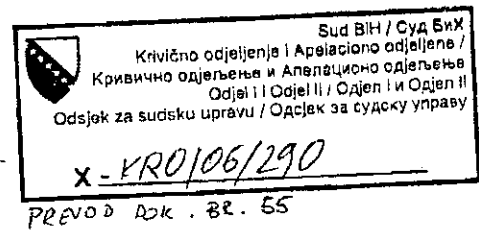


**BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BiH
SARAJEVO
Number: KT -RZ -123/06
Sarajevo, 28 December 2006**



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

Sarajevo

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

INDICTMENT

AGAINST:

JADRANKO PALIJA, son of Nikola Palija and mother Milka née Majkić, born on 6 January 1961 in Hrvatska Kostajnica, the Republic of Croatia, highly skilled machinist of steam boilers and steam turbines of all types by occupation, married, father of a minor child, with permanent residence in the Brčko District, Ilićka Street No. VII/17, the Municipality of Brčko, Serb, citizen of Bosnia and Herzegovina, no prior convictions, the suspect was placed under house arrest by the Decision of the Court of BiH number X-KRN-06/290 of 2 November 2006.

Because:

From May 1992 until the end of the war in 1995, as a member of the 6th Krajina Brigade, within a widespread and systematic attack by the Army of the Serb Republic of Bosnia and Herzegovina, Territorial Defense, members of police and paramilitary formations on Muslim and Croat civilian population in the wide territory of Bosanska Krajina, including the attack on the territory of the Municipality of Sanski Most, which began in mid-April 1992 by the takeover of the Public Security Station, attack on the municipality building and proclamation of the Serb Municipality of Sanski Most and continued on 25 May 1992 by the deprivation of liberty of intellectuals, police officers, politically active Croats and Muslims, their confinement and the armed attack on the settlements Muhići, Mahala, Otoke and the villages of Hrustovo, Vrhpolje, Kljevci and other areas of the municipality where Muslims and Croats predominantly lived and during that attack civilian objects were shelled, population was expelled



from their homes which were set on fire and pillaged, while the expelled civilians were taken to the places where they were gathered and separated, and then confined in the established detention facilities in Sanski Most where detained men were exposed to physical and mental abuse, and then a large number of detained Croats and Muslims were transported to the camp "Manjača" on Manjača or expelled to the territory under the control of the Army of BiH, while the remaining population was engaged in work obligation to do hard physical labor, taken to the front lines where they dug trenches and were used as a human shield, and with knowledge of such attacks he participated in them, in as much as he:

1. On 31 May 1992, together with other soldiers of the Army of Republika Srpska, he participated in the attack on the hamlet of Begići – the village of Kljevci, on which occasion they brought all civilians whom they found there in front of the house of [REDACTED] where they separated women and children and confined them in the house, while they took men across the fields called "Vinogradine" and then, having arrived to a slaughterhouse next to the bridge over the River Sanica, Jadranko Palija killed [REDACTED] [REDACTED] having arrived to an intersection in Vrhpolje, he killed [REDACTED] on the main road towards Sanski Most he killed [REDACTED] having arrived to the Vrhpolje bridge, he killed [REDACTED] while together with other soldiers he participated in the killing of [REDACTED] [REDACTED] in the way that they ordered them to take off their clothes and jump from the bridge and, while they were falling into the water, they were shooting at them, and on that occasion they failed to kill [REDACTED]
2. On an unknown date in the summer of 1992, in the Muhići Street, he came to a house where he found two women with two children, who came to take food, and having asked for their identity documents, he intimidated them, telling them that their life in Sanski Most was worthless, and under the pretext that he wanted to search the other part of the house which was locked, he took the female [REDACTED] to the entrance door to that part of the house, broke the door off and having entered inside, he raped her, threatening her with a pistol, and then threatened with killing them if they spoke about what had happened,
3. During the armed conflict in the period from 1993 until October 1995, in his capacity as military police officer, he moved in the territory of Sanski Most, and at that time he was stopping Muslim civilians, intimidating and beating them, among whom were [REDACTED] [REDACTED] participated in illegal arrests of [REDACTED] and bringing them to the military police prison which was located in the Mahala settlement, at a checkpoint in Pobriježje asked civilians who were passing through the checkpoint to show their identity documents, insulted them in various ways, intimidated and beat

them, including [REDACTED] deaf and dumb [REDACTED] and very often he intimidated and beat [REDACTED] telling him to move out, until [REDACTED] was killed in his house which was mined in December 1994,

Therefore, within a widespread or systematic attack directed against the civilian population in the territory of the Municipality of Sanski Most, with knowledge of such an attack and participating in it, he perpetrated, aided and abetted and instigated the persecution of Muslims on account of their national, religious, political and ethnic affiliation, during the armed conflict he aided and abetted, instigated and carried out the attack against the civilian population, intentionally inflicted severe physical and mental pain, exercised inhumane treatment and coercion to forced labor in violation of Article 3 of the Fourth Geneva Convention relative to the Protection of Civilian Persons of 12 August 1949

Whereby:

Under Counts 1 and 2 of the operative part of the Indictment he committed the criminal offence of Crimes against Humanity referred to in Article 172(1)(h) in conjunction with subparagraphs (a), (e), (g) and (k) of the Criminal Code of Bosnia and Herzegovina.

