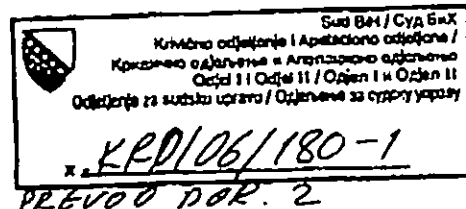


BOSNIA AND HERZEGOVINA  
THE PROSECUTOR'S OFFICE OF BiH  
SARAJEVO

No: KT-RZ-43/08  
Sarajevo, 27 May 2008



THE COURT OF  
BOSNIA AND HERZEGOVINA  
- The Preliminary Proceedings Judge -

Pursuant to Article 35, paragraph 2), sub-paragraph h) and Article 226, paragraph 1) of the Criminal Procedure Code of Bosnia and Herzegovina, I hereby issue the

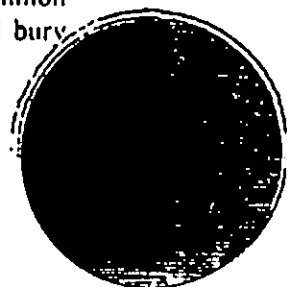
INDICTMENT

*charging:*

Vaso TODOROVIĆ, son of Stojan and Mitra, maiden name Ristić, born on 2 March 1968 in Žabokvica, Srebrenica Municipality, Personal ID No: 0203968183123, married, father of two minor children, Serb by ethnicity, citizen of BiH, completed primary school (eight grades), a worker, place of residence in Veliki Crljeni, Lazarevac Municipality, Republic of Serbia, served his military service in 1989-1990 in Niš and Bosilegrad, no military rank, no decorations awarded, indigent, no previous convictions, not subject of another ongoing criminal proceedings, currently in custody in the Kula Penal Correctional Institution in Istočno Sarajevo that pursuant to the Decision No: X-KRN-06/180 issued by the Court of BiH on 8 May 2008 may last until 7 July 2008,

In as much as he

Intending to exterminate in part a group of Bosniaks causing their anguish by forcible relocation and separation of able-bodied Bosniak men from their families, capturing and executing them as a member of the special police forces, together with a number of other members of the 2<sup>nd</sup> Šekovići Detachment of the Republika Srpska MUP, as a knowing participant of the joint criminal enterprise in the period from 10 July to 19 July 1995, in which the VRS and MUP carried out a widespread and systematic attack against the members of Bosniak people inside the UN protected area of Srebrenica, with the common aim to forcibly transfer around 40 thousand civilians and summarily execute and bury



more than 7 thousand Bosniak men between 13 and 17 years of age, the accused committed, instigated, aided and abetted in the commission of the criminal offences by acting and omitting to act, so that he:

1. On 12 July 1995 took part in the search of Bosniak-populated villages in the UN safe area of Srebrenica, in the Potočari vicinity, in order to find Bosniaks, force them out of their homes and escort them to the area of Potočari, where Bosniaks were being collected, knowing that those people would be forcibly and permanently relocated to the area under the control of the Army of BiH. That same day in the afternoon hours and the following day – 13 July, at the section of the Bratunac-Konjević Polje road, in the place called Sandići, Bratunac Municipality, he participated in keeping the road passable so that the Bosniaks could be unobstructedly transported by buses and trucks, and

2. On 13 July, he participated in capturing several thousand Bosniaks who attempted to escape from the safe area through the forest, fearing that they would be captured and executed by the RS MUP and RS Army, then he also took part in escorting a column of several hundred of captured Bosniaks from Sandići to the warehouse of the Kravica Farming Cooperative, knowing that they would be executed. After the captured Bosniaks were imprisoned in the warehouse, while other members of the 2<sup>nd</sup> Detachment were killing the captured Bosniaks using their rifles, machineguns and hand grenades, the accused Vaso Todorović safeguarded the location to prevent the captured people who were attacked from escaping and more than one thousand captured Bosniaks were killed on that occasion.

*Therefore,*

With the intention of partially exterminating a group of Bosniaks as an ethnic group, he committed, instigated, aided and abetted in inflicting serious bodily injuries on them, causing their anguish and in the killing of members of the group of Bosniak population,

whereby he committed the criminal offence of Genocide in violation of Article 171 of the Criminal Code of BiH, as read with Articles 29, 31 and 180, (1) of the same law.

Thus, I

## **P r o p o s e**

*1. To schedule the main trial before the Court of Bosnia and Herzegovina and to summon:*

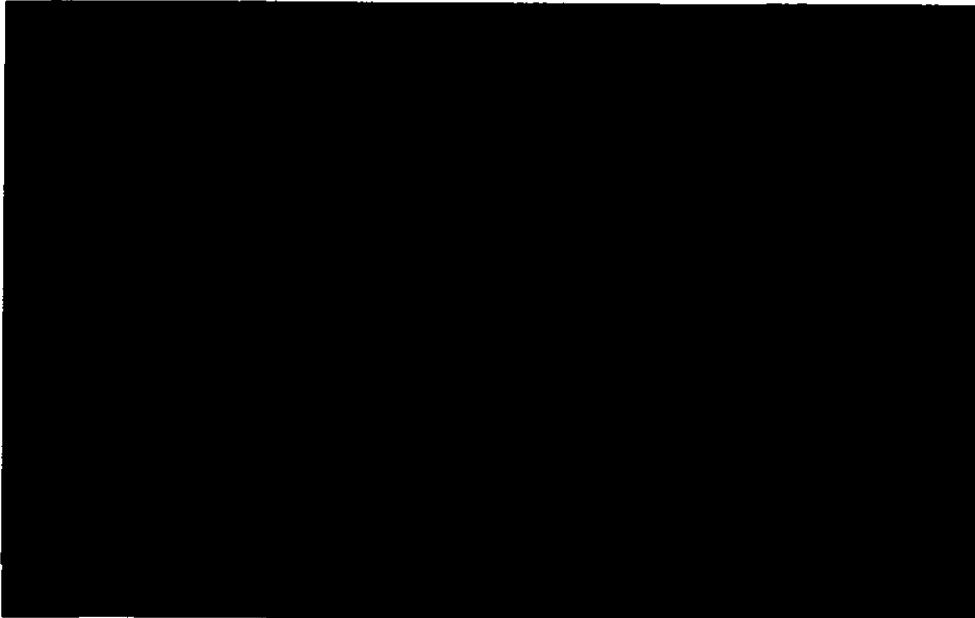
- The Prosecutor of the Prosecutor's Office of BiH, Ibro Bulić,
- The accused Vaso Todorović and his Defence Counsel Haris Bojić, a lawyer from Sarajevo
- Representative of the injured parties: Nezir Habibović from Sarajevo.

*2) To adduce evidence as follows:*

*1) To hear as witnesses:*

1. Protected witness S-1
2. Protected witness S-2
3. Protected witness S-3

4.  
5.  
6.  
7.  
8.  
9.  
10.  
11.  
12.  
13.  
14.  
15.  
16.  
17.  
18.  
19.  
20.  
21.

