register of Deaths for [REDACTED] Municipality Zvornik, number 07-782/06 of 17 January 2006;
10. Finding and Opinion of Court Expert, Prof. [REDACTED] Ph.D., number KT-8/06 of 15 February 2006;
11. Request for Issuance of Order for Exhumation, Cantonal Prosecutor's Office of Tuzla Canton, number: Kt.8/06 of 23 February 2006;
12. Order for exhumation of mortal remains at the location of „Rašidov Han“, Sna-govo, Municipality Zvornik, Cantonal Court in Tuzla, number 003-0-Kpp-06-000012 of 24 February 2006;
13. Record on Exhumation, Cantonal Prosecutor's Office of Tuzla Canton, number: Kt. 8/06 of 16 and 17 March 2006;
14. Order for forensic, anthropological and odontological expert evaluation and identification of skeletal remains, Cantonal Prosecutor's Office of Tuzla Canton, number: KT-RZ.8/06 of 20 March 2006; Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office of Tuzla Canton, number: KT-RZ. 8/06, case number: SNA03ZVO-039 BP of 23 March 2006;
15. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-040 BP of 23 March 2006;
16. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-041 BP of 23 March 2006;
17. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-008 BP of 23 March 2006;
18. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ 8/06, case number: SNA03ZVO-014 BP of 21 March 2006;
19. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ 8/06, case number: SNA03ZVO-015 BP of 22 March 2006;
20. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-003 B of 21 March 2006;
21. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-004 B of 21 March 2006;
22. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number, KT-RZ. 8/06, case number: SNA03-ZVO005 B of 23 March 2006;



23. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-006 B of 21 March 2006;
24. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-007 B of 21 March 2006;
25. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-008 B of 23 March 2006;
26. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-014 BP of 21 March 2006;
27. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-015 BP of 22 March 2006;
28. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-016 BP of 22 March 2006;
29. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-023 BP of 22 March 2006;
30. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-024 BP of 22 March 2006;
31. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-028 BP of 22 March 2006;
32. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-030 BP of 22 March 2006;
33. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-033 BP of 21 March 2006;
34. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-034 BP of 23 March 2006;
35. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-035 BP of 23 March 2006;
36. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-036 BP of 23 March 2006;
37. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-037 BP of 23 March 2006;
38. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-038 BP of 23 March 2006;
39. Crime Scene Sketch, Ministry of Interior (hereinafter: MoI) Tuzla, number 08-02/3-5-04.6-664/06 of 12 April 2006;
40. Letter on delivery of the Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06 of 13 April 2006;
41. Photo-documentation, MoI Tuzla, number 08-02/3-5-04.6-664/06 of 21 April 2006;
42. Decision ordering custody against Janković Zoran, Cantonal Court in Tuzla, number 003-0-KV-06-000110 of 9 May 2006;
43. Photo-documentation, MoI Tuzla, number 08-02/3-5-04.6-1645/06 of 11 May 2006;
44. Order for identification of persons, Cantonal Court in Tuzla, number 003-0-Kpp.-06-000049 of 15 May 2006,
45. Record on identification of person by the witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;

46. Record on identification of person by the witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;
47. Record on identification of person by the witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;
48. Record on identification of person by the witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;
49. Photo-documentation on Identification, MoI Tuzla, number 08-02/3-5-04.6-12/06 of 17 May 2006;
50. Report on Identification, MoI Tuzla, number 08-02/3-1-04.3-12/06 of 17 May 2006;
51. Decision, Supreme Court of the FBiH, number 070-0-Kž-06-000273 of 18 May 2006;
52. Decision Extending Custody, of the Cantonal Court in Tuzla, number 003-0-Kv-06-000149 of 7 June 2006;
53. Decision, Supreme Court of the FBiH, number 070-0-Kž-06-000347 of 20 June 2006;
54. Report on Health Condition of the detainee Janković Zoran with attachments, semi-open Penal Correctional Institution Tuzla, number 03-11-2418/06 of 26 June 2006;
55. Bill of charges for payment of the criminal proceedings costs, Cantonal Prosecutor's Office of Tuzla Canton, number KT-RZ.8/06 of 27 June 2006;
56. Decision Extending Custody, of the Cantonal Court in Tuzla, number 003-0-Kv-06-000167 of 7 July 2006;
57. Decision, Supreme Court of the FBiH, number 070-0-Kž-06-000-397 of 14 July 2006;
58. Order for the case take-over, Court of Bosnia and Herzegovina, number X-KRN/05/146 of 6 February 2006;
59. Notice to the BiH Prosecutor's Office of the case take-over, Court of BiH, number X-KRN-06/234 of 4 July 2006;
60. Notice to the BiH Prosecutor's Office of the Motion of the Cantonal Court in Tuzla on the case take-over, Court of BiH, number X- KRN-06/234 of 4 July 2006;
61. Decision on the subject matter competence, Court of BiH, number X-KRN/06/234 of 11 July 2006;
62. Letter to the BiH Prosecutor's Office with the data on Janković Zoran submitted by the BiH Ministry of Defense, Cantonal Prosecutor's Office of Tuzla Canton, number KT-RZ.8/06 of 24 July 2006;
63. Notice on the case take-over, Court of BiH, number X-KRN-06/234, of 26 July 2006;
64. Notice on submission of the case file of the Cantonal Prosecutor's Office of Tuzla Canton to the BiH Prosecutor's Office, Court of BiH, number X-KRN-06/234 of 27 July 2007;
65. Letter to the Court of BiH with a Motion to Extend Custody, BiH Prosecutor's Office, number KT-RZ-142/06 of 28 July 2006;
66. Decision Extending Custody, Court of BiH, number X-KRN/06/234 of 4 August 2006;