Under Count 3 of the operative part of the Indictment he committed the criminal offence of War Crimes against Civilians referred to in Article 173(1)(a), (c) and (f) of the Criminal Code of Bosnia and Herzegovina, in conjunction with Article 180(1) of the same Code.

Therefore,

I P R O P O S E

I. To summon to the main trial before the Court of Bosnia and Herzegovina, which has the territorial and subject matter jurisdiction in this case, after the confirmation of the Indictment, the following persons:

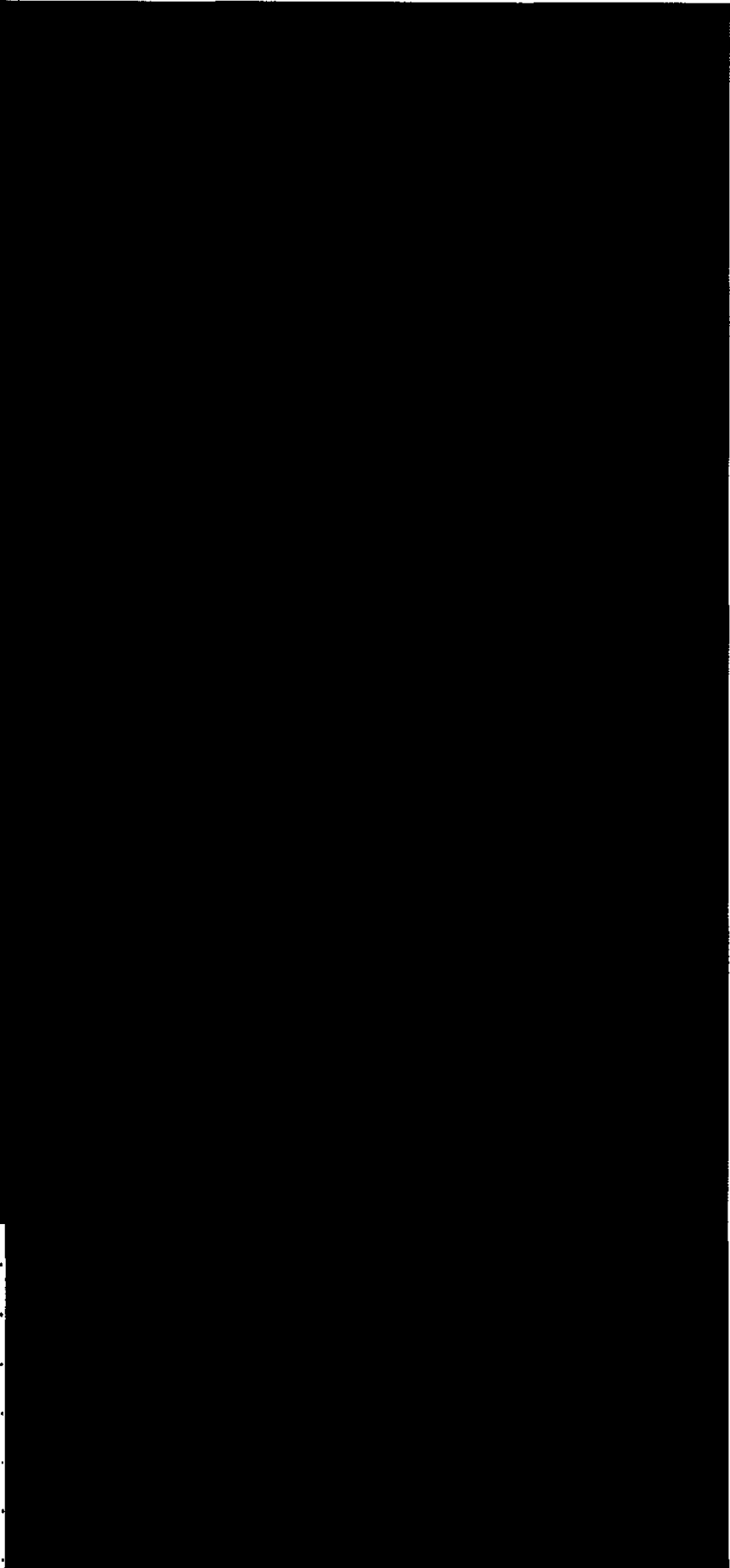
- Prosecutor of the Prosecutor's Office of BiH,
- Suspect JADRANKO PALIJA, Brčko, Ilićka Street VII/17
and his defense counsel, Ranko Dakić, attorney from Prijedor.