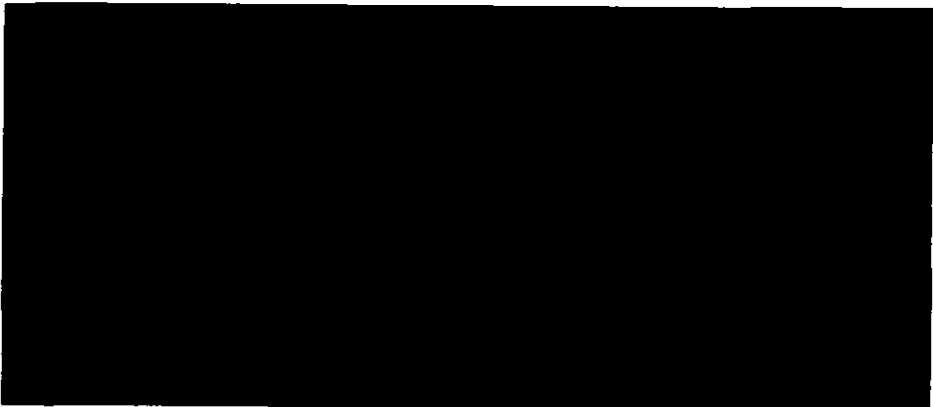


*2.) To hear as an expert witness, forensic pathologist:*

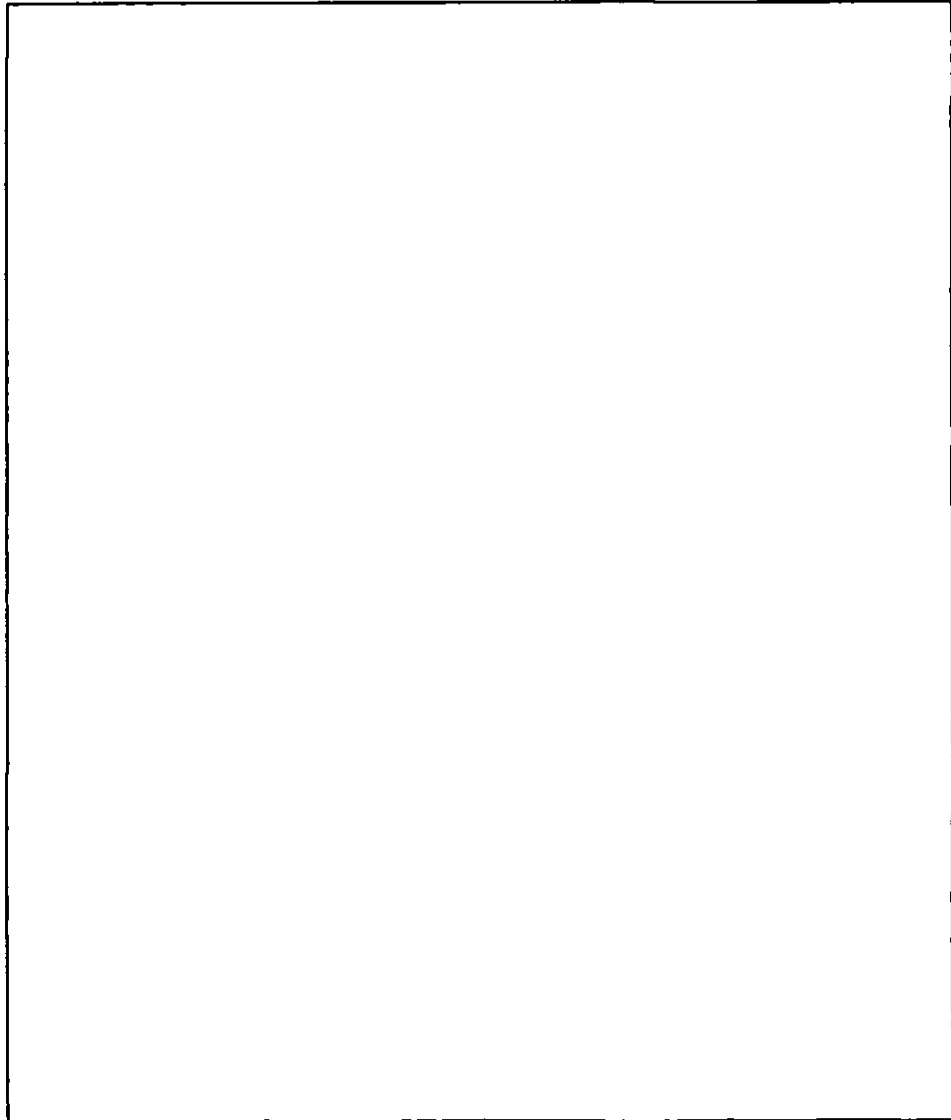
1. 

*3) Evidence proposed on the grounds of Article 5 of the Law on the transfer of cases from the International Criminal Tribunal for the Former Yugoslavia to the Prosecutor's Office of BiH and the Use of Evidence Collected by ICTY in Proceedings before the Courts in BiH:*

1.  
2.  
3.  
4.  
5.  
6.



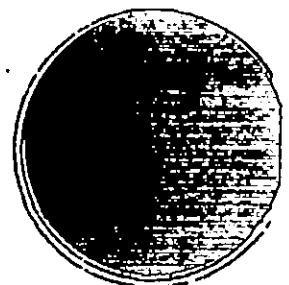
7.  
8.  
9.  
10.  
11.  
12.  
13.  
14.  
15.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.








**4) Presentation of evidence:**

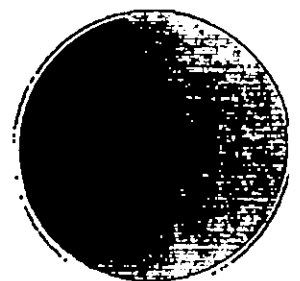
1. Reading the Record No: KT-RZ-10/05 on examination of suspect Vaso Todorović on 8 April 2008,
2. Reading the Record No: KT-RZ-10/05 on examination of suspect Vaso Todorović on 18 April 2008 and the transcript,
3. List of members of the 2<sup>nd</sup> Detachment of Šekovići – Platoon Skelani 1-46,
4. List of members of the 2<sup>nd</sup> Detachment of Šekovići who earned their salary for July 1995, Special Brigade – 2<sup>nd</sup> Detachment of Special Police of Šekovići,
5. List of members of the Special Police Brigade provided by the Republika Srpska MUP – Criminal Police Administration No: 02/3-strictly confidential, 994/05 dated 26 October 2005,

6. List of members of the Special Police Brigade provided by the Republika Srpska MUP – Criminal Police Administration (several sections),
7. Structure of the Special Police Brigade – MUP RS,
8. Structure of the RS Police in the zone of Drina Corps dated 12 July 1995-P363,
9. Order of Staff Commanding Officer Tomo Kovač, No: 64/95 dated 10 July 2005,
10. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 281/95 dated 12 July 1995,
11. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 282/95 dated 13 July 1995,
12. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 283/95 dated 13 July 1995,
13. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 12-6/08-508/95 dated 14 July 1995,
14. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-205/95 dated 15 July 1995,
15. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-01/02/1-206/95 dated 17 July 1995,
16. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-206/95 dated 17 July 1995,
17. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 12-6/08-534/95 dated 19 July 1995,
18. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-231/95 dated 28 July 1995,
19. Dispatch note by Dragomir Vasić, Zvornik Public Security Centre, number 01-16/02/1-221/95 dated 22 July 1995,
20. Dispatch note by Miloš Stupar, Commander of the 2<sup>nd</sup> Special Police Šekovići Detachment No: 01/1-1-4/2-62 dated 18 July 1995,
21. Report on partial clearing up/restoration of the terrain of the Srebrenica terrain, Kravica region, State Commission for Exchange of Prisoners of War and Missing Persons, number 193/97 dated 29 May 1997,
22. Excerpt from hospital protocol for 13 July 1995,
23. Official note of the Bratunac Police Station dated 24 April 2004,
24. Letter of the State Investigation and Protection Agency No: 14/04/2-31/05 dated 15 November 2005,
25. Official Note of the State Investigation and Protection Agency No: 14/04/2-31/05 dated 14 November 2005,
26. Letter of the RS MUP of 22 November 2005 Re: supply of lists of 2<sup>nd</sup> Detachment members.
27. Mid-year report of MUP of Republika Srpska, Special Police Brigade, Second Detachment of Special Police of Šekovići, number 01/1-1-1/2-230/95 dated 5 July 1995,
28. Certificate of the RS MUP, number 01/1-1.4/2-650/96 dated 1 October 1996,
29. Record on crime scene investigation and reconstruction with witness [REDACTED]  
[REDACTED] Prosecutor's Office of BiH, number KT-RZ-10/05 dated 29 September 2005, with video footage,