67. Letter to the BiH Prosecutor's Office, with the attached Appeal of the suspect Janković Zoran and the Appeal of his defense counsel against the Decision Extending Custody, Court of BiH, number X-KRN-06/234 of 14 August 2006;
68. Response to the Appeal of the defense counsel for the suspect and Appeal of the suspect against the Decision of the Court of BiH extending custody, BiH Prosecutor's Office, number KT-RZ-142/06 of 16 August 2006;
69. Daily order for [REDACTED] for checking the personal data and residence address in the CIPS project data basis, BiH Prosecutor's Office, number KT-RZ-142/06 of 17 August 2006;
70. Decision refusing the Appeal of the suspect as unfounded, Court of BiH, number X-KRN-06/234 of 24 August 2006;
71. Letter to the BiH Prosecutor's Office with the OSA BiH information, video tape and 27 scanned photos of members of paramilitary formations from the Kalesija region, Cantonal Prosecutor's Office of Tuzla Canton, number KT-RZ. 8/06 of 5 September 2006;
72. Letter to the BiH Prosecutor's Office with the items found during the exhumation carried out on 16 and 17 March 2006 at the location of Snagovo, "Rašidov Han", Zvornik Municipality, Cantonal Prosecutor's Office of Tuzla Canton, number KT-RZ.9/06 of 12 September 2006;
73. Information for the BiH Prosecutor's Office with a response to the Request for Inspection of Documentation, OSA BiH, number 04/5-6480/06 of 14 September 2006;
74. Order for expert evaluation of fire arms traces, BiH Prosecutor's Office, number KT-RZ-142/06 of 27 September 2006;
75. Letter to OSA with a request to inspect the documentation, BiH Prosecutor's Office, number KT-RZ-142 and 154/06 of 12 September 2006;
76. Letter to Investigation Documentation Center with a request to inspect documentation, BiH Prosecutor's Office, number KT-RZ 142 and 154/06 of 12 September 2006;
77. Letter to Police Administration Kalesija with the request for an excerpt from the criminal record, BiH Prosecutor's Office, number KT-RZ-142/06 of 25 September 2006;
78. Daily order for [REDACTED] for checking the personal data and residence address in the CIPS project data basis, BiH Prosecutor's Office, number KT-RZ-142/06 of 25 September 2006;
79. Excerpt from the criminal records for Janković Zoran, Police Administration Kalesija, number 08-02/5-1-04.-7-1493-06 of 28 September 2006;
80. Decision on reimbursement of expenses for the witness [REDACTED] BiH Prosecutor's Office, number KT-RZ-142/06 of 3 October 2006;
81. Decision on reimbursement of expenses for the witness [REDACTED] BiH Prosecutor's Office, number KT-RZ-142/06 of 3 October 2006;
82. Decision on reimbursement of expenses for the witness [REDACTED] BiH Prosecutor's Office, number KT-RZ-142/06 of 3 October 2006;
83. Letter on submission of Expert Evaluation of Fire Arms Traces, MoI FBiH, number 09-14/-3-04-5-4873 of 3 October 2006;
84. Expert Evaluation of Fire Arms Traces, MoI FBiH – Forensic and Support [REDACTED]

- Center Sarajevo, number 14/1-3-04-5-4873 of 3 October 2006;
85. Daily order for [REDACTED] for checking the personal data and residence address in the CIPS project data basis, BiH Prosecutor's Office, number KT-RZ-142/06 of 4 October 2006;
 86. Letter to the BiH Ministry of Justice with a request and translation of the request for the District Court in Düsseldorf, BiH Prosecutor's Office, number KT-RZ-142/06 of 4 October 2006;
 87. Daily order on storage of 3 video tapes in the safe, BiH Prosecutor's Office, number KT-RZ-142/06 of 5 October 2006;
 88. Letter to the BiH Ministry of Defence with a request for documentation inspection, BiH Prosecutor's Office, number KT-RZ-142 and 154/06 of 9 October 2006;
 89. Daily order for delivery of the items found during the exhumation in the location of Rašidov Han-Snagovo and their storage in the safe, BiH Prosecutor's Office, number KT-RZ-142/06 of 10 October 2006;
 90. Daily order for [REDACTED] for checking the personal data and residence address in the CIPS project data basis, with an excerpt from the CIPS basis, BiH Prosecutor's Office, number KT-RZ-142/06 of 25 October 2006;
 91. List of commanders of units who received the order, strictly confidential, number 61/95; (copy)
 92. Vacation Schedule of Companies Commanders of the 1. Infantry Battalion and their Deputies for December 1994 and January 1995, Military Post 7115/10 Šekovići-Osmaci, of 16 December 1994(copy);
 93. Order for tactical live-fire, Military Post 7115/10 Šekovići-Osmaci, number 56-2/94 of 2 September 1994 (copy);
 94. Payroll list of military police officers for the month of July (copy);
 95. Proposal for Promotion dated 7 May 1994 (copy);
 96. List of members of the 1st Infantry Battalion Osmaci, dated 14 February 1993, who have taken over flour rations (copy);
 97. Request to the Housing Committee (copy), Military Post Office 7115/10, Šekovići-Osmaci dated 6 September 1993;
 98. List of members of Territorial Defense Headquarters Dubnica with the data on their combat engagement (copy);
 99. Information on the situation in the frontline, Military Post 15 Šekovići, number, strictly confidential 06-360 of 15 October 1995 (copy)
 100. Death Certificate for [REDACTED] Forensic Institute – Clinical Center Tuzla, number RGR-1/230 of 6 November 1999 (copy);
 101. Decision declaring death of the missing [REDACTED] Municipal Court in Kalesija, number R-471/97 of 10 March 1998 (copy);
 102. Receipt for issuance with the weapons and ammunition to the name of Janković Zoran, dated 12 February 1992 (copy);
 103. Official Note, MoI Municipal Secretariat for Internal Affairs Kalesija, number 18-8/02-230-161/92 of 8 September 1992 (copy);
 104. List of members of the Dubica Platoon (copy);
 105. Official Note on Search, State Security Service Kalesija, dated 18 September 1992;

106. Receipt for temporary use of motor vehicle to the name of Janković Dragan, Military Post 2553 Tuzla, dated 19 May 1992 (copy);
107. Receipt for military property received for temporary use, Military Post 4544 Belgrade (copy);
108. Receipt for issuance with the weapons and ammunition to the name of Janković Petar, dated 18 February 1992 (copy);
109. Call up for Erić Dragan, Military Post 2465 (copy);
110. Receipt for issuance with the weapons and ammunition to the name of Stojanović Rado (copy);
111. Receipt for weapons and ammunition receipt for the Unit „Bišina“ to the name of Dragičević Lazo, Military Post 2465 Tuzla, dated 7 April 1992 (copy);
112. Lists of units members issued with the weapons and ammunition (copy);
113. Photography of the monument in the place of Rašidov Han, Snagovo (copy);
114. Discharge list with epicrisis to the name of [REDACTED] number 1352/92 (copy);
115. Discharge list to the name of [REDACTED] Medical Center Valjevo, number 276/93 of 4 August 1993 (copy);
116. Copied photographs (total number: 27);
117. DVD with the BBC program „The Death of Yugoslavia“ – 4th part;
118. DVD with the BBC program „The Death of Yugoslavia“ play time from 16:15 minute to 23:50 minute – events in Zvornik in 1992;
119. DVD with the „SRNA“ Television program concerning the events on the island of Vis in 1995;
120. DVD on the events in Kalesija in 1992;
121. DVD Snagovo – Zvornik;
122. Instructions for Organization and Activity of the Organs of the Serb People in Bosnia and Herzegovina in Extraordinary Circumstances, SDS BiH- Main Board, strictly confidential 101-3 of 19 December 1991;
123. Decision of the Presidency of the Republic of Bosnia and Herzegovina Declaring Imminent Danger of War (“Official Gazette of BiH”, number: 1/92);
124. Decision of the Presidency of the Republic of Bosnia and Herzegovina Declaring the State of War (“Official Gazette of BiH”, number: 7/92) ;
125. Constitution of the Republika Srpska (“Official Gazette of the Republika Srpska” number: 21/1992) ;
127. Decision of the Constitutional Court of Bosnia and Herzegovina of 18 and 19 February 2000;
128. Decision of the Constitutional Court of Bosnia and Herzegovina of 18 and 19 August 2000;
129. Decision of the Constitutional Court of Bosnia and Herzegovina U-5/98 -III of 30 June and 1 July 2000;
130. Decision of the Constitutional Court of Bosnia and Herzegovina U-5/98 -IV of 28, 29 and 30 January 2000;
131. Decisions of the Constitutional Court of BiH in the case number U-44/01 of 27 February 2004 and 22 September 2004, published in “Official Gazette of BiH” numbers 18/2004 and 46/04;



