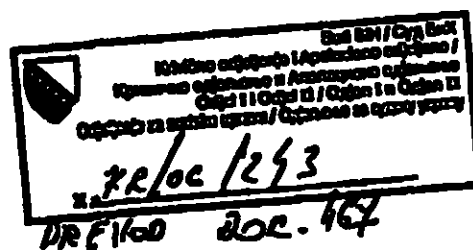


Bosnia and Herzegovina
Prosecutor's Office of BiH
Special Department for War Crimes
No. KT-RZ-154/06
X-KRN-06/243
Sarajevo, 12 September 2008



TO THE TRIAL PANEL

COURT OF BOSNIA AND HERZEGOVINA
Section I for War Crimes of the Criminal Division of the Court
Sarajevo

On the basis of an assessment done by the Prosecutor's Office the presented evidence indicates that the state of facts contained in the original Indictment number: KT-RZ-154/065, dated September 27th 2007 (which was amended orally on 26 June 2008 in reference to violations of International Law) have changed, the following Amended Specific Indictment has been changed in the part related to the List, description and legal name of the criminal offences resulting in the withdrawal by the Prosecution of the following accusations:- 1) that there was a violation of Article 147 of the IV Geneva Convention Relative to the Protection of Civillian Persons in Time of War of 12 August 1949 being applicable to International Armed Conflicts; 2) Count 1/2 and Count 1/7c relative to Sreten Lazarević; 3) Count 11/2 and Count 11/3 relative to Dragan Stanojević. Pursuant to the provision of Article 35 (2) (h) and Article 226 (1) and Article 275 of the Criminal Procedure Code of Bosnia and Herzegovina, I hereby file a

SECOND AMENDED INDICTMENT

Against

- 1. LAZAREVIĆ SRETEN**, son of Žarko and Savka nee Jokić, born on 31 March 1953 in the village of Ročević, the municipality of Zvornik, where he resides, Serb, citizen of BiH, car-body mechanic by profession, married, father of two, currently free, represented by the defense attorney of his choice-Radivoje Lazarević, lawyer from Zvornik,
- 2. STANOJEVIĆ DRAGAN** a.k.a. Janjić, son of Drago and Ruža nee Jović, born on 13 March 1962 in the village of Ročević, the municipality of Zvornik, residing in the village of Ročević – Kozluk, Serb, citizen of BiH, married, father of three, currently free, represented by the defense attorney of his choice- Miloš Perić, lawyer from Zvornik,
- 3. MARKOVIĆ MILE** a.k.a. Cigo, son of Teodor and Jovanka nee Ristić, born on 27 September 1952 in the place of Donji Lokanj, the municipality of Zvornik, residing in Zvornik at Sime Perića 83, Serb, citizen of BiH, waiter/cook by profession, widower, father of two, currently free, represented by the defense attorney ex officio- Nenad Rubež, lawyer from Zvornik,

4. OSTOJIĆ SLOBODAN, son of Dušan and Dragica nee Bogičević, born on 8 August 1966 in the village of Padžine, the municipality of Zvornik, residing in the place of Padžine bb, the municipality of Zvornik, Serb, citizen of BiH, married, father of two, surveyor by profession, currently free, represented by the defense attorney of his choice-Stojanović Miodrag, lawyer from Bijeljina,

For grounded suspicion that:

In the time period from May 1992 until March 1993 in Zvornik, at the time of armed conflict in BiH, the Accused, as members of the Reserve Police Force of the Zvornik Public Security Station and working in collaboration with the armed forces of the Army of the Serb Republic of BiH acted in contravention of the provisions of Common Article 3 of the Geneva Conventions relative to the Protection of Civilian Persons in Time of War of 12 August 1949, being applicable to Internal Armed Conflicts by doing the following:

I LAZAREVIĆ SRETEN, in his capacity as deputy warden at the detention camp located in the building of the Misdemeanor Court and subsequently in the building of DP Novi Izvor, either perpetrated, aided and abetted, or failed to prevent or punish the intentional infliction of severe physical or mental pain and suffering (Torture) and Inhuman Treatment of unlawfully detained Non Serb civilians, because:

1. On a date uncertain during May 1992, in the building of the Misdemeanor Court, he was present when an unidentified person severely beat the prisoner [REDACTED] over his neck and arms with a police baton, during which time the accused failed to intervene to protect the prisoner and thus by his presence provided tacit encouragement to the perpetrator.