30. Record on crime scene investigation and reconstruction with the suspect [REDACTED] Prosecutor's Office of BiH, number KT-RZ-10/05 dated 29 September 2005 with video footage.
31. Record on crime scene investigation and reconstruction with the suspect [REDACTED] BiH Prosecutor's Office, number KT-RZ-10/05 dated 4 October 2005.
32. Record on crime scene investigation and reconstruction with the witness [REDACTED] Prosecutor's Office of BiH, number KT-RZ-10/05 dated 4 October 2005 with video footage.
33. Brochure-Photos selected from the video footage from the Srebrenica trial-P22.
34. Brochure-Book for Identification of Bosnian Muslims-P23.
35. Photo of a crossroads made from a hill in the direction of Konjević Polje-P8.1.
36. Aerial photo of Bratunac -P12.1.
37. Aerial photo of Bratunac, marked by a witness during evidence presentation procedure-P677.
38. Aerial photo Bratunac - P12.1.
39. Photo – arrival of a bulldozer, 5 July 1995, with truck tracks - P8.9.
40. Photo – arrival of a bulldozer, 5 July 1995, with tractor trailer and tractor tracks – P8.11.
41. Photo – arrival of a bulldozer, 27 July 1995, with truck tracks – P8.10.
42. Photo – arrival of a bulldozer, 27 July 1995, - P8.8.
43. Photo-arrival of a bulldozer, 27 July 1995, -P8.12.
44. Aerial photo of the Sandići valley – P9.3.
45. Photo of the Sandići valley, 13 July 1995, -P9.1.
46. Photo of the Sandići valley, magnified –P9.2.
47. Photo of Glogova, 5 July 1995, with a note-P11.2.
48. Aerial photo of Glogova, with a note – P11.1.
49. Glogova from the air on 17 July 1995-P11.3.
50. Photo of Glogova dated 17 July 1995 marked by a witness during hearing – P679.
51. Photo of Konjević Polje dated 14 August 1995, -P8.4.
52. Photo ID Dahmo Kadrić, form Glogova-P657.
53. Photo made in the direction of Bratunac, in the area between Kravica and Sandići, with a warehouse marked – P9.5.
54. Photo of shoeprints under the window -P10.7.
55. Aerial photo of the area, with notes-P8.5.
56. Aerial photo of Potočari, 13 July 1995 –P50.
57. Aerial photo of Potočari, 13 July 1995, with notes-P51.
58. Photo of the warehouse in Kravica made from P-10.1, marked by witness-P60.
59. Photo of the warehouse in Kravica, marked by witness during hearing –P678.
60. Photo of the backside of the warehouse with remains of a corn field-P10.6.
61. Photo of the roof-beams on the west side with traces of blood-P10.5.
62. Photo of the internal west part of the warehouse with blood stains on the wall-P10.4.
63. Photo of the area with grave sites made from a helicopter-P6.1
64. Map showing direction of movement of the colum-P138.
75. Map showing the direction of movement of columns, divided in the North and South-P24.

65. Map showing primary graves 1 and 2 in Glogova- P566,
66. Map showing the village of Kravica and a road in Kravica-P674,
67. Map of Kravica-P4.3,
68. Mass graves in the area of Tatara-Bratunac, 27 July 1995-P567,
69. Panorama of the warehouse in Kravice-P10.3,
70. View on the White house with objects scattered around-P9.4,
71. Photo of the warehouse in Kravice, 13 July 1995-P10.2,
72. Aerial photo of the warehouse -P10.1,
73. Srebrenica and Žepa, July 1995
74. Magnified photo of a shoeprint under the window-P10.8,
75. Disturbed land, Glogova, 9 November 1995-P571,
76. Disturbed land, Glogova, 30 October 1995-P570,
77. Photos of Džinić Brano, 21 photos,
78. Video-Photo of a body in front of the warehouse in Kravice, made from P-21-P10.11,
79. Film Petrović on DVD (set) with a transcript for compiled video footage – P21,
91. Photo documentation, Bijeljina Public Security Centre, Bratunac Police Station, Agricultural Cooperative Compound Kravice (sketch of the place, Bijeljina Public Security Centre, Bratunac Police Station, Kravice Agricultural Cooperative Compound),
92. Photo documentation, RS MUP, Bijeljina Public Security Centre, No: 583/03 dated 25 August 2003,
93. Drawing of the Kravice place, number 14-13/1-7-243/05 dated 4 October 2005,
94. Sketch of the crime scene, Bijeljina Public Security Centre (CJB), No. 12-02/5-206/05 dated 13 September 2005;
95. Sketch of the crime scene, Bijeljina Public Security Centre (CJB), Bratunac Police Station, Compound ZZ Kravice,
96. Report by Ljubiša Borovčanin, ERN 0294-1600-0294-1603,
97. Report on the activities of the 2<sup>nd</sup> Special Police Šekovići Detachment for 2<sup>nd</sup> quarter of 1995 dated 5 July 1995, drafted by Miloš Stupar,
98. Report by Commander of the 2<sup>nd</sup> Šekovići Detachment - Miloš Stupar dated 16 August 1995,
99. Order on Mobilisation of all military-age men by Vidoje Blagojević dated 10 July 1995,
100. Regular combat report by Radislav Krstić for 13 July 1995,
101. Security report No: 200 dated 12 July 1995, MUP Bijeljina,
102. Order to obtain buses for evacuation by Milenko Živanović dated 12 July 1995,
103. Dispatch note No: 277/95 by Dragomir Vasić dated 12 July 1995,
104. 
105. 
106. 
107. 
108. 
109. Order to prevent the groups of Muslims from passing towards Kladanj and Tuzla, by Milenko Živanović dated 13 July 1995,