132. Decision on the return of displaced persons to the territory of the Serb Republic of Bosnia and Herzegovina ("Official Gazette of the Serb Republic", number 8/92) ;
133. Declaration on the Governmental and Political Organization of the State ("Official Gazette of the Republika Srpska" number 14/92) ;
134. Law on Serb Citizenship ("Official Gazette of the Republika Srpska" number 19/92) ;
135. Law on Refugees ("Official Gazette of the Republika Srpska" number 5/93) ;
136. Decision on Strategic Goals of the Serb People in Bosnia and Herzegovina ("Official Gazette of the Republika Srpska" number 22/93) ;
137. Resolution on Providing for and Planned Relocation of Serb Refugees ("Official Gazette of the Republika Srpska" number 5/94);
138. CD with the Report on Devastation on Historical-Cultural and Natural Heritage in Bosnia and Herzegovina (1992 – 1995), Sarajevo 1997, Institute for Protection of Cultural, Historical and Natural Heritage of Bosnia and Herzegovina, BiH Heritage Center;
139. National Composition of Population in Municipalities and Settlements, 1991, State Institute for Statistics of RBiH (data for Zvornik Municipality);
140. National Composition of Population in Municipalities and Settlements, 1991, State Institute for Statistics of RBiH (data for Kalesija Municipality);
141. Judgment of the ICTY (IT-94-1-T) against Duško Tadić;
142. Judgment of the ICTY (IT-94-2-A) against Dragan Nikolić;
143. Judgment of the ICTY (IT-95-10-T) against Goran Jelisić;
144. Judgment of the ICTY (IT-95-10/1-S) against Ranko Češić;
145. Judgment of the ICTY (IT-98-32-A) against Mitar Vasiljević;
146. Judgment of the ICTY (IT-02-61) against Deronjić Miroslav;
147. Indictment of the ICTY (IT-00-39&40-PT) against Biljana Plavšić;
148. Judgment of the ICTY (IT-00-39&40/1-S) against Biljana Plavšić;
149. CD with Judgments of the ICTY.

Investigation results:

Having conducted the investigation against the suspect Janković Zoran a.k.a. „Zoka“ for the commission of criminal actions factually described in the operative part of this Indictment, the BiH Prosecutor's Office concludes that there is sufficient evidence that the suspect Janković Zoran committed the offences he is charged with and therefore the BiH Prosecutor's Office files the Indictment against him for the criminal offence of *Crimes against Humanity* in violation of Article 172(1) h), in conjunction with items a) and d) of the Criminal Code of Bosnia and Herzegovina.

The evidence on which the charges are based consists primarily of the testimonies of the eyewitnesses to the event, who have survived the execution, namely the following persons:

█ In their testimonies, the witnesses unequivocally and consistently described the circumstances under which Bosniak civilians from the village of Snagovo, Zvornik Municipality, were brought to the house of █ to the place called "Rašidov █

Han" in Snagovo, where Janković Zoran and other soldiers opened fire at the lined up civilians and killed 36 civilians, while only 5 civilians survived the execution. In their testimonies, the witnesses described the role of the suspect Janković Zoran in this event as the person who made the decision on execution and started the execution of the civilians. That the suspect *de facto* had control over other soldiers during the incriminated period arises, *inter alia*, from the fact that he held the position of a negotiator with the representatives of Bosniak population in the village of Snagovo, and that in the villages of Šeher and Like, Kalesija Municipality, he ordered the enforced deportation of captured civilians, while other soldiers were executing his orders. Other details also arise from the testimonies of the witnesses that support the fact that the suspect Janković Zoran was superior to other soldiers and that he was the direct perpetrator of murders of the civilians from the village of Snagovo.

The defense of the suspect Janković Zoran, that *tempore criminis* he did not order or participated in the killings of Bosniak civilians, and that on 25/26 May 1992 he was expelled from the village of Dubnica and therefore went with the entire village population to the village of Zolje, as well as that it was impossible to reach the villages of Šeheri and Like because of barricades, is unfounded and calculated with a view to avoiding his criminal responsibility. In support to this there are the testimonies of the witnesses, as well as other substantial evidence contained in the case file that place him on the crime scene in the incriminated period. There is also the evidence confirming the fact that the suspect was a member of the Serb Army since 2 May 1992, and that he was issued with the military weapons on 12 February 1992.

The Records on Identification of the suspect by the witnesses who have survived the execution testify about the identity of the suspect, namely of the witnesses: Mujanović Zlatija and Mujanović Muharem. During the identification, the witnesses were shown four persons of similar physical appearance and clothes, marked with numbers 1- 4. The identification was carried out on two occasions, with changes in persons' positions and ordinal numbers. On both occasions, [REDACTED] recognized Janković Zoran as the person who carried out the execution of the civilians in the place of Rašidov Han - Snagovo, Zvornik Municipality. [REDACTED] did not recognize the suspect as the person who captured her on 29 April 1992 in the territory of the village of Snagovo, but it should be noted that this witness was not present when the civilians were executed, and as she stated herself, due to the enormous fear that she felt when captured by the Serb soldiers, she was not able to have a better look at the persons who had captured them. [REDACTED] recognized Janković Jovo – the suspect's brother, as the person who had committed the criminal offence stated in this Indictment, which is understandable, taking into account the obvious resemblance between Janković Zoran and Janković Jovo (very similar facial lines, characteristic color of eyes), with the fact that Janković Jovo is 6 years younger than Janković Zoran. There is other substantial evidence, such as the Record on Exhumation of Mortal Remains from the mass grave at the location of Rašidov Han, which was carried out on 16 and 17 March 1998, then Records on Autopsy of the bodies of killed civilians, as well as the Findings and Opinion of the Forensic Expert, Prof. Dr. [REDACTED] who carried out the autopsies of the mortal remains exhumed from the mass grave at the location of Rašidov Han, in which the ex-

pert presented the causes of death of these persons. Cartridge cases and bullets were found in the mass grave for which it was established, upon the expertise of fire arms traces, that these were the bullets shot from the automatic rifle type „Kalashnikov“, machine gun M72 („Crvena Zastava“) or semi-automatic rifle M 59/66, and the pistol make „Crvena Zastava“ M 57. The entire Finding and Opinion of the expert is enclosed with the materials attached to the Indictment.