II. To present the following evidence at the main trial:

a) To hear the following persons as witnesses



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d) To inspect the following evidence:

- 1) Order of the Court of BiH number X-KRN-06/290 dated 25 October 2006;
- 2) Record on search of the apartment, other premises, and movables, number 17-04/2-04-2-12/06 dated 26 October 2006;
- 3) Receipt on temporary seizure of items number 17-04/2-04-2-32/06 dated 26 October 2006;
- 4) Photo documentation No.17-02/8-04-1-25/06 dated 26 October 2006 on search of the apartment owned by Jadranko Palija;
- 5) Photographs of the suspect Jadranko Palija scanned from a refugee ID card and a copy from the CIPS database;
- 6) Photographs of the suspect dating from the war period;
- 7) Copy from the CIPS database;
- 8) Refugee card made out to the name of Jadranko Palija number 520 dated 30 June 1993;
- 9) Refugee ID card made out to the name of Jadranko Palija number 1705/93 dated 30 June 1993;
- 10) Certificate of the RS Ministry of Defense made out to the name of Jadranko Palija number 02-831-1/1545 dated 25 July 1997;
- 11) Decision on acquiring the citizenship of BiH and RS made out to the name of Jadranko Palija number 05/I-II-204-495/03 dated 11 November 2003;
- 12) Military ID made out to the name of Jadranko Palija number 109436 dated 1 February 1978;



- 13) Decision on temporary use of a socially-owned apartment in the Narodni Front settlement made out to the name of Jadranko Palija, 15 November 1992;
- 14) Certificate of the Sanski Most Municipality War Presidency number 7755/95 dated 3 November 1995;
- 15) Certificate of the Military Police made out to the name of Jadranko Palija number 157-14/112 – dated 23 February 1994;
- 16) Permit to move of the Army of Republika Srpska, Military Post No.0129;
- 17) Permit to carry weapons number 125 made out to the name of Jadranko Palija dated 7 March 1994;
- 18) CZ-7.62 pistol number 22230, with a white leather pistol holster;
- 19) JNA Military Police badge;
- 20) Courier satchel with 3 rifle and 22 pistol bullets;
- 21) White leather holster with a cartridge clip with 8 pistol bullets;
- 22) Topographic charts of the Sanski Most municipality;
- 23) Sanski Most municipality chart;
- 24) Sanski Most town map;
- 25) Town map electronic record
- 26) Ethnic structure of the population – R BiH State Office of Statistics, 1991;
- 27) Telex - Order of the SDS Sarajevo dated 29 October 1991;
- 28) Instruction on organizing and activities of bodies of Serb people in Bosnia and Herzegovina in extraordinary circumstances dated 19 December 1991;
- 29) Decision on establishment of the Assembly of Serb people in Bosnia and Herzegovina, Official Gazette of Serb People of BiH 1/92;
- 30) Declaration of the Assembly of Serb people in BiH, Official Gazette of Serb People of BiH 1/92;
- 31) Decision on the territories of municipalities and settled places in BiH regarded as territory of the Federal State of Yugoslavia, Official Gazette of Serb People of BiH 1/92;

- 32) Decision on verification of proclaimed Serb autonomous regions in Bosnia and Herzegovina, Official Gazette of Serb People of BiH 1/92;
- 33) Advisory statement on the establishment of municipal assemblies of Serb people of BiH, Official Gazette of Serb People of BiH 1/92;
- 34) Decision to begin establishing the Serb Republic of BiH, Official Gazette of Serb People of BiH 1/92;
- 35) Decision on proclamation of an imminent war danger, Official Gazette of RBiH number 1/92 dated 9 April 1992;
- 36) Document of the Serb municipality Sanski Most Crisis Staff number 5/92 dated 21 April 1992;
- 37) Document of the Serb municipality Sanski Most Crisis Staff number 7/92 dated 22 April 1992;
- 38) Order of the Serb municipality Sanski Most Crisis Staff number KŠ-17-2/92 dated 7 May 1992;
- 39) Conclusions from the session of the Autonomous Region of Krajina War Staff number 03-297/92 dated 8 May 1992;
- 40) Conclusions from the session of the Autonomous Region of Krajina War Staff held on 9 May 1992 number 03-299/92;
- 41) Conclusion of the Serb municipality Sanski Most Crisis Staff number KŠ 23/92 dated 22 May 1992;
- 42) Order operational number 1/92, "Combat assignment";
- 43) Decision on return of displaced persons to the territory of the Serb Republic of Bosnia and Herzegovina number 03-507 dated 2 June 1992;
- 44) Order of the Serb municipality Sanski Most Crisis Staff number KŠ.28/92 dated 2 June 1992;
- 45) Order of the Civilian Protection Municipal Staff number 80-13/92 dated 2 June 1992;
- 46) Record from the 6th Session of the Serb municipality Sanski Most Executive Board held on 18 June 1992;
- 47) Decision on proclamation of state of war, Official Gazette of RBiH number 7, dated 20 June 1992;