110. Order on application of International Law of War in the Army of the Serbian Republic of Bosnia and Herzegovina, issued by Radovan Karadžić, *Glasnik srpskog naroda*, dated 13 May 1992,
111. Guidelines for establishing criteria for criminal prosecution of 1992, by Military Prosecutor's Office,
112. Order to introduce first level combat readiness by Radovan Karadžić dated 16 June 1995,
113. [REDACTED]
114. [REDACTED]
115. Map showing primary and secondary graves, ICTY
116. Photograph of Glogova, ICTY,
117. Aerial photographs taken on 27 July 1995 and 20 October 1995 – Tatar Bratunac, ICTY,
118. Zeleni Jadar – grave, ICTY,
119. Aerial photograph – Zeleni Jadar, ICTY,
120. Aerial photograph – Zeleni Jadar, disturbed soil dated 7 September 1995, ICTY,
121. Zeleni Jadar - grave, disturbed soil, 24 August 1995 and 2 October 1995, ICTY,
122. Zeleni Jadar - grave, disturbed soil, 20 October 1995 and 23 October 1995, ICTY,
123. Zeleni Jadar - grave, disturbed soil, 7 September 1995 and 2 October 1995, ICTY,
124. Part of report – [REDACTED]
125. GL 1 – Photograph,
126. Table – MMNI Results,
127. Srebrenica graves – primary and secondary, graph,
128. Laboratory report – automatic ballistic comparison of 24 February 2000 by Court Scientific laboratory,
129. Graph showing connection between the execution site and graves,
130. Graph – experts and reports dated 5 February 2004, [REDACTED]
131. Crime-technical analysis of explosives samples taken from various locations in Srebrenica, by The Netherlands Forensic Institute,
132. Estimate of a minimum number of bodies exhumed by the ICTY from 1996 to 2001 by [REDACTED] January 2004,
133. Srebrenica exhumations, blindfolds, photographs – ICTY,
134. Srebrenica exhumations, ligatures, photographs – ICTY,
135. Table - found blindfolds and ligatures 1996-2001 – ICTY,
136. Photograph of Potočari – ICTY,
137. Photograph of *Energoinvest* Factory- ICTY,
138. Photograph of *Energoinvest*, 11 March – ICTY,
139. Photograph of Potočari – ICTY,
140. Photograph of the White house – ICTY,
141. Photograph – an opening in the fence – ICTY,
142. Photograph of Potočari – a corn field – ICTY,
143. Aerial photograph – Potočari- 12 July 1995 – ICTY,
144. Photograph of Potočari – 12 July 1995, ICTY,
145. Map showing direction of movement of the column and deployment of the Serbian forces – ICTY,



146. Photograph showing the hill and forest where the columns of Muslims moved – ICTY;
147. Photograph – a crossroads – ICTY;
148. Aerial photograph – Sandići, dated 13 July 1995 – ICTY;
149. Aerial photograph – Nova Kasaba, football playground, dated 13 July 1995 – ICTY;
150. Security report of the 2<sup>nd</sup> Šekovići Police Detachment of 3 August 1995 by Nedeljko Sekula;
151. Report by Ljubiša Borovčanin dated 13 July 1995;
152. Supply of information to the Deputy Minister by Dragan Kijac dated 14 July 1995;
153. Regular combat report dated 14 July 1995 by Mile Simanić;
154. Regular combat report dated 17 July 1995 by Mile Simanić;
155. Report on the establishment of Red Berets with attachment (list of members) dated 15 May 1993, drafted by Ranko Kuljanin;
156. Report on the status of combat readiness dated 17 June 1993, drafted by Rade Rodić;
157. Directive No: 7 on further actions dated 8 March 1995, by Radovan Karadžić;
158. Treatment of prisoners of war by Milomir Savčić;
159. Report by [REDACTED] forensic pathologic, dated 12 February 2007.

*5) Proposal for the admission of written documentary evidence from the proceedings before the ICTY pursuant to Article 4 of the Law on the Transfer of Cases from the ICTY to the Prosecutor's Office of BiH and the Use of Evidence Collected by ICTY in Proceedings before the Courts in BiH:*

1. Report on military events in Srebrenica (revised) - operation "Krivaja 95" dated 1 November 2002, Richard Butler (CD and associated materials);
2. Report on command responsibility of VRS Brigade, [REDACTED];
3. Expert finding of the Netherlands Institute for Forensic Medicine - Subject: Examination of textile dated 11 February 2000, -P564b;
4. US Navy Investigative Service's report on review and finding of evidence from the Kravica warehouse, -P565b;
5. Report-Appendix to the number of the missing and the dead in Srebrenica by [REDACTED] -P726b;
6. Report on the number of the missing and the dead in Srebrenica by [REDACTED] P725b;
7. Report on the review and finding of evidence from the Kravice Warehouse, - P561;
8. Report on blood and tissue samples found in Grbavica School, Kravica Warehouse, ENG-P563a;
9. OTP's report titled "Missing from Srebrenica – persons who were registered missing after the fall of Srebrenica-P729;
10. ICRC's list of missing persons – P658;

11. Summary of the expert-medical evidence – mass burial sites exhumed in the course of 2000.
12. Report on digging out and exhumation of mass grave Glogova 1 in 2000.
13. Report on digging out and exhumation of mass grave Glogova 2 in 1999-2001 by forensic anthropologist [REDACTED]
14. Summary of the expert-medical evidence – execution and mass burial sites – ICTY investigator [REDACTED] 16 May 2000.
15. Report by the Chief Pathologist- mass burial sites of Srebrenica, ICTY, 1999.
16. Report on review and finding of the evidence from the Kravice Warehouse (September/October 2000).
17. ICRC publications, missing persons in the territory of Bosnia and Herzegovina dated 30 June 1998-P728.

### *Results of investigation:*

Having conducted an investigation against the suspect Vaso Todorović, the BiH Prosecutor's Office believes that there is sufficient evidence in support of grounded suspicion that the suspect, as an accessory, committed the criminal offence of Genocide in violation of Article 171 of the Criminal Code of Bosnia and Herzegovina, in the manner, at the place and time as explained in more detail in the Indictment.

The investigation has revealed that:

Throughout the period referred to in the Indictment, there was an armed conflict in place in the Republic of Bosnia and Herzegovina (BiH).

Throughout the relevant period, the participants in the armed conflict were, on the one side: Republika Srpska (RS) whose armed forces included the units of Republika Srpska Army (VRS) and elements of the Ministry of the Interior of Republika Srpska and police forces that acted in concert, or otherwise, with the VRS; and on the other side, Bosnia and Herzegovina whose armed forces consisted of formations and units of the Army of Bosnia and Herzegovina (ABiH).

Throughout the relevant period, the members of the 2<sup>nd</sup> Šekovići Special Police Detachment of the Police of MUP Republika Srpska (RS) and the Army of RS (VRS) were obliged to comply with the laws and customs of war.

All acts and omissions were part of a widespread and systematic attack against the Bosniak civilians inside the UN protected area of Srebrenica and its surroundings.

After the armed conflict broke out in Bosnia and Herzegovina in spring 1992, Bosnian Serb military and paramilitary forces attacked and occupied towns, places and villages in the eastern part of the country, including Zvornik and participated in the ethnic cleansing campaign that resulted in a mass exodus of Bosniak civilians to enclaves in Srebrenica, Gorazde and Žepa.

On 19 November 1992, General Ratko Mladić, the Commander of the VRS Main Staff, issued Operational Directive No: 4. This Directive, in part, ordered the Drina Corps to "...inflict the heaviest possible losses on the enemy, and force them to leave the Birač, Žepa and Goražde areas together with the Bosnian Muslim population. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them."

On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a "safe area" which was to be free from any armed attack or any other hostile act.

On 8 March 1995, the Supreme Command of the Armed Forces of Republika Srpska issued Operational Directive No: 07. In this Directive, Republika Srpska President Radovan Karadžić directed the VRS (specifically the VRS Drina Corps) to "...complete the physical separation of Srebrenica from Žepa, to prevent even individual communication between the two enclaves. By planned and well-thought-out combat operations, create an unbearable situation of total insecurity, with no hope of further survival and life for the inhabitants of Srebrenica and Žepa."

On 2 July 1995, in the Drina Corps operational order for the attack on the Srebrenica enclave, General Milenko Živanović ordered that the attack on the enclave should result in "reducing the enclave to its urban area". The size of the enclave on 2 July 1995 was approximately 58 square kilometres while the urban area of the enclave was about two (2) square kilometres. Large numbers of the Bosnian Muslim population of the enclave lived outside the urban area of Srebrenica prior to 2 July 1995.

The Drina Corps plan for the execution of the order was a step towards the larger VRS goal of plunging the Bosnian Muslim population in a humanitarian crisis and, ultimately, eliminating the enclave.