The evidence corroborating the position of the Prosecutor's Office that with his acts, the suspect committed crimes against humanity, the characteristic of which is, *inter alia*, that they are *widespread or systematic*, arises from the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia in The Hague, namely from the Judgments against the perpetrators of the war crimes committed in the regions of east and northeast Bosnia, the part of which are Zvornik and Kalesija, where the crimes, which are the subject of this Indictment were committed. Thus, it has been established by the final and binding Judgments against Biljana Plavšić (IT-00-39&40/1-S), Dragan Nikolić (IT-94-2-A), Mitar Vasiljević (IT-98/32), Goran Jelisić (IT-95-10), Deronjić Miroslav (IT-02-61), Ranko Češić (IT-95-10/1) and others, that at the time when the crimes, the suspect Janković Zoran is charged with, were committed in the region of east and northeast Bosnia, one of the most notorious campaigns of persecution of the Bosniak population in Bosnia and Herzegovina was carried out. Its purpose was to permanently remove non-Serb population from the Zvornik Municipality, as well as from the neighboring Municipalities of Kalesija, Bratunac, Bijeljina, Vlasenica and others.

- Notes on the geographical and demographical situation of the Municipalities of Zvornik and Kalesija:

Zvornik is a town and center of the Municipality in the eastern part of Bosnia and Herzegovina situated on the eastern slopes of the Majeveca mountain . The pre-war Municipality Zvornik occupied 500 km², while today the area of the Municipality Zvornik has been restricted to 387 km².

According to the data of the Institute for Statistics of Bosnia and Herzegovina, and pursuant to the 1991 Census, the total of 81,295 inhabitants lived in the territory of Zvornik Municipality which covered the area of 500 km², out of that 48,102 Bosniaks or 59.17 %, 30,863 Serbs or 37.96%, 122 Croats or 0.15 %, 1248 Yugoslavs or 1.54 % and 960 others or 1.18 %. In addition to the town of Zvornik, larger inhabited places in the Zvornik Municipality were: Sapna, Kozluk, Karakaj, Pilica, Lokanj, Tršić, Drinjača, Đulići, Čelopek, Ročević, Orahovac etc. On 18 March 1998, by the Law on Constitution of New Municipalities in the Federation of Bosnia and Herzegovina and change of the territories of the municipalities divided by the inter-entity and inter-cantonal lines, the Local Community Sapna was separated from the Zvornik Municipality and declared as an independent municipality. According to the 1991 Census, 14,584 inhabitants lived in the town of Zvornik, out of that 8,854 or 60.71% Bosniaks, Serbs 4,235 or 29.04 %, Croats 76 or 0.52 %, Yugoslavs 944 or 6.47 % and others 475 or 3.26 %.

Although there has been no official census after the 1991 Census, it is a well known fact that only a small number of Bosniaks have returned to the region of the Zvornik Municipality.

It arises from the data of the Institute for Protection of Cultural, Historical and Natural Heritage of BiH, that 42 mosques existed in the territory of the Zvornik Municipality, among which were the Kušlat (Ebul Feth) mosque, built in the period 1463-1481, then the mosque of Mehmed Ćelebija in Kozluk built in the XVI century, as well as the mosque of Sultan Mehmed-han in Zvornik built in 1574. In the town and surrounding villages there also existed facilities of the Islamic Religious Community, such as Muslim monasteries (*tekija*), domed burial sites (*turbe*) and religious schools (*mekteb*).

The Municipality of Kalesija is located in the southeast part of BiH. It is situated to the southeast of Tuzla at the distance of approximately 22 km from it. Its larger part is in the valley of the river of Spreča. The current area of the Kalesija Municipality is 180 km² with around 42,000 inhabitants. Before the war, the area of the Kalesija Municipality was around 272 km². A new administrative organization of Bosnia and Herzegovina was established by the Dayton Agreement. As a result of that organization, 71 km² or 26.1 % of the territory was separated from the Kalesija Municipality and joined with the newly established Municipality Osmaci, which is the part of the RS. The newly established Municipality Osmaci includes the following settlements: Mahala, Hajvazi, Caparde, Kulina, Kusonje, Kosovača, Vilčevići, Matkovac, Borogovo, Šeher, Osmaci, Rakino Brdo, Sajtovići, Like and Drvenice.

According to the data of the Institute for Statistics of Bosnia and Herzegovina, and pursuant to the 1991 Census, the total of 41,809 inhabitants lived in the territory of the Kalesija Municipality, which used to cover the area of 272 km² before the war, out of that 33,137 Bosniaks or 79.26 %, 7,659 Serbs or 18.32%, 35 Croats or 0.08 %, 275 Yugoslavs or 0.66 % and 703 others or 1.68 %.

- Beginning of the war in the Zvornik and Kalesija Municipalities:

When the SFRY disintegration started in 1991, the Yugoslav National Army (JNA) did not have any military barracks in Zvornik. At the beginning of 1992, the JNA tank units were deployed near Zvornik. Until March 1992, additional tanks, artillery and anti-aircraft weapons were deployed on the both banks of the river Drina. At the beginning of the attack on the town of Zvornik, the JNA units from Serbia were involved (including the Special Unit from Niš). Officers and soldiers were stationed in the villages of Čelopek and Karakaj, as well as on the Serbian side of the Drina River. In addition to the JNA, numerous paramilitary formations were involved in different military operations. These units included the members of Arkan's and Šešelj's units, Beli Orlovi, territorial defense (TO) units, members of Dragan's unit and other paramilitary formations and Serb volunteers. The attack on Zvornik started on 8 April 1992. Until 9 April 1992, the town of Zvornik was completely under control of the JNA Serb military and paramilitary forces. Kula Grad and Divič were not occupied until 26 April 1992. Paramilitary forces

abandoned Zvornik soon after that, but they returned when Bosniaks started returning to that region in the month of May.