- 48) Report on the work of the Sanski Most Public Security Station dated 20 July 1992 number 11-14-54/92;
- 49) Record from the 9th Session of the Municipal Assembly Sanski Most Executive Board dated 27 July 1992;
- 50) Conclusion from the 9th Session of the Municipal Assembly Sanski Most Executive Board dated 27 July 1992;
- 51) Dispatch of the Banja Luka Security Services Center number 11-1/01-54 dated 12 June 1992;
- 52) Dispatch of the Sanski Most Public Security Station number 11-14/01-1286/92 dated 14 August 1992;
- 53) Dispatch of the Sanski Most Public Security Station number 11-14-1288/92 dated 17 August 1992;
- 54) Certificate of the Sanski Most Public Security Station on the handover of a list to the military-investigative bodies at Manjača number 11-14-sl. dated 23 August 1992;
- 55) Record from an extraordinary session of the Serb municipality Sanski Most Executive Board dated 2 September 1992;
- 56) Official Gazette of the Serb Republic, number 14, dated 7 September 1992 – Declaration on State and Political Order of the Country;
- 57) Report on the work of the Civilian Protection Municipal Staff for the period from 15 July until 15 October 1992;
- 58) Conclusion number 01-012-40 dated 21 October 1992;
- 59) Conclusion number 01-012-46 dated 26 November 1992;
- 60) Conclusions from the session held on 9 December 1992 on departure and relocation of the non-Serb population, securing facilities and work obligation;
- 61) Constitution of Republika Srpska, Official Gazette of Republika Srpska, number 21, dated 31 December 1992;
- 62) Proposals for decorations on the occasion of the Army of Republika Srpska Day Military Post 7421, Confidential No.750/2 dated 16 May 1993;

- 63) List of Military Police members who handed over their ID card and passports, No.1-325/93 dated 8 November 1993;
- 64) List of Military Police members to be given food items, number 1-422/93 dated 23 November 1993;
- 65) Decision on strategic objectives of the Serb people in Bosnia and Herzegovina, Official Gazette of Republika Srpska, number 22 dated 26 November 1993;
- 66) List of Army members 8099/4 dated 7 December 1993, Confidential No.1778-2/5
- 67) Summons from the RS Ministry of Defense made out to the name of [REDACTED] dated 21 December 1993;
- 68) Handwritten journal with the title "PRACENJE POSLOVA"
/translator's note: BUSINESS MONITORING/ - data of performed services;
- 69) Summons from the RS Ministry of Defense made out to the name of [REDACTED] dated 8 April 1994;
- 70) Summons from the RS Ministry of Defense made out to the name of [REDACTED] dated 8 June 1994;
- 71) Summons from the RS Ministry of Defense made out to the name of [REDACTED] dated 14 May 1994;
- 72) Certificate of the Sanski Most Public Security Station made out to the name of [REDACTED] on detention and examination on the premises of the Sanski Most Public Security Station;
- 73) Notification of death of [REDACTED] dated 8 December 1994;
- 74) List of the Military Police Company to be given food items number 1-299/95 dated 28 March 1995;
- 75) List of the P/V Military Post 7421/4 Sanski Most for February salary, number 1-404/95 dated 1 May 1995;
- 76) Formation of the Military Police Company Military Post 7421, number 1-423/95 dated 8 May 1995;



- 77) Working map of the Military Police Company, number 1-424/95 dated 8 May 1995;
- 78) Social structure of the Military Police Company members number 1-466/95 dated 16 May 1995;
- 79) Document of the Ministry of Defense dated 13 June 1995;
- 80) List of the P/V Military Post 7421 Sanski Most for August salary, number 1-1147/95 dated 1 September 1995;
- 81) Vob-14a form, 7421 Command 1/6 l.p.b.;
- 82) Vob-14a form, 7421 Tomina Company;
- 83) Record on the on-site investigation and exhumation of bodies of Bosniaks from mass graves in Vrhpolje – most, Sanski Most municipality, Sanski Most Basic Court number:Kr:324/96 dated 7 May 1996 with sketches of the scene VM-I and II, VM-II, VM-III enclosed;
- 84) Report of the Sanski Most Public Security Station number 13/11-02-531/96 dated 17 May 1996;
- 85) Report of the Sanski Most Public Security Station number 13/11-02-498/96 dated 11 May 1996;
- 86) Documentation with the statement on a missing person dated 11 May 1996 made out to the name of [REDACTED]
- 87) Documentation with the statement on a missing person dated 11 May 1996 made out to the name of [REDACTED]
- 88) Documentation with the statement on a missing person dated 11 May 1996 made out to the name of [REDACTED]
- 89) Record with documentation dated 11 May 1996 and a DNA report made out to the name of [REDACTED]
- 90) Statement on a missing person with documentation dated 11 May 1996 made out to the name of [REDACTED]
- 91) Statement on a missing person with documentation dated 12 May 1996 made out to the name of [REDACTED]
- 92) Statement on a missing person dated 10 May 1996 with documentation and a DNA report made out to the name of [REDACTED]

- 93) Statement on a missing person dated 11 May 1996 with documentation and a DNA report made out to the name of [REDACTED]
- 94) DNA report made out to the name of [REDACTED]
- 95) Statement on a missing person dated 10 May 1996 with documentation and a DNA report made out to the name of [REDACTED]
- 96) Record dated 12 May 1996 with documentation made out to the name of [REDACTED]
- 97) Statement on a missing person with documentation dated 11 May 1996 made out to the name of [REDACTED]
- 98) Record dated 11 May 1996 with documentation and a DNA report made out to the name of [REDACTED]
- 99) Statement on a missing person dated 21 November 1996 with documentation made out to the name of [REDACTED]
- 100) Record dated 14 May 1996 with documentation and a DNA report made out to the name of [REDACTED]
- 101) Statement on a missing person dated 10 May 1996 with documentation made out to the name of [REDACTED]
- 102) Statement on a missing person dated 12 May 1996 with a copy of ID card made out to the name of [REDACTED]
- 103) Statement on a missing person dated 10 May 1996 with documentation made out to the name of [REDACTED]
- 104) Statement on a missing person dated 14 May 1996 with documentation made out to the name of [REDACTED]
- 105) Copy of a death certificate number [REDACTED] dated 5 October 2006 made out to the name of [REDACTED]
- 106) Copy of a death certificate number [REDACTED] dated 5 October 2006 made out to the name of [REDACTED]
- 107) Copy of a death certificate number [REDACTED] dated 18 October 2006 made out to the name of [REDACTED]
- 108) Statement given to the Sanski Most Public Security Station, number [REDACTED] [REDACTED] dated 7 February 1997 made out to the name of [REDACTED]
[REDACTED]