On or about 6 July 1995, units of the Drina Corps shelled Srebrenica and attacked Dutch-manned United Nations observation posts which were located in the enclave. The Drina Corps attack on the Srebrenica enclave, including the shelling, continued through 11 July 1995, when forces from the Zvornik Brigade's Drina Wolves, the Bratunac Brigade, and other units of the VRS entered Srebrenica.

On 10 July 1995 upon the Order 64/95 issued by Acting Minister of the Interior of RS, Tomo Kovač, the joint forces of MUP units were formed (involving a Company from Jahorina Training Centre, the 2<sup>nd</sup> Šekovići Detachment and 1<sup>st</sup> Company from Zvornik Public Security Centre) in order to assist the VRS forces in the attack. According to that Order, the Joint Forces of the Ministry of the Interior (MUP) units were placed under the command of the Drina Corps that was further subordinated to the Main Staff of VRS under the command of General Ratko Mladić.

On 10 and 11 July 1995, the shelling of Srebrenica carried out by the Drina Corps was calculated to terrify the Bosnian Muslim population and to drive them out of Srebrenica town and, thereby, the area.

Bosniaks, men, women and children who were in Srebrenica at the outset of the VRS attack could choose one of the two options:

a) Thousands of women, children, and some, mostly elderly men, fled to the UN Compound in Potočari, where they sought protection from the Dutch battalion. The civilian population stayed in Potočari and its surroundings from 11 to 13 July 1995 and were being mistreated by the members of VRS and MUP. After that, they were transported out of the enclave by buses and trucks overseen by the VRS and MUP.

b) Meanwhile, approximately 15,000 Bosnian Muslim men from the enclave, with some women and children, gathered at the villages of Šušnjari and Jaglići during the evening of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of the soldiers of 28<sup>th</sup> Army RBiH Division. Approximately two-thirds were men, Bosniak civilians from Srebrenica. The rest were also civilians and unarmed military personnel.

On or about 12 July 1995, Ratko Mladić, Radislav Krstić and other representatives of VRS and of the Bosnian Serb civilian authorities met at the Hotel Fontana in Bratunac with the Dutch military senior officers and the representatives of the Bosnian Muslims who took refuge in Potočari. At this meeting Ratko Mladić explained that he would supervise the "evacuation" of the refugees from Potočari and that he wanted to see all military-aged Bosnian Muslim men from 16 through 60 so that they could be screened for possible war criminals.

On or about 12 July 1995 approximately 50 to 60 buses and trucks arrived near the UN military compound in Potočari accompanied by Ratko Mladić and Radislav Krstić. Shortly after the arrival of these vehicles, the process of forcible transfer of Bosnian Muslim women and children began. As the Bosnian Muslim women, children, and men started to board the buses and trucks, the VRS soldiers and MUP members separated the men from the women and children and detained the men in Potočari and its surroundings.

On 12 and 13 July 1995 the Command and the units of the Drina Corps, as well as the MUP units, were present during the supervision of the forcible transfer of the Bosnian Muslim civilians from Potočari.

The staff of the Drina Corps who were in the Potočari compound on 12 and 13 July 1995 were aware of the catastrophic humanitarian situation faced by the Bosniak refugees and of their ill-treatment by the Bosnian Serb forces, but they failed to do anything about that.

The Bosniak civilians from Srebrenica who were taken by buses from Potočari on 12 and 13 July 1995 were deprived of their right to freely decide if they wanted to leave the region of the former enclave. The Drina Corps and MUP personnel who participated in the transport operation knew that the VRS had forced the Bosniak population to leave that region.

The members of the Drina Corps and MUP who were in the Potočari compound on 12 and 13 July 1995, knew that the Bosniak men, having been separated from the women, children and elderly people, were not treated in accordance with the accepted practice of screening for possible war criminals and that there was a great uncertainty about the fate of these people. The Drina Corps Command and the MUP Commanders also knew that the separated men from Potočari were taken by buses to the detention locations in Bratunac. For that purpose they used the buses originally intended for the transport of women, children and elderly people, which was supervised by the Drina Corps.

Following the taking of Srebrenica, the whereabouts of the 28<sup>th</sup> Division of the Army of Bosnia and Herzegovina (ABiH) were unknown. This caused great concern to the VRS, as did the possibility that the ABiH 2<sup>nd</sup> Corps could launch an attack from the direction of Tuzla and Kladanj and get connected with the parts of the ABiH 28<sup>th</sup> Division. At the meetings held at the Hotel Fontana on 11 and 12 July, General Mladić attempted to negotiate the surrender of the ABiH forces from the territory of the former enclave. However, since he failed, the VRS units, including the Drina Corps units that did not take part in the attack on Žepa, were tasked in the coming days to block the column.

In addition to the Drina Corps units, units outside the Drina Corps, such as the MUP Special Brigade, elements of the Military Police Battalion of the 65<sup>th</sup> Protection Regiment and the regular police forces, undertook the blocking of the column.

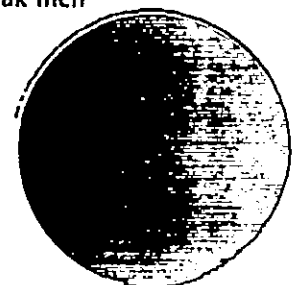
After the ABiH 28<sup>th</sup> Division had withdrawn from the enclave following the fall of Srebrenica, the MUP forces were involved in the "final" operations.

The MUP units were present in Potočari and, together with the 2<sup>nd</sup> Detachment of the Šekovići Special Police Brigade, were deployed along the Bratunac-Konjević Polje road, where they took part in the blocking of the column and capturing a large number of Bosniaks on 13 July 1995.

Members of the VRS that were assigned to the Bratunac, Zvornik and Milići Brigades, together with elements of the 5<sup>th</sup> Engineering Battalion, the 65<sup>th</sup> Protection Regiment and the MUP Special Police, supported by armoured transporters, tanks, anti-aircraft guns and artillery, were deployed along the Bratunac-Milići road in an attempt to intercept the column. While retreating, some armed individuals in the Bosniak column engaged in fight against the Bosnian Serb forces. Thousands of Bosnian Muslims from the column were captured while retreating or they surrendered to the Bosnian Serb forces and the RS MUP.

The Drina Corps assisted the MUP forces with the task of blocking and capturing the Bosniaks who tried to escape and they coordinated their military operations with the MUP forces.

Following the taking of Srebrenica in July 1995, Bosnian Serbs devised and implemented the plan to execute as many military fit Bosniak men in the enclave as possible. Within several days from the attack on Srebrenica, the VRS and the MUP forces captured, kept in captivity, forcefully relocated, summarily executed and buried over 7,000 Bosniak men



and young men from Srebrenica enclave and forcibly relocated Bosniak women and children from Srebrenica out of the enclave.

Bosnian Serb forces executed several thousand Bosniak men. The total number of victims ranges most likely between 7,000 and 8,000 men.

The political and military leadership of the VRS devised the plan to permanently remove Bosniak population from Srebrenica after the taking of the enclave. In the period between 11 and 13 July, this plan, colloquially referred to as "ethnic cleansing", was implemented for the most part through the forcible relocation of the major part of the civilians from Potočari, having separated military-aged men from the rest of the population.

In their efforts to eliminate a part of Bosnian Muslims, Bosnian Serb forces committed Genocide. They selected forty thousand Bosniaks, inhabitants of Srebrenica, for execution, which as a group represented the Bosniaks in general. They seized personal items and documents from all the captured Bosniak men, soldiers, civilians, old and young and they were killing them deliberately and methodically, exclusively on account of their ethnicity. The Bosnian Serb forces were aware, when they embarked on the Genocide venture, that the harm they had caused to the Bosniaks would bring them permanent suffering.