2. On a date uncertain during June 1992 in the building of DP Novi Izvor, having asked the prisoners who of them was from Bratunac, he took the prisoner [REDACTED] out of the room in which they were imprisoned and handed him over to a group of unidentified civilians, thus enabling them to severely beat the prisoner in a nearby garage as a result of which he was heard to cry out in pain, after which they threw him into the trunk of a vehicle and drove off in an unknown direction; [REDACTED] has been unaccounted for ever since,

3. On a date uncertain during July 1992 in the building of DP Novi Izvor, together with the guards Marković Mile and Ostojić Slobodan, he personally beat or participated in the beating of the prisoners [REDACTED] and [REDACTED], during which time a) [REDACTED] was beaten by the accused Lazarević until he fell down; b) [REDACTED] was kicked in the right hip and struck in the right stomach by the accused Marković Mile and beaten by the accused Lazarević, which combined beating causing him to fall to the ground where he lost consciousness. On regaining consciousness he was bleeding from an unknown location on his body

4. In the summer of 1992 in the building of DP Novi Izvor he was present when a group of guards, Ostojić Slobodan among them, severely beat the prisoners Smajlović Ramiz and [REDACTED] all about their bodies including the neck, back and knees with police batons, because of an alleged attempt of flight during which time the accused did not prevent it, but by his presence provided tacit encouragement to the perpetrators

5. On an undetermined day, without any reason or cause, he slapped the prisoner [REDACTED] hard about the face, arms and hands after the prisoner had been taken to an office occupied by the accused.

6. Over the specified period, on several occasions he permitted unauthorized persons to enter both prison premises – groups of Serb soldiers called Gogičevci and others, by unlocking the doors for them or by allowing other guards to do that without being punished, thus enabling that these persons torture and abuse the prisoners and inflict severe physical injuries upon them; so in that way:

a) On an undetermined day, unidentified soldiers physically abused the prisoners [REDACTED] by carving crosses on their foreheads

b) On an undetermined day, unidentified soldiers abused the prisoners sexually by forcing them to put their sexual organs into one other's mouth, and thus, inter alia, they forced the prisoner [REDACTED] to do it to another unidentified prisoner

II STANOJEVIĆ DRAGAN, as a guard at the camp which was located in the building of the Misdemeanor Court and subsequently in the building of DP Novi Izvor, he perpetrated, aided and abetted and incited the intentional infliction of severe physical or mental pain and suffering (Torture) and Inhuman Treatment of unlawfully detained Non Serb civilians, because:

I. On dates uncertain between June 1992 and September 1992 he unlocked on more than one occasion prison premises and thus enabled groups of Serb soldiers to torture and abuse prisoners and further incited them to do so in particular by singling out and pointing to them the prisoner [REDACTED] saying he was a person who had wounded a Serb. In this manner in the building of the Misdemeanour Court the prisoner was beaten repeatedly about the body with a baton, including the face and back, whereby he sustained a broken nose In the building of DP Novi Izvor in the same way he enabled and incited a group of soldiers led by a certain Saša to beat the same prisoner [REDACTED] which they did, by pulling him down onto the floor and jumping all over his back, inflicting upon him severe bodily injuries thereby rendered him temporarily immobile while at the same time the same persons sexually abused other prisoners including [REDACTED] by forcing them to put their sexual organs into one other's mouths, During the course of various similar events in DP Novi Izvor

over this period, [REDACTED] was also beaten about the body including his hands, legs and feet resulting in bruising and a serious injury to one of his toenails.