- 109) Partial Decision of the Constitutional Court with regard to the Republika Srpska Constitution, case No.U 5/98-I dated 29 and 30 January 2000;
- 110) Partial Decision of the Constitutional Court with regard to the Republika Srpska Constitution, case No.U 5/98-II dated 18 and 19 February 2000;
- 111) Partial Decision of the Constitutional Court with regard to the Republika Srpska Constitution, case No.U 5/98-IV dated 19 August 2000;
- 112) Partial Decision of the Constitutional Court with regard to the Republika Srpska Constitution, case No.U 5/98-III dated 1 July 2000;
- 113) ICTY Judgment (IT-00-398-40/01) with the Indictment Biljana Plavšić
- 114) ICTY Judgment (IT-95-8) Duško Sikirica, Dragan Kulundžija and Damir Došen;
- 115) ICTY Judgment (IT-97-30) Miroslav Kvočka, Mlađo Radić, Zoran Žigić and Dragoljub Prcać;
- 116) ICTY Judgment (IT-94-1) Duško Tadić;
- 117) ICTY Judgment (IT-02-61) Miroslav Deronjić;
- 118) ICTY Judgment (IT-95-9) Simo Zarić;
- 119) ICTY Judgment (IT-97/24) Milomir Stakić;
- 120) ICTY Judgment (IT-99-36) Radoslav Brđanin;

Results of the investigation

After the investigation against the suspect Jadranko Palija was conducted because of the perpetration of the criminal acts factually described in the operative part of this Indictment, the Prosecutor's Office of BiH found that there is sufficient evidence that the suspect Jadranko Palija committed the criminal offences he is charged with, so the Indictment is brought against him for the criminal offences of Crimes against Humanity referred to in Article 172(1)(h) in conjunction with subparagraphs (a), (e), (g) and (k) of the Criminal Code of Bosnia and Herzegovina and War Crimes against Civilians referred to in Article 173(1)(a), (c) and (f) of the CC BiH.

On the basis of evidence collected during the investigation, it has been established that the Municipality of Sanski Most is located in the territory of Bosanska Krajina, that it joined the Autonomous Region of Krajina in January 1992 by the decision on verification of proclaimed Serb autonomous regions in Bosnia and Herzegovina and that the formed Crisis Staff of the Serb Municipality of Sanski Most followed the instructions and strategy of the Crisis

Staff of the Autonomous Region Krajina. In this context, in mid-April 1992 Serbs took over the power in the territory of the Municipality of Sanski Most by forming the Public Security Station without any police officers of other ethnicities and carrying out an armed attack on the municipality building since when the municipal bodies functioned in the composition which was not in accordance with the legally formed authorities, but as established and determined by the Crisis Staff of the Serb Municipality of Sanski Most. After the takeover of power and formation of institutions in the municipality in which Muslims and Croats lost the offices they had performed by that time and lost their jobs, the campaign for disarmament of the Sanski Most population began and it clearly follows from the evidence collected during the investigation that only Muslim and Croat population was disarmed, while, contrary to that, Serb population was furnished with arms. Starting from 25 May 1992, Serb authorities began arresting official persons who were members of the SDA (the Party of Democratic Action) and HDZ (the Croatian Democratic Union), all top officials of the SDA and HDZ were called via radio "Sana" to surrender themselves voluntarily and, after their arrest and confinement, the armed attack on the Sanski Most settlements began. The first attacks were carried out on 25/26 May 1992 on the settlements Mahala, Muhići and Otoka, which comprise the center of the town on the left bank of the Sana River. After all non-Serb population from those settlements was expelled from their houses and confined in detention centers formed in the Sports Hall, primary schools gyms, garages called "Betonirka" and other places, attacks continued on the surrounding villages Hrustovo, Vrhpolje, Kljevci and others.

The village of Kljevci is located on the right side of the main road towards Ključ and it can be accessed from two directions: from the main road via the Vrhpolje village, and from another direction via the mouth of the Dabar River. The third way along which it is possible to come to the village is across a pedestrian bridge over the Sana River which connects the village with the Tomina village, which is located on the right bank of the Sana River. The village of Kljevci is inhabited by mixed Serb and Muslim population, specifically the center of the village by the Serb population and the hamlets of Begići, Kenjari and Dizdarevići by the Muslim population. Since the center of the Kljevci village was inhabited exclusively by the Serb population, soldiers of the 6th Krajina Brigade were stationed on the premises of the Primary School in Kljevci even before the armed attack on the Municipality of Sanski Most and they told to the local Muslim population that the reason for their gathering in the school was to defend the village from the Green Berets and extremists. At the same time, access to the village was blocked by setting up barricades and all other access roads in the Municipality of Sanski Most were blocked as well. After the attack on the center of Sanski Most was finished, attacks began on the villages of Hrustovo and Vrhpolje and on 31 May 1992 on the Begići hamlet of the Kljevci village, on which occasion all inhabitants of the Begići hamlet were expelled from their houses, while men who were found there were killed in the manner described under Count 1 of the operative part of this Indictment.