It is indisputable from the evidence collected during the investigation, as well as from the evidence collected by the ICTY, that the accused took active part in the forcible relocation of Bosniak population and, by standing guard in front of the hangar of the Kravica Farming Cooperative, he also aided in the mass executions of Bosniak civilians imprisoned in the hangars of the Farming Cooperative in Kravica, the Municipality of Bratunac.

In the final ICTY *Judgment* rendered in the case of General Radislav Krstić, it was established that during the military/police operation "Krivaja 95"- the taking of the UN Protected Zone of Srebrenica by the Army and the MUP of Republika Srpska, Genocide was committed against the Bosniak population, which was also confirmed by the *Judgement* rendered by the International Court of Justice in the Hague on the complaint filed by BiH against Serbia and Montenegro.

Among others, the fact that within a short period of time, between 10 and 19 July 1995, all Bosniak women, children and elderly people were expelled from the enclave and that mass liquidations of Bosniak men and young men were carried out, indicate that the crimes against the Bosniaks were planned and organised. Thus, the final *Judgments* against Radislav Krstić and Vidoje Blagojević determined the time of the executions of Bosniak men and young men carried out at the locations of *Potočari, Tišća, Cerska valley, Jadar, warehouse in Kravica, Orahovac, Dom kulture Pilica, Army-operated farm Vranjevo, Stadion in Nova Kasaba*. These locations were used by the Army and the Police of Republika Srpska as execution sites. On 13 July 1995, organized killings took place in the morning hours in *Jadar*, in the afternoon hours in the *Cerska valley*, in the late afternoon in the *Kravica Warehouse*, and in the evening in *Tišća*. In the coming days,

the liquidations took place in *Pilica*, *Orahovac* and the Army-operated farm of *Branjevo* (ICTY Judgment against Dražen Erdemović).

Besides the above mentioned ICTY Judgments, an important contribution towards casting some light onto the tragic Srebrenica events were the confessions by Momir Nikolić, a security officer in the Bratunac Brigade and Dragan Obrenović, Chief of Staff in the Zvornik Brigade. Important information was obtained in the confession of Momir Nikolić, first of all the fact that the crime was centered around the Military Security Service and that everything was very well organized. In his confession, Momir Nikolić said that in the morning of 12 July, General Mladić was still negotiating the evacuation of civilians from Potočari with the UN, while Nikolić was given orders to find appropriate locations for the captives and then find adequate execution sites.

The forensic evidence collected by the ICTY investigators and experts over the past ten years is vitally important for getting an objective picture of the events in and around Srebrenica in July 1995. It is common knowledge that the process of finding mass graves (primary, secondary and tertiary) is still ongoing and that the major part of the bodies of killed Bosniaks have not been located and identified. Extensive forensic evidence firmly corroborates important aspects of testimonies by the survivors at various execution sites. Since 1996, the ICTY Office of the Prosecutor has conducted exhumations of 21 graves related to the taking of Srebrenica, as follows: four exhumations during 1996 (graves in *Cerska*, *Nova Kasaba*, *Orahovac* (also known as *Lažete 2*) and at the Army-operated farm in *Branjevo* (*Pilica*)); eight during 1998 (a dam near *Petkovci*, *Čančarski put 12*, *Čančarski put 3*, the Road towards *Hodžići* – site No: 3, the Road towards *Hodžići* – site No: 4, the Road towards *Hodžići* – site No: 5, *Liplje 2*, *Zeleni Jadar 5*); five graves in 1999 (*Kozluk*, *Nova Kasaba*, *Konjević Polje 1*, *Konjević Polje 2* and *Glogova*); and four graves in 2000 (*Lažete 1*, *Lažete 2C*, *Ravnice* and *Glogova 1*). Out of 21 exhumed graves, 14 were primary graves, where bodies were placed immediately upon the killing. Out of those graves, eight were subsequently dug up without authorization and corpses were transferred to and buried at another location, often in secondary graves, located in more remote areas. Seven of the exhumed graves were secondary graves. The Office of the Prosecutor hired experts in ballistic analysis, analysis of soil and fabrics, in order to make comparative testing of the fabrics and remains found in the primary and secondary graves. As a result of those analyses, links were discovered between certain primary and certain secondary grave sites. As of 2000, national judicial institutions have taken over locating and exhumations of mortal remains of the "Srebrenica" people killed during the *Krivaja 95* operation, with very important assistance provided by the Commission on Tracing Missing Persons, International Commission on Missing Persons (ICMP) and Tuzla-based Podrinje Identification Project.

Forensic evidence corroborates the allegations by the Prosecution that following the taking of Srebrenica, thousands of Bosnian Muslims were executed summarily and buried in mass graves. Although forensic experts could not indisputably establish the exact number of bodies in the mass graves due to the degree of decomposition of the bodies and the fact that many bodies were disfigured in the process of relocation from primary into secondary graves, which was done using heavy machinery, the experts did manage to make a conservative estimate, according to which at least 2028 individual bodies were

exhumed from the mass graves. Based on the results of forensic testing, it can be concluded that most of the persons whose bodies were exhumed were not killed in the course of fighting activities. These people were killed in the course of mass executions.

Grounded suspicion that the suspect Vaso Todorović committed the criminal offence of Accessory in Genocide referred to in the BiH CC Article 171, as read with Articles 31 and 180 (1) of the same law, arises from the evidence collected during the investigation, in particular from the statements of [REDACTED] the testimony of [REDACTED] before the ICTY, the statements of [REDACTED] given before the ICTY, as well as the statement given by the suspect Vaso Todorović, who admitted during the investigation to have taken part in mopping up the area near Potočari, with the aim of finding and expelling Bosniaks, and that he took part in securing the road, escorting the column of captives and securing the hangar in order to prevent the captured Bosniaks from escaping during the killing, which is described in more detail in the Indictment.

[REDACTED] gave the statements on record on his own free will and without any pressure, deception, threats, in a state of overall physical and mental health, at the Prosecutor's Office of BiH on 21 June 2005, whereby he confirmed all decisive facts regarding the names of the perpetrators, method, place and time of committing the criminal offence. The statement was admitted into evidence in the case of Miloš Stupar et al.

Besides the suspects' statements, casting some light onto the circumstances under which the criminal offence was committed are the witnesses heard during the investigation, who will testify before the Court.

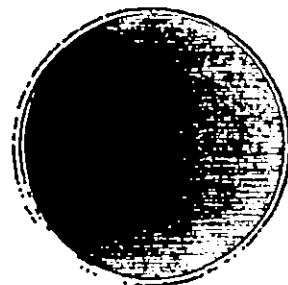
Among the most important testimonies are the testimonies of two surviving witnesses at the site of mass execution in the Kravica Farming Warehouse, who will testify under the pseudonyms of S-1 and S-2. In his statement, the witness S-1 gave details on the circumstances whereby a rather large group of Bosniaks, some 400-500 persons, surrendered to the Serb Army after they got surrounded on the territory above Kamenica. Some of the Bosniaks even got wounded as there was some shooting. The witness also described the events on the meadow where they were held prior to being taken in a column escorted by armed soldiers to the Kravica Farming Warehouse. Particularly important is the part of the testimony that speaks of the moment when the shooting started at the Warehouse, where the witness specifically states that the shooting at the prisoners started immediately after the last prisoner had entered the hangar and that the shooting of prisoners was not preceded by any immediate resistance on the part of the prisoners, shooting on the part of the prisoners, which persuasively eliminates the claims by numerous witnesses and accused that the shooting started after the killing of the police officer Krsto Dragičević. In more or less identical way, this claim was eliminated by the statement of the protected witness S-2, who claimed that the killing of prisoners started without any provocation on the part of the prisoners.