Simultaneously with the military events, preparations for establishing control over the structures in power were made. In late 1991, local leaders of the Serb Democratic Party (SDS) proclaimed the annexation of Zvornik to the so called "Serb Autonomous Region of Semberija and Majevisa". In early April 1992, the transitional government was established which then established the "Serb Zvornik District." Such a deceptive civil administration consisted of the Police and SDS members. Administrative measures were introduced with a view to humiliating and systematic cleansing and persecution of the Bosniak people. With a view to gathering and unlawful detainment of able-bodied Bosniaks, all Bosniaks were forced to "register themselves" in front of the Serb Municipality or Police building, when many men were arrested and detained in camps. The movement of Bosniaks was restricted and they could not leave Zvornik without renouncing their property to the benefit of the so called Zvornik Serb District. During the period from late May until early June 1992, organized persecutions and executions of Bosniaks were carried out.

Following the orders of the SDS Zvornik military and political structures, Bosniak population which was not liquidated or expelled, was unlawfully arrested and detained in previously established camps located on the premises of schools, factories, cooperative farms buildings and other public institutions in the territory of the Zvornik Municipality. The Culture Center in Čelopek, Ekonomija farm, Technical School Center, Alhos, Novi Standard and Novi Izvor in Karakaj, are only some of these camps. Bosniaks were cruelly abused, tortured and killed in these camps.

One of the methods of organized crime against the Bosniak population by the SDS military and political leadership was the method of raping Bosniak women. Pursuant to Annex IX (Rape and Sexual Assault) to the Final Report number: S/1994/674/ which was drafted by the Commission of Experts established upon the UN Security Council Resolution number 780 from 1992, rapes were conducted in rural settlements in the Zvornik Municipality (Liplje), as well as in the camps in the town of Zvornik where women were detained. The victims were Bosniak women, and the perpetrators were Serbs. The same model of behavior was also applied in the Foča Municipality, which has been established by the final and binding Judgment of the ICTY against Krnojelac Milorad (IT-97/25). Women and girls were not sole victims of sexual torture and abuse in the Zvornik region during the war. There were incidents when camp guards were forcing detainees to have sexual intercourse with other prisoners.

During the persecution of Bosniak population from the territories where they had lived for centuries, members of the Serb military and paramilitary formations plundered and destroyed the entire private property of Bosniaks, all with a view to destroying the traces of existence of one nation in this region. With the same view, pursuant to the data of the Institute for Protection of Cultural, Historical and Natural Heritage of Bosnia and Herzegovina, the Serb military and paramilitary formations destroyed in the territory of Zvornik Municipality 41 mosques by burning down, planting mines or shelling, as well as other Bosniak buildings of cultural-historical importance in this region, among them 4

domed burial sites (*turbe*) and around 20 religious schools (*mekteb*). The Report of the said Institute is contained in the material corroborating the assertions from the Indictment hereto.

On 2 May 1992, the neighboring Kalesija Municipality was among the first cities of Bosnia and Herzegovina attacked by the army and police of the so called Serb Republic of BiH. On 11 May 1992, the place of Kalesija, with the territory to the east of the river Bjeljevac, except for the settlements of Zukići and Jajići, was occupied by the Serb forces. The consequence of this are killings and deportations of the Bosniak people, their detention in camps, destruction of Kalesija settlements and villages, destruction of Bosniak religious and housing buildings.

According to the data of the Institute for Protection of Cultural, Historical and Natural Heritage of Bosnia and Herzegovina, Serb military and paramilitary formations destroyed in the territory of Kalesija Municipality by burning down or blowing up seven mosques, while four mosques were almost completely destroyed as a result of shelling. The stated Report, with explanations, is contained in the materials corroborating the assertions from the Indictment hereto.

Numerous are the evidence and statements of witnesses-victims who have survived the executions, rape, injuries and deportations in the region of Zvornik and Kalesija Municipalities. These witnesses' statements shall be the subject of other investigations to be conducted and which have been conducted by the BiH Prosecutor's Office against the persons suspected of the commission of criminal offences of Crimes against Humanity any War Crimes in the territory of Zvornik and Kalesija Municipalities and the neighboring municipalities. The role and individual responsibility of superior officials, as well as of perpetrators of the foregoing crimes will be also investigated in other cases before this Court and other courts.

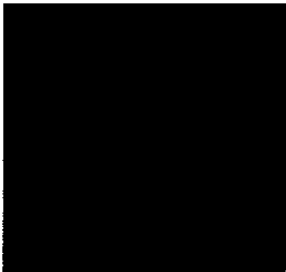
The witnesses in this case: [REDACTED] describe in their statements how they survived the execution in the place of Rašidov Han, Snagovo. Other witnesses describe in their statements how they escaped death and capturing in the attack of the Serb Army and Police by hiding themselves in the woods, namely they testify on forcible deportations from the territories where they lived lawfully. Also indisputable is the fact that mass graves were found in the territory of Zvornik and Kalesija Municipalities, as well as in the neighboring Municipalities, in which mortal remains of killed Bosniaks were buried and traces of crimes concealed. Such a grave was also found at the location of Rašidov Han, Snagovo, Zvornik Municipality. Present at the exhumation carried out on 16 and 17 March 2006 at the location of Rašidov Han were: the Prosecutor of the Cantonal Prosecutor's Office of Tuzla Canton, physician [REDACTED] representative of the ICPM [REDACTED] crim. technicians of the MoI of Tuzla Canton [REDACTED] from the Police Station Zvornik - crim. inspector [REDACTED] and crim. technician [REDACTED] and policeman [REDACTED] Samples for DNA analysis were taken from the mortal remains, the results of which are expected to be submitted soon.

The existence of final and binding ICTY Judgments establishing that genocide, crimes against humanity and persecution on national, religious and other grounds against members of Bosniak people were committed in the territory of BiH, in particular in northeast and east Bosnia, speaks in support of the only logical conclusion that, in the case of the crime committed by the suspect Janković Zoran, it was not the issue of an isolated incident or crime which would be an exemption in the war times, but of a model of behavior toward Bosniak civilians, their life, freedom and property.

One of the elements which gives the criminal offence of *Crimes against Humanity* the character of international criminal offence is that it is committed with the participation or tolerance by a state or political organization, which *de facto* or *de iure* held political power. This criterion, as regulated by the provision of Article 7 (2) a) of the Rome Statute, namely by Article 172 (2) a) of the CC BiH, has been met in the present case, which clearly arises from the foregoing ICTY Judgments and other substantial evidence in the case file, from which it can be seen that in the territories held by the Bosnian Serbs during the war in Bosnia and Herzegovina (period 1992-1995) the political and military leadership of the Serb people led discriminatory policy toward Bosniaks and other non-Serb population. We are of the opinion that there is sufficient evidence in the case file confirming that the suspect Janković Zoran, having acted with a discriminatory intention, also committed **persecution** as a form of crime against humanity, and that the killed and expelled civilians were persecuted only because they were members of a certain group, which arises both from the mentioned Judgments and the statements of numerous witnesses speaking about the persecution.