After the armed attack on the Sanski Most settlements inhabited by Muslims and Croats was carried out, men were confined and maltreated in different detention facilities, some were released to go to their homes, while the majority



of them was transported to the camp "Manjača". The majority of the civilian population, women and children were deported out of the territories which were under the authority of Bosnian Serbs.

Until the end of armed conflicts between the Army of Republika Srpska and the Army of Bosnia and Herzegovina, which were ended by signing the Dayton agreement in 1995, members of the non-Serb population that remained in the territory of Sanski Most were completely deprived of their rights, had no right to work, no right to freedom of movement, were completely deprived of human dignity, and the fact that they did not belong to the ethnicity which was in power in the Municipality of Sanski Most was sufficient for Serb soldiers, police officers and other persons to treat the non-Serb population as second-class citizens to whom they could do whatever they wanted, and even kill them.

From the statements of the witnesses and collected evidence undoubtedly follows that the attack on civilian population was carried out in the wide territory of the Autonomous Region of Krajina, which includes the Sanski Most Municipality as well. The size of the region and consequences caused by such an attack clearly indicate that this is a case of a widespread attack on civilian population. The fact that the attack is a result of the activities of the Assembly of the Autonomous Region of Krajina and the SDS (the Serb Democratic Party) of the Serb Municipality of Sanski Most, leads to the conclusion that this is a case of not only a widespread but also a systematic attack directed against civilian population.

The statements of the witnesses and collected evidence indicate that the attack was directed against a specific category of civilian population which was different from the attacker by its national, religious and ethnic affiliation, and that was the basic reason to carry out the attack.

The evidence corroborating such a position of the Prosecutor's Office follows also from the jurisprudence of the International Criminal Tribunal for the former Yugoslavia in The Hague, namely from the judgments against perpetrators of war crimes in the territory of Bosanska Krajina, a part of which is also the Municipality of Sanski Most where crimes that are subject of this Indictment were committed. Thus, it was established in the final judgments against Biljana Plavšić (IT-00-39&40/1-S), Duško Sikirica, Dragan Kulundžija, Damir Došen (IT-95-8), Miroslav Kvočka, Mlađo Radić, Zoran Žigić, Dragoljub Preać (IT-97-30), Duško Tadić (IT-94-1), Simo Zarić (IT-95-9), the first instance judgment against Radoslav Brđanin (IT-99-36) and others that an orchestrated campaign for the persecution of civilian population was conducted at the time when the crimes with which the suspect Jadranko Palić is charged were committed in the territory of Western Bosnia, i.e. Bosanska Krajina. Its intention was to remove from the Municipality of Sanski Most, as well as from the neighboring municipalities of Prijedor, Ključ and others, their non-Serb inhabitants for good, regardless whether they actively participated in the hostilities.

The existence of the final ICTY judgments in which it was established that crimes against civilians and crimes against humanity based on national, religious and other ground were committed against Croats and Muslims in the territory of Bosnia and Herzegovina speaks in support of the only logical conclusion that also in the case of the criminal offences perpetrated by the suspect Jadranko Palija it was not a matter of an isolated incident or crime which was an exception in those war times, but it was a model of treatment of life, freedom and property of civilians, based on a discriminatory ground.

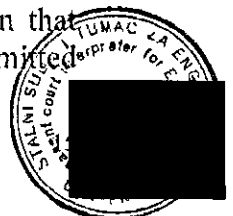
In the ICTY judgments against Miroslav Deronjić, Simo Zarić and Milomir Stakić, the role of the Serb people Crisis Staffs, some of which were transformed into the SDS Crisis Staffs, was established. It was proved that Crisis Staffs were obliged to monitor the situation in municipalities, as well as broader political, military and security developments and they unequivocally subscribed to the policy of creating Serb ethnic territories within Bosnia and Herzegovina, and later to the use of force to remove non-Serbs from Serb designated territories.

Although the suspect is exercising his right to remain silent in the course of the investigation, the witnesses examined during the investigation confirmed that the suspect Jadranko Palija had participated in the described attack on the civilian population of the Begići hamlet, that, even before the attack on the Muslim civilians began, he had stood out as a person who belonged to a certain military group, while the surviving witness, [REDACTED] recognized the suspect Jadranko Palija as a person who had participated in the killing of civilian men from the village of Begići during the attack.

Both from the statements of indirect witnesses and from the statement of the witness [REDACTED] who was injured by the acts described under Count 2 of the Indictment, follows that the suspect not only killed in the attack but also raped.