III MARKOVIĆ MILE, as a guard at the camp located in the building of the Misdemeanor Court and subsequently in the building of DP Novi Izvor, he intentionally inflicted severe physical or mental pain and suffering and Inhuman Treatment of unlawfully detained Non Serb civilians, because:

1. On a date uncertain during June 1992 in the building of DP Novi Izvor, together with the guard Ostojić Slobodan and deputy warden Lazarević Sreten, he personally beat or participated in the beating of the prisoners [REDACTED] during which time a [REDACTED] was beaten by the accused Lazarević until he fell down; b [REDACTED] was kicked in the right hip and struck in the right stomach by the accused Marković Mile and beaten by the accused Lazarevic, which combined beating causing him to fall to the ground where he lost consciousness. On regaining consciousness he was bleeding from an unknown location on his body.

2. In September 1992 in the building of DP Novi Izvor, together with a person named Brane, he heavily beat up the prisoner [REDACTED] beating him all over his body and forcing him to hold his hands in front of his face in order to prevent the blood from splashing around,

IV OSTOJIĆ SLOBODAN, as a guard at the camp located in the building of the Misdemeanor Court and subsequently in the building of DP Novi Izvor, he intentionally infliction of severe physical or mental pain and suffering (Torture) and Inhuman Treatment of unlawfully detained Non Serb civilians, because:

1. In July 1992 in the building of DP Novi Izvor, together with the guard Marković Mile and deputy warden Lazarević Sreten, he severley beat the prisoners [REDACTED] due to which beating [REDACTED] lost consciousness and when he came around, he forced him to wipe the blood off the floor,

2. In the summer of 1992 in the building of DP Novi Izvor, together with a group of guards and in the presence of deputy warden Lazarević Sreten, he severely beat [REDACTED] about their bodies with a police baton for an alleged suspicion that they attempted to escape from the camp to the extent that both victims were unable to move about for three days

Therefore, during the war in Bosnia and Herzegovina and at the time of the armed conflict between the units of the Army of the Serb Republic of BiH and the Armed Forces of RBiH, in violation of the rules of international humanitarian law they took part

in inflicting severe physical or mental pain and suffering (Torture) and Inhuman Treatment of unlawfully detained Non Serb civilians

Committing thereby:

- LAZAREVIĆ SRETEN,

in Count I/1, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Articles 29 and Article 180 (1) of the Criminal Code of BiH;

in Count I/2, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Articles 31 and Article 180 (1) of the Criminal Code of BiH;

in Count I/3, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Articles 29 and Article 180 (1) of the Criminal Code of BiH;

in Count I/4, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Article 180 (1 and 2) of the Criminal Code of BiH;

in Count I/5, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Article 180 (1) of the Criminal Code of BiH;

in Count I/6, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Article 180 (2) of the Criminal Code of BiH;

- STANOJEVIĆ DRAGAN, in Count II/1 the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Article 30 and 31 of the Criminal Code of BiH in conjunction with Article 180 (1) of the Criminal Code of BiH

- MARKOVIĆ MILE,

in Count III/1 the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Article 29 and Article 180 (1) of the Criminal Code of BiH

in Count III/2, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Article 180 (1) of the Criminal Code of BiH.

- OSTOJIĆ SLOBODAN,

in Count IV/1 the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (c) in conjunction with Article 29 and Article 180 (1) of the Criminal Code of BiH

in Count IV/2, the criminal offense of War Crimes against Civilians referred to in Article 173 (1) (e) in conjunction with Article 29 of the Criminal Code of BiH in conjunction with Article 180 (1) of the Criminal Code of BiH

Pursuant to the above presented, we are satisfied that there are sufficient reasons for grounded suspicion that the suspects Lazarević Sreten, Stanojević Dragan, Marković Mile and Ostojić Slobodan committed the criminal offenses they are charged with in this Amended Indictment.



**BiH PROSECUTOR'S OFFICE
PROSECUTOR**

Paul Flynn

(seal and signature duly affixed)