The evidence that the state and/or political organization stands behind the crimes committed by the suspect follows from the **Instruction for the Organization and Activity of the Organs of Serb People in Bosnia and Herzegovina in Extraordinary Circumstances**, issued by the Main Board of the Serb Democratic Party in Sarajevo on 19 December 1991, marked as strictly confidential 101-3, then from the **Constitution of Republika Srpska** of 1992 ("Official Gazette of Republika Srpska" number: 21/22), and the Decisions of the Constitutional Court BiH number U 5/98-I, II, III and IV of 2000 by which numerous provisions of the said Constitution were rendered unconstitutional for their discriminatory character.

There is also a whole set of laws of the Serb Republic from the war period, for example the **Law on Serb Citizenship** ("Official Gazette of Republika Srpska" number 19/92), and by-law enactments, such as the **Decision on Strategic Goals of Serb People in Bosnia and Herzegovina** ("Official Gazette of Republika Srpska" 22/93), **Resolution on Providing Housing and Planned Resettlement of Serb Refugees** ("Official Gazette of Republika Srpska" number 5/94), **Law on Refugees** ("Official Gazette of Republika Srpska" number 5/93), which contain provisions of discriminatory character in relation to non-Serb nations and which objectively testify about the policy of persecution of Bosniaks primarily, which was conducted systematically and which was spread over the entire part of the territory of Bosnia and Herzegovina which was under the Bosnian Serbs control during the war.



The role of Crisis Staffs of Serb people was described in the ICTY Judgments against Deronjić Miroslav (IT-02-61), Zarić Simo (IT-95-9) and Stakić Milomir (IT-97/24), among which some were transformed into the SDS Crisis Staffs. Crisis Staffs were also obliged to monitor the situation in Municipalities, as well as wider political, military and security events, and they have unequivocally chosen the policy of creating the Serb national territories in Bosnia and Herzegovina, and subsequent application of force for the purpose of removal of non-Serb population from the territories that were proclaimed as the Serb territories.

Considering all the above presented, a logical conclusion can be drawn that the present case involves a widespread and systematic attack directed against the civilian Bosniak population, of which the accused had knowledge and in which he actively participated, whereby all the characteristics of the criminal offence of *Crimes against Humanity* defined under the provision of Article 172 (1) h) in conjunction with items a) and d) have been by met in his actions.

Material that corroborates the charges under the Indictment:

1. Record of questioning of the accused Janković Zoran, Prosecutor's Office of Tuzla Canton, number: KT-RZ.8/06 of 5 May 2006;
2. Record of hearing before Tuzla Cantonal Trial Panel concerning the Motion of the Prosecutor for ordering custody against the accused Janković Zoran, Cantonal Court in Tuzla, number: 003-0-Kpp-06-000049 of 5 May 2006;
3. Record of questioning of the accused Janković Zoran, Cantonal Prosecutor's Office of Tuzla Canton, number: KT-RZ.8/06 of 7 June 2006;
4. Record of hearing before the Cantonal Court Panel in Tuzla concerning the Motion of the Prosecutor of the Cantonal Court of Tuzla Canton for Extension of Custody against the accused Janković Zoran, Cantonal Court in Tuzla, number 003-0-Kv-06-000149 of 7 June 2006;
5. Witness Examination Record of [REDACTED] Cantonal Prosecutor's Office of Tuzla Canton, number: Ktn 3/05 of 21 November 2005;
6. Witness Examination Record of [REDACTED] Cantonal Prosecutor's Office of Tuzla Canton, number: Ktn 3/05 of 21 November 2005;
7. Witness Examination Record of [REDACTED] Cantonal Prosecutor's Office of Tuzla Canton, number: Ktn 3/05 of 21 November 2005;
8. Witness Examination Record of [REDACTED] MoI Tuzla, number 08-02/3-1-04.3- of 5 January 2006;
9. Witness Examination Record of [REDACTED] MoI Tuzla, number: 08-02/3-1-04.3- of 9 January 2006;
10. Witness Examination Record of [REDACTED] MoI Tuzla, number: 08-02/3-1-04.3- of 11 January 2006;
11. Witness Examination Record of [REDACTED] MoI Tuzla, number: 08-02/3-1-04.3- of 13 January 2006;
12. Witness Examination Record of [REDACTED] MoI Tuzla, number: 08-02/3-1-04.3- of 13 January 2006;

13. Witness Examination Record of ██████████ Cantonal Prosecutor's Office of Tuzla Canton, number: Kt. 8/06 of 22 February 2006;
14. Witness Examination Record of ██████████ Cantonal Prosecutor's Office of Tuzla Canton, number: Kt. 8/06 of 22 February 2006;
15. Witness Examination Record of ██████████ Cantonal Prosecutor's Office of Tuzla Canton, number: Kt. 8/06 of 22 February 2006;
16. Witness Examination Record of ██████████ Cantonal Prosecutor's Office of Tuzla Canton, number: Kt. 8/06 of 27 March 2006;
17. Witness Examination Record of ██████████ MoI Tuzla, number: 08-02/3-1-04.3- of 25 May 2006;
18. Witness Examination Record of ██████████ Cantonal Prosecutor's of Tuzla Canton, number: Kt. 8/06 of 26 May 2006;
19. Witness Examination Record of ██████████ Cantonal Prosecutor's Office of Tuzla Canton, number: Kt. 8/06 of 26 May 2006;
20. Witness Examination Record of ██████████ MoI Tuzla, number: 08-02/3-1-04.3- of 29 May 2006;
21. Witness Examination Record of ██████████ MoI Tuzla, number: 08-02/3-1-04.3- of 13 June 2006;
22. Witness Examination Record of ██████████ MoI Tuzla, number: 08-02/3-1-04.3- of 14 June 2006;
23. Witness Examination Record of ██████████ Prosecutor's Office of BiH, number: KT-RZ-142/06 of 3 October 2006;
24. Witness Examination Record of ██████████ Prosecutor's Office BiH, number: KT-RZ-142/06 of 3 October 2006;
25. Witness Examination Record of ██████████ Prosecutor's Office BiH, number: KT-RZ-142/06 of 3 October 2006;
26. Decision on costs reimbursement to the witness ██████████ Prosecutor's Office of BiH, number: KT-RZ-142/06 of 3 October 2006;
27. Decision on costs reimbursement to the witness ██████████ Prosecutor's Office of BiH, number: KT-RZ-142/06 of 3 October 2006;
28. Decision on costs reimbursement to the witness ██████████ Prosecutor's Office of BiH, number: KT-RZ-142/06 of 3 October 2006;
29. Finding and Opinion of the medical expert, Prof. ██████████ Ph.D., number KT-8/06 of 15 February 2006;
30. Record of Exhumation, Cantonal Prosecutor's Office of Tuzla Canton, number Kt. 8/06 of 16 and 17 March 2006;
31. Letter on delivery of Report on Forensic Medicine Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06 of 13 April 2006;
32. Report on Forensic Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-039 BP of 23 March 2006;
33. Report on Forensic Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-040 BP of 23 March 2006;
34. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-041 BP of 23 March 2006;
35. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-008 BP of 23 March 2006;

36. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-014 BP of 21 March 2006;
37. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-015 BP of 22 March 2006;
38. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-003 B of 21 March 2006;
39. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-004 B of 21 March 2006;
40. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03-ZVO005 B of 23 March 2006;
41. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-006 B of 21 March 2006;
42. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-007 B of 21 March 2006;
43. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-008 B of 23 March 2006;
44. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-014 BP of 21 March 2006;
45. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-015 BP of 22 March 2006;
46. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-016 BP of 22 March 2006;
47. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-023 BP of 22 March 2006;
48. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-024 BP of 22 March 2006;
49. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-028 BP of 22 March 2006;
50. Report on forensic medical analysis, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-030 BP of 22 March 2006;
51. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-033 BP of 21 March 2006;
52. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-034 BP of 23 March 2006;
53. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-035 BP of 23 March 2006;
54. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-036 BP of 23 March 2006;
55. Report on forensic medical analysis, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-037 BP of 23 March 2006;
56. Report on Forensic Expert Evaluation, Cantonal Prosecutor's Office Tuzla, number KT-RZ. 8/06, case number: SNA03ZVO-038 BP of 23 March 2006;
57. Crime Scene Sketch, MoI Tuzla, number 08-02/3-5-04.6-664/06 of 12 April 2006;
58. Photo-documentation, MoI Tuzla, number 08-02/3-5-04.6-664/06 of 21 April 2006;

59. Photo-documentation, MoI Tuzla, number 08-02/3-5-04.6-1645/06 of 11 May 2006;
60. Photo-documentation on Identification, MoI Tuzla, number 08-02/3-5-04.6-12/06 of 17 May 2006;
61. Report on Identification, MoI Tuzla, number 08-02/3-1-04.3-12/06 of 17 May 2006;
62. Record on Identification of the person by the witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;
63. Record on Identification of the person by the witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;
64. Record on Identification of the person by the witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;
65. Record on Identification of the person by witness [REDACTED] MoI Tuzla, number 08-02/3-1-04.3-12/06 of 16 May 2006;
66. Letter on submission of forensic analysis of firearms traces, MoI of the FBiH, number 09-14/-3-04-5-4873 of 3 October 2006;
67. Forensic analysis of firearms traces, MoI of FBiH – Forensics and Support Center Sarajevo, number 14/1-3-04-5-4873 of 3 October 2006;
68. List of the commanders of units that received the Order, strictly confidential No. 61/95; (copy)
69. Vacation Schedule for the Commanders of Companies of the Infantry Battalion and their deputies for December 1994 and January 1995, Military Post 7115/10 Šekovići-Osmaci, on 16 December 1994; (copy)
70. Order on tactical live-fire, Military Post 7115/10 Šekovići-Osmaci, number 56-2/94 of 2 September 1994; (copy)
71. Payroll list of military police for July 1992; (copy)
72. Proposal for Promotion, dated 7 May 1994; (copy)
73. List of members of the 1st Infantry Battalion Osmaci who took over flour from the Battalion's warehouse, dated 14 February 1993; (copy)
74. Request of the Housing Committee, Military Post 7115/10 Šekovići – Osmaci, number 2454/93 of 6 September 1993; (copy)
75. List of soldiers of the Territorial Defense HQ Dubnica with the data on their combat engagement; (copy)
76. Information on the situation on the frontline, Military Post 7115 Šekovići, number stric. confid. 06-360 of 15 November 1995; (copy)
77. Receipt for issuing the weapon and ammunition in the name of Janković Zoran, dated 12 February 1992; (copy)
78. Official Note, Ministry of Internal Affairs, Municipal Secretariat for Internal Affairs Kalesija, number 18-8/02-230-161/92 of 08.09.1992; (copy)
79. List of members of the Platoon Dubnica; (copy)
80. Official Note on Search, State Security Service Kalesija, dated 18 September 1992;
81. Receipt for temporarily use of a motor vehicle issued in the name of Janković Dragan, Military Post 2553 Tuzla, dated 19 May 1992; (copy)
82. Receipt for military property received on temporarily use, Military Post 4544 Belgrade; (copy)

83. Receipt for issuing weapon and ammunition in the name of Janković Petar, dated 18 February 1992; (copy)
84. Call-up for Erić Dragan, Military Post 2465; (copy)
85. Receipt for issuing weapons and ammunition in the name of Stojanović Rado; (copy)
86. Receipt for issuing weapons and ammunition for the detachment "Bišina" in the name of Dragičević Lazo, Military Post 2465 Tuzla, dated 7 April 1992; (copy)
87. Lists of the members of the units with the issued weapon and ammunition; (copy)
88. Photograph of the monument at the place Rašidov Han, Snagovo; (copy)
89. Photocopied photos (number of photographs: 27);
90. DVD recorded the BBC program „The Death of Yugoslavia“ – 4th episode;
91. DVD with BBC program „The Death of Yugoslavia“ from 16:15 minute to 23:50 minute – the events in Zvornik in 1992;
92. DVD with the program of TV "SRNA" on events at Vis in 1995;
93. DVD on events in Kalesija in 1992;
94. DVD Snagovo – Zvornik.

Proposal of the Prosecutor's Office for acceptance of the facts established by the Judgments of the International Criminal Tribunal for the Former Yugoslavia

Pursuant to Article 4 of the Law on Transfer of Cases from the ICTY and Article 15 of the Criminal Procedure Code of BiH, the Prosecutor's Office of BiH proposes to the Court of BiH to accept as proven the facts established by the final Judgments in proceedings before the ICTY, and include as evidence the following Judgments of the Trial and Appellate Panels of ICTY:

1. Judgment of ICTY (IT-94-1-T) against Duško Tadić,
2. Judgment of ICTY (IT-94-2-A) against Dragan Nikolić,
3. Judgment of ICTY (IT-95-10-T) against Goran Jelisić,
4. Judgment of ICTY (IT-95-10/1-S) against Ranko Češić,
5. Judgment of ICTY (IT-98-32-A) against Mitar Vasiljević,
6. Judgment of ICTY (IT-02-61) against Miroslav Deronjić,
7. Judgment of ICTY (IT-00-39&40/1-S) against Biljana Plavšić,

The role of the JNA, its transformation, the role of the Crisis Staffs were described in the Judgment against Duško Tadić in relation to the crimes committed in the region of the Municipality Prijedor. It stems from the Judgment that politics and system were behind the crimes committed by the said convict.