The witnesses confirm that Jadranko Palija, also as a military police officer, during the armed conflict, more precisely until October 1995, was stopping and beating Muslims. The witnesses agree that Jadranko Palija was a person arousing fear who should be avoided and from whom one should stay away, that he was brutal and violent and that he stood out more than other military police officers and soldiers by aggressiveness in treatment of non-Serb civilians. When describing the suspect Jadranko Palija, the witnesses most often point out that he had a speech defect, i.e. that he did not clearly pronounce all letters, which is also noticeable in the first contact with the suspect.

All collected evidence indicate that there is a necessary connection between the offense committed by the suspect Jadranko Palija and the widespread and systematic attack, and later the armed conflict as well. During the relevant period of time, the suspect Jadranko Palija stayed in the territory of Sanski Most, was a member of the 6th Krajina Brigade of the Army of Republika Srpska and also a military police officer of the same brigade from mid-1993. Therefore, he undoubtedly knew that there was the attack against non-Serb civilians in that period of time. According to the nature of consequences of the committed



criminal offenses, the accused not only was aware of the attack and agreed that his acts be part of that attack, but he also wanted his acts to be that. During the attack, the suspect deprived civilians of their lives only because they were a target of a widespread and systematic attack, raped, intimidated, and during the whole period of the armed conflict between the Army of Republika Srpska and Army of Bosnia and Herzegovina he was undertaking prohibited activities described under Count 3 of the operative part of the Indictment against persons protected by the Fourth Geneva Convention relative to the Protection of Civilian Persons of 12 August 1949.

Taking into consideration the foregoing, the logical conclusion can be drawn that in the relevant period of time it was a case of a widespread and systematic attack directed against civilian population, about which the suspect knew, that he knew that the attack was directed against the non-Serb civilian population, that he actively participated in that attack by carrying out, aiding and abetting and instigating such an attack, whereby his acts constitute all elements of the criminal offence of Crimes against Humanity referred to in Article 172(1)(h) in conjunction with subparagraphs (a), (e), (g) and (k) of the Criminal Code of BiH. It can be unequivocally concluded that in the relevant period in the territory of Bosnia and Herzegovina, including Sanski Most, there was an armed conflict during which the suspect perpetrated, aided and abetted and instigated acts prohibited by international humanitarian law against persons protected by the Fourth Geneva Convention relative to the Protection of Civilian Persons, so that his acts constitute all elements of the criminal offence of War Crimes against Civilians referred to in Article 173(1)(a), (c) and (f) of the Criminal Code of Bosnia and Herzegovina.

Material corroborating the allegations in the Indictment

- 1) Record on the examination of the witness ██████████ – KT-RZ-123/06 dated 16 August 2006;
- 2) Record on the examination of the witness ██████████ – KT-RZ-123/06 dated 1 December 2006;
- 3) Record on the examination of the witness ██████████ – KT-RZ-123/06 dated 6 October 2006;
- 4) Record on the examination of the witness ██████████ – KT-RZ-123/06 dated 4 October 2006;
- 5) Record on the examination of the witness ██████████ – KT-RZ-123/06 dated 22 November 2006;
- 6) Record on the examination of the witness ██████████ – KT-RZ-123/06 dated 6 October 2006;

- 7) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 6 October 2006;
- 8) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 23 November 2006;
- 9) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 2 October 2006;
- 10) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 5 October 2006;
- 11) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 23 November 2006;
- 12) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 23 November 2006;
- 13) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 25 November 2006;
- 14) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 21 November 2006;
- 15) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 4 October 2006;
- 16) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 5 October 2006;
- 17) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 3 October 2006;
- 18) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 22 November 2006;
- 19) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 24 November 2006;
- 20) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 19 December 2006;
- 21) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 3 October 2006;
- 22) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 22 November 2006;



- 23) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 19 December 2006;
- 24) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 3 October 2006;
- 25) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 3 October 2006;
- 26) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 23 November 2006;
- 27) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 4 October 2006;
- 28) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 24 November 2006;
- 29) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 24 November 2006;
- 30) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 4 October 2006;
- 31) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 25 November 2006;
- 32) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 25 November 2006;
- 33) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 23 November 2006;
- 34) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 24 November 2006;
- 35) Record on the examination of the witness [REDACTED] – KT-RZ-123/06 dated 25 November 2006;
- 36) Record on the examination of the [REDACTED] dated [REDACTED]
[REDACTED]
- 37) Decision of the Court of BiH number X-KRN/06/290 dated 7 December 2006
- 38) Records on the questioning of the suspect – KT-RZ-123/06 dated 26 October 2006, 27 October 2006, 13 December 2006;

39) Photo documentation for the investigative measure in terms of Article 85, Paragraph 3 of the CPC BiH number KT-RZ-123/06 dated 2 October 2006

Motion to order custody

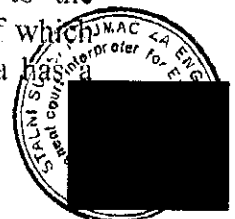
The Prosecutor's Office of Bosnia and Herzegovina proposes that custody be ordered against the suspect Jadranko Palija pursuant to Article 132(1) of the CPC BiH, for the reasons provided under subparagraphs (a), (b) and (d) of the same Article of the CPC BiH.