Also important are testimonies of direct witnesses to the massacre, first of all the employees at the Kravica Farming, including [REDACTED] and the testimonies of the members of the 2<sup>nd</sup> Detachment of the Special Police Šekovići, as follows: [REDACTED] and others; testimonies of the members of the Civilian Protection of the Bratunac Brigade who were involved in the cleanup of the area, Ostoja Stanojević and others. The cleanup implied the loading of corpses by excavators onto trucks, transporting them to the previously set locations in Glogova, from where the remains were dug up several months later in 1995 and hidden in secondary graves at Zeleni Jadar.

There is also substantial material evidence that confirm that at the time the criminal offence was committed the suspect was deployed in Bratunac, more specifically in Sandići and Kravica, as a member of the 2<sup>nd</sup> Detachment of the Special Šekovići Police and that he took active part in the relevant events. This was also proven by a video tape made by a journalist, [REDACTED] on 13 July 1995, presented during the trial against Vidoje Blagojević before the ICTY, wherein immediately before the killings at the warehouse of Kravica Farming were committed, the suspect's commander Milenko Trifunović, a.k.a. Čop, was identified on the tape, armed, guarding a group of civilians gathered on the meadow in Sandići, while a civilian next to him was calling the Bosniaks hiding in the nearby wood to surrender to the "Serbs". Milanović Mirko a.k.a. Dugi, was also identified on the tape, standing with the Deputy Commander of the Special Police Brigade, Ljubiša Borovčanin. Mirko Milanović is a person for whom there is grounded suspicion that on the relevant occasion, as a member of the 3<sup>rd</sup> Skelani Platoon, he fired the sub-machine gun at the detained Bosniaks, which was indicated in the statement of the [REDACTED] and numerous other statements of witnesses who had direct or indirect information on the killings at the warehouse. After the war, Milanović died in an accident. On the said tape, one can see the corpses in front of the Kravica Farming Warehouse, recorded from a vehicle passing by the Warehouse on 13 July 1995. There are numerous photographs and satellite shots that objectively testify on the events at the warehouses of the Kravica Farming Cooperative, showing buses parked in front of the Warehouse, the soil disturbed, testifying on the relocation of the mortal remains from mass graves and the very locations of mass graves.

In his previous statements given on the record to the CJB in Bijeljina, [REDACTED] admitted that on the relevant occasion he was filling clips for "special forces" who were shooting at prisoners detained in the Kravica Farming Warehouse. It clearly follows from the confession by the suspect that he was aware of what was going on inside the hangar since he stood guard in front of the hangar to prevent the captives from fleeing and he also admitted to having seen the killings committed by shooting from rifles at the crowd, by throwing hand grenades into the hangar and he also confessed to have heard cries and wails of the captives. The accused Vaso Todorović intentionally aided and significantly contributed and enabled the commission of the criminal offence. His actions, therefore, constitute elements of the criminal offence he is charged with by the indictment, which is additionally corroborated by his confession that the shooting lasted around one hour and a half and that he was in front of the hangar all the time.



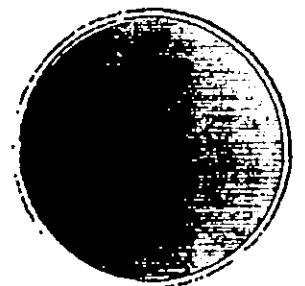
Evaluating the above mentioned, we deem that there is sufficient evidence proving that the suspect committed the criminal offence he is charged with in the Indictment, while the intention to commit Genocide arises from the fact that the captured Bosniak men did not pose any serious threat from the military point of view and the decision on the part of the suspect to safeguard the facility while the planned and organized killing of the captives took place did not stem exclusively from the intention to eliminate them as a military threat. The killing of the military aged men undoubtedly constituted a physical liquidation. Considering the proportion of killing, their extermination was motivated by a genocidal intent. The accused was aware that having in mind the patriarchal nature of the Bosniak community in Srebrenica, the killing of so many men would unavoidably result in physical disappearance of Bosniak population in Srebrenica. Having in mind that most of the killed men are still officially listed as missing, their wives cannot re-marry and have more children. Therefore, the physical liquidation of men caused severe consequences for the coming generations in the Srebrenica Bosniak community, with the possibility of its extinction. The accused, as a member of the VRS and RS MUP forces, was aware of those consequences when he decided to aid in the systematic elimination of the captured men.

The forcible transfer of women, children and elderly people was another method used to ensure physical destruction of the Bosniak community from the Srebrenica Safe Zone. By this transfer, all Bosniaks were definitely removed from Srebrenica, whereby even the slightest possibility for the revival of the Bosniak community in that area was eliminated. As opposed to the operation of killing the captured men, such operation was difficult to hide or to be presented as a military operation, therefore it posed a higher risk of international condemnation. The major issue while finding if Genocide was committed in Srebrenica is whether the intention to commit Genocide existed. Though such intention has to be confirmed by facts, the evidence that the perpetrator chose the most effective method to achieve his aim to destroy the targeted part of the group is not necessary evidence for the criminal offence of Genocide. Even when the chosen method fails to lead to the full implementation of the perpetrator's intention and the destruction remains incomplete, the mere ineffectiveness does not rule out the conclusion that the genocidal intention existed. It is important to mention here that the suspect Vaso Todorović stated that he had known already on 10 July 1995, when he was in the field in Srednje, that he would be sent to Srebrenica and that neither he, nor several other police officers were pleased with it, since they knew that "ugly things" would happen there and that someone could recognise them because that area was their place of birth. This suggests that the suspect knew that the reasons behind his sending to Bratunac and Srebrenica were the expulsion of the Bosniak population from that area, not combat assignments in connection with the fights with the Army of BiH.

#### **MATERIALS SUPPORTING THE ALLEGATIONS OF THE INDICTMENT:**

1. Record on examination of the suspect Vaso Todorović, BiH Prosecutor's Office, No: KT-RZ-10/05 dated 8 April 2008,
2. Record on examination of the suspect Vaso Todorović, BiH Prosecutor's Office, No: KT-RZ-10/05 dated 18 April 2008, with transcript,

3. Record on examination of the suspect [REDACTED] BiH Prosecutor's Office, No: KT-RZ-10/05 dated 21 June 2005,
4. Record on examination of the suspect [REDACTED] BiH Prosecutor's Office, No: KT-RZ-10/05 dated 1 July 2005,
5. Record on examination of the suspect [REDACTED] BiH Prosecutor's Office, No: KT-RZ-10/05 dated 24 June 2005,
6. Record on hearing the witness [REDACTED] MUP Republika Srpska, Bijeljina Public Security Centre (CJB), Bratunac Police Station, No: 12-1-7/02-230-468/03 dated 21 August 2003,
7. Record on examination of the suspect [REDACTED] BiH Prosecutor's Office, No: 12-02/4 dated 19 June 2005,
8. Record on examination of protected witness S-1, Prosecutor's Office of BiH, No: KT-RZ-10/05 dated 30 November 2005,
9. Record on examination of witness [REDACTED] Prosecutor's Office of BiH, No: KT-RZ-10/05 dated 10 October 2005,
10. Record on examination of witness [REDACTED] Prosecutor's Office of BiH, No: KT-RZ-10/05 dated 9 November 2005,
11. Record on hearing of witness [REDACTED] SIPA, No. 14-04/2-332/05 dated 13 October 2005,
12. Record on hearing of witness [REDACTED] SIPA, No. 14-04/2-327/05 dated 12 October 2005,
13. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-398/05 dated 1 November 2005,
14. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-396/05 dated 31 October 2005,
15. Record on examination of the suspect [REDACTED] BiH Prosecutor's Office, No: KT-RZ-10/05 dated 22 June 2005,
16. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-387/05 dated 25 October 2005,
17. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-386/05 dated 25 October 2005,
18. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-349/05 dated 19 October 2005,
19. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-308/05 dated 27 September 2005,
20. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-290/05 dated 20 September 2005,
21. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-279/05 dated 15 September 2005,
22. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-/05 dated 16 November 2005,
23. Record on hearing the witness [REDACTED] SIPA, No. 14-04/2-/345 dated 20 October 2005,
24. Transcript of testimony of witness K before the ICTY in the Krstić case, accepted pursuant to 92 bis, 17 December 2003,
25. Statement by H.E. ICTY Prosecutor's Office, 8 March 1999,