In the Judgment against Dragan Nikolić, a widespread and systematic attack was proved as the element of the crime against humanity in the detention camp Sušica not far from

Vlasenica. The Municipality of Vlasenica borders on the Municipality Zvornik. Having been detained in some other detention camps, a large number of men were detained in the detention camp Sušica. The said convict was the Commander of the Detention Camp Sušica in the period from June to September 1992.

In the Judgment against Goran Jelisić, the widespread and systematic attack was proved as the element of the crime against humanity in the region of the Municipality of Brčko (northeastern Bosnia).

In the Judgment against Ranko Češić, a widespread and systematic attack was proved as the element of the crime against humanity in the region of Municipality of Brčko (north-eastern Bosnia).

In the Judgment against Mitar Vasiljević, a widespread and systematic attack was proved as the element of the crime against humanity in the region of the Municipality of Višegrad.

In the Judgment against Miroslav Deronjić, a widespread and systematic attack was proved as the element of the crime against humanity in the region of Glogove - the Municipality of Bratunac in May 1992. The Municipality of Bratunac borders with the Municipality of Zvornik. The crimes against Bosniak population from the moment of the war activities' commencement were described (killing, expulsion, persecution, destruction of mosques) – the same model of behavior was taking place in the neighboring Zvornik. The convict was from September 1990 to late April 1992 the President of the Municipal Board of SDS (Serb Democratic Party of Bosnia and Herzegovina) in Bratunac. The SDS Executive Board appointed him on 6 September 1991 a member of the Commission for personnel affairs and organization within the said Party. He was the President of the Crisis Staff in Bratunac from April 1992, when the Crisis Staff took over the authorities of the Municipal Executive Committee and the Municipal Assembly bodies, through June 1992 when it was transformed into the War Council. He was appointed a member of the War Council of Bratunac. In summer of 1993, he became a member of the SDS Main Board.

Biljana Plavšić pled guilty of the crimes she was charged with. She was one of the leading SDS members since the time of its establishment in Bosnia and Herzegovina. Since 18 November 1990 to April 1992 she was a member of the collective Presidency of Bosnia and Herzegovina. She held the position of the President of the Council for Constitutional Order Protection of the Presidency of Bosnia and Herzegovina. From 28 February 1992 to 12 May 1992 she was the Acting President of the Serb Republic of Bosnia and Herzegovina. She was a member of the Council for National Security of the Republic of Bosnian Serbs. On 12 May 1992, she became a member of the tripartite Presidency of the Republic of Bosnian Serbs, and from early June 1992 to 17 December 1992 she was a member of the expanded Presidency of the Republic of Bosnian Serbs.

Proposal for extension of custody:

The results of investigation and collected evidence compel the inference that there exist a grounded suspicion that Janković Zoran committed the criminal offense of *Crime against Humanity* referred to in Article 172 (1) h) in conjunction with items a) and d) of the Criminal Code of Bosnia and Herzegovina.

I believe that all reasons for custody that existed at the time of rendering the decisions on ordering custody and its extension still exist, pursuant to Article 132 (1) b) and d) of the Criminal Procedure Code of Bosnia and Herzegovina. That is why we move the Court of BiH to, following the confirmation of the Indictment, extend the custody against Zoran Janković in terms of Article 137 (1), for the reasons laid down in Article 132 (1) b) and d) of the BiH Criminal Procedure Code.

- Concerning the risk of hindering the criminal proceedings by influencing witnesses, accomplices or abettors as a ground for ordering custody under Article 132 (1) b), it shall become even more expressed by the bringing of this Indictment due to the fact that it is already obvious that the Prosecutor's Office has firm evidence against Zoran Janković and that, given the prescribed punishment, he would be more ready to undertake some actions harmful to these proceedings in order to avoid the punishment. The risk for witnesses ensues from the fact that those who had survived the execution have returned to their pre-war homes in Snagovo, and it is reasonable to assume that the suspect, if released, might endanger their safety and safety of their families, which would influence their statements at the main trial. Reasonable fear that the suspect might destroy, conceal, alter and forge the evidence or clues relevant for the criminal proceedings also ensues from the fact that after the commission of the crime he is suspected of, he set on fire all corpses of the killed persons in order to conceal the traces of the crime. Also, there is a reasonable fear that the suspect, if released, might contact the accomplices in this severe crime that are still at large. One of the accomplices of the suspect Janković Zoran is Matić Radenko whose criminal prosecution, based on the Order of the Court of BiH number X- KRN/05/146 of 6 February 2006, has been taken over by the Prosecutor's Office of BiH. The Prosecutor's Office of BiH and competent authorities have been searching for the other accomplices in order to find and arrest them, but the Prosecutor's Office of BiH cannot disclose their names in the interest of investigation.
- Concerning the legal ground for custody referred to in Article 132 (1) d) of the CPC BiH, it is in any case objectified due to the fact that it concerns the severe criminal

offence punishable by long term imprisonment. Also, the way of commission of criminal offense – cold-blooded murder of a large number of civilians, among which there were entire families, as well as a considerable number of children and minors, then setting on fire the corpses of the killed persons in order to conceal the traces of crime – all these are facts indicating that the ordering of custody is a necessary measure for the safety of citizens.

Therefore I propose to the Court of Bosnia and Herzegovina to render a decision on extension of custody against Janković Zoran for all the above-stated reasons, stating that the custody might last until the completion of the main trial but no longer than three years following the confirmation of the Indictment.

For all the foregoing presented, I believe that there exists grounded suspicion that the suspect Janković Zoran committed the criminal offense *Crimes against Humanity* in violation of Article 172 (1) h) and in conjunction with items a) and d) of the Criminal Code of Bosnia and Herzegovina. Therefore I propose to the Preliminary Hearing Judge to confirm this Indictment.

**PROSECUTOR
PROSECUTOR'S OFFICE
OF BOSNIA AND HERZEGOVINA**

Mirsad Strika

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

Sarajevo, 3 November 2006


*Certified Court Interpreter
for the English language*


*Certified Court Interpreter
for the English language*