On the basis of the investigation results and collected evidence, it can be concluded that there is a grounded suspicion that the suspect Jadranko Palija committed the criminal offense of Crimes against Humanity referred to in Article 172(1)(h) in conjunction with subparagraphs (a), (e), (g) and (k) of the Criminal Code of BiH, as well as the criminal offense of War Crimes against Civilians referred to in Article 173(1)(a), (c) and (f) of the same Code.

By the Decision number X-KRN/05/290 of 27 October 2006, the preliminary proceedings judge rendered a decision ordering custody against the suspect Jadranko Palija for a period of 30 days on the grounds provided under Article 132(1)(b) of the Criminal Procedure Code of Bosnia and Herzegovina. Upon the appeal filed by the defense counsel for the suspect, the Panel of the Court of Bosnia and Herzegovina revised the first instance Decision of the preliminary proceedings judge, terminated custody and replaced it with house arrest, reasoning that it did not question the existence of the grounded suspicion that the suspect had committed the criminal offence he has been charged with, but that the first instance court, when ordering custody, had not established the existence of particular circumstances which justified ordering custody on the ground of subparagraph (b) of Article 132 of the CPC BiH. Although the custody was not ordered pursuant to subparagraph (a) of Article 132, the Panel replaced custody with the house arrest.

The Prosecutor's Office of BiH still believes that the ground for custody provided by the provision of Article 132(a) exists.

Regardless of the fact that the suspect Jadranko Palija took up residence in the territory of the Brčko District with his family, that he has property there, that he responded to the Prosecutor's Office summonses, the position of the Prosecutor's Office of BiH is that there exists a fear that the suspect could leave his place of residence after he finds out that the indictment has been brought against him. It is a fact that the suspect Jadranko Palija, since the end of the war in Bosnia and Herzegovina, appears as a citizen residing in the territory of Bosnia and Herzegovina only in 2004. Until 2004 he did not have registered residence in the territory of Bosnia and Herzegovina, which leads to the conclusion that he was avoiding official citizens' records on the basis of which he could have been available. The fact that the suspect Jadranko Palija has



family, registered place of residence, property in the territory of the District and that he did not leave his place of residence during the investigation phase is not a guarantee that he has no intention of doing so after the indictment is brought; known facts from the jurisprudence of the Court of BiH are that a person who is tried leaves the territory of Bosnia and Herzegovina even after the end of the main trial (the Jelavić case). This is even more so if we take into account that the suspect chose to defend himself in the manner which renders it impossible to make any estimate of his intentions.

The Prosecutor's Office of BiH still believes that the grounds for custody referred to in Article 132 (b) of the CPC BiH exist.

The Prosecutor's Office of BiH believed also in the investigation phase that there were circumstances suggesting that the suspect, if at liberty, would hinder the inquiry by influencing witnesses and especially accessories, which proved correct, because it was more difficult for the Prosecutor's Office of Bosnia and Herzegovina to contact witnesses after the suspect was released from custody, although in that phase the suspect did not know exactly which investigative measures the prosecutor was going to undertake. When the indictment is issued, the suspect will receive all incriminating evidence, including the statements of the witnesses, as well as their names and addresses and it is probable that, staying at liberty, he would hinder the criminal proceedings by influencing those witnesses. It should be born in mind that only one witness, who does not live in the territory of Bosnia and Herzegovina, survived the event described under Count 1 of this Indictment and the suspect will find out his address abroad after the Indictment is brought. The suspect is charged with participation in a widespread and systematic attack as a perpetrator and not an organizer of that attack, so the hindering of the criminal proceedings by influencing co-perpetrators and those who issued orders is not to be excluded, especially bearing in mind that the Court of Bosnia and Herzegovina took over the proceedings against those who ordered the events in Sanski Most, members of the Crisis Staff of the Serb Municipality of Sanski Most, and the commander of the 6th Krajina Brigade, Branko Basara, and others.

The Prosecutor's Office of Bosnia and Herzegovina still believes that grounds for custody under Article 132(d) of the CPC BiH exist.

The accused has been charged with the criminal offences of Crimes against Humanity and War Crimes against Civilians, the prescribed punishment for no less than 10 years of imprisonment. The seriousness of the committed criminal offence, as well as its consequences, and in particular that it is a matter of killings and rape, through the participation in a widespread and systematic attack in the territory of Sanski Most, intimidation and beating of civilians during the armed conflict, and the manner in which the suspect Jadranko Palija participated in the perpetration of the criminal offence suggest that ordering custody is necessary for the reason of public security. A deep imprint was left on the consciousness of the citizens who lived in Sanski Most in the relevant period of time, and especially of those who had the opportunity to see or personally experience maltreatment of civilians in Sanski Most and behavior of the suspect whom they describe "as a sheriff and monster whom everyone was afraid of", so that they even today see

the suspect Jadranko Palija as someone who they are afraid of and who poses a danger to them. The protests of camp detainees in Sanski Most, which were held after Jadranko Palija was released from custody, speak in support of that fact.

For the foregoing reasons, the Prosecutor's Office of BiH believes that it is necessary to take the most severe measure to secure the presence of the suspect and successful conduct of the criminal proceedings.

**PROSECUTOR
OF THE PROSECUTOR'S OFFICE OF BiH**

Džemila Begović
(Signature and seal affixed)

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

Sarajevo, 30.01.2007

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Certified Court Interpreter for English