26. Statement made by [REDACTED] before the ICTY, on 15 May, 16 May, 19 May, 21 May, 22 May 2003,
27. Statement made by [REDACTED] before the ICTY Prosecutor's Office, on 5/6 February 2004,
28. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 26 June 2002, 28 and 29 April 2004,
29. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 29 October 2004,
30. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 20 February 2002, 11 March 2002,
31. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 9 July 2000, 26 August 2002, 10 June 2003,
32. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 28 September 1995, 3 February 1998,
33. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 24 October 1995, 9 July 1999, 30 April 2000,
34. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 26 September 1995,
35. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 26 September 2005,
36. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 28 September, 9 October 1995,
37. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 23 September 1997,
38. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 6 October 1999,
39. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 25 October 1995,
40. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 29 November 1999,
41. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 16 March 2002,
42. Transcript of witness S-3, the Court of BiH, 21 March 2007,
43. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 28 November 2001,
44. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 16 December 1997, 4 February 1998, 21 October 1999, 12 March 2001, 25 November 2003,

45. Statement made by [REDACTED] before the ICTY Prosecutor's Office, 23 June 1999, 15 December 1999, 28 May 2005,
46. Statement made by [REDACTED] before the ICTY, 2 April 2000, 4 June 2003, 5 February 2004,
47. Statement on facts and admission of guilt, Dragan Obrenović,
48. Statement on facts and admission of guilt, Momir Nikolić.

**MATERIAL EVIDENCE:** Stated in Counts 4 and 5 of the Indictment.

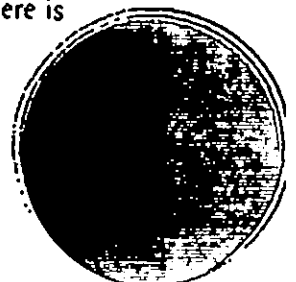
**MOTION TO EXTEND CUSTODY:**

The Prosecutor's Office of Bosnia and Herzegovina argues that all legal grounds still apply to extend custody of the accused Vaso Todorović, which applied when the Court of Bosnia and Herzegovina issued the Order on Custody and the Order on the Extension of Custody, and that particularly important reasons apply to extend custody after the confirmation of the Indictment.

The analysis of the collected evidence leads to the conclusion that there is grounded suspicion that Vaso Todorović committed the criminal offence of Genocide in violation of Article 171 of the BiH CC in the manner, at the time, in the place and under the circumstances defined in the Indictment.

The Prosecution hereby proposes that the Court, having found that the general requirement for ordering custody – grounded suspicion – has been satisfied, extend custody of the accused in terms of Article 137 (1), on the grounds set forth in Article 132 (1), a), b) and d) of the Criminal Procedure Code of Bosnia and Herzegovina.

a) There are circumstances that suggest the risk of flight and they stem primarily from the fact that the presence of the accused in the criminal proceedings was secured only after the International Arrest Warrant had been issued and the accused person arrested in the Republic of Serbia, where he was kept in extradition custody and then handed over to the judicial authorities of Bosnia and Herzegovina only because the accused was not a citizen of Serbia. At the same time, the Prosecutor's Office of BiH makes efforts to secure the presence of another co-perpetrator [REDACTED] in the same criminal case. Nevertheless, despite the fact that he was arrested in Serbia pursuant to the International Arrest Warrant, this suspect applied for the Serbian citizenship. According to the Prosecution information, having found out that persons suspected of having committed the crimes in the Cooperative Warehouse in Kravica who are the subject of investigation conducted by this Prosecutor's Office for the same criminal offence, had absconded and found refuge in the territory of the Serbia, Montenegro and Russia, the BiH Prosecutor's Office, in spite of all invested efforts and cooperation with the police forces of Republika Srpska and Republic of Serbia, as well as by actions of the State Investigation and Protection Agency, still had not managed to secure the presence of these persons by the time when this Indictment was filed. There is



a justified fear that should Vaso Todorović be released and allowed to defend himself out of custody, he would escape, because at that point he would definitely be aware that the indictment against him was issued for one of the gravest criminal offences which resulted in serious consequences and for which a severe criminal sanction is foreseen. Another fact that suggests the risk of flight is related to the family situation of the suspect Vaso Todorović, given that his entire family lives in Lazarevac, Republic of Serbia, so that the suspect has no close ties to Bosnia and Herzegovina and he does not have a job in BiH. This person was in hiding for a rather long time, thereby avoiding to face the charges against himself, so that custody, although the most severe measure, is the only measure that can secure the presence of the suspect in the further course of the proceedings.

b) there is a justified fear that, if released, the accused could contact the co-perpetrators and destroy leads important for the criminal proceedings, and influence witnesses, accessories or accomplices. It is in the best interest of the Prosecutor's Office and the Court, as well as justice in general, to make sure that the trial proceeds smoothly, that the perpetrators of this horrible crime are duly prosecuted. On the given occasion, a minimum of 1,000 detained Bosniak civilians were killed in the hangar of the Kravica Cooperative. The suspect actively participated in this crime as a member of the 2<sup>nd</sup> Šekovići Special Police Detachment. We believe that there is a realistic danger that the suspect, if released, could make arrangements, alone or with other co-perpetrators, which poses a risk of negative suspect's influence on the quality of the criminal proceedings. Therefore, there is a risk that, being at liberty, they might contact each other, make arrangements and jointly conceal the leads of the criminal offence, including the means by which the criminal offence was committed. Bearing in mind that most of the bodies of the Bosniaks killed in the warehouses of the Kravica Cooperative have not been found, there is a risk that the suspect might attempt to hide traces of mass graves and obstruct locating the mortal remains of the victims of this crime. Taking into consideration that the Prosecutor's Office needs to hear a number of witnesses during the trial, those who in their statements have avoided to speak about the names of the perpetrators for fear of retribution, although they have described the event and the site in detail, as well as the time, place and manner of execution of the criminal offence, it is thus necessary to ensure that those witnesses be heard without any outside influence in order for them to testify in a relaxed and fear-free atmosphere.

c) The ground for custody under Article 132 (1) d) of the BiH CPC is objectively satisfied in this case, since this criminal offence carries a long-term imprisonment, thus ordering custody is necessary for the public safety. Taking into account the facts related to the nature and gravity of the committed criminal offence, the circumstances surrounding the commission of the crime, the prescribed punishment, the degree of danger to the legally protected good and the severe consequences of the committed criminal offence, the Prosecution submits that ordering custody on this ground is beyond any dispute.

**PROSECUTOR OF BiH  
PROSECUTOR'S OFFICE**

**Ibro Bulić**