

BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA
SARAJEVO
Special Department for War Crimes
Regional Team II
Number: KT-RZ - 56/09
Sarajevo, 10 July 20098

COURT OF BOSNIA AND HERZEGOVINA
S A R A J E V O
- Preliminary Hearing Judge -

Pursuant to Article 35 (2) item h) and Article 226 (1) of the CPC BiH, I hereby file the following:

I N D I C T M E N T

Against:

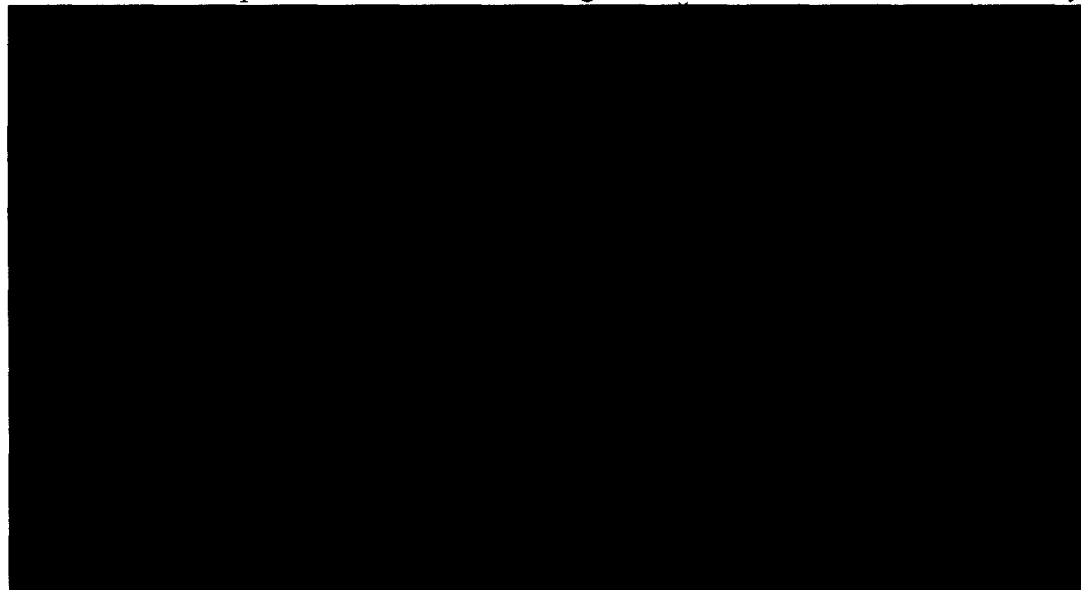
- 1. ZORAN MARIĆ, aka Đole, son of Branko and mother Stoja, née Dobretić, born on 15 April 1964 in the place of Ljoljići, the municipality of Jajce - Jezero, residing in Stara Pazova, Njegoševa no no. Street, Republic of Serbia, Serb by ethnicity, of Orthodox faith, citizen of BiH, Personal ID number: 1504964102084, brick layer by profession, married, father of three, served the military in Novi Sad in 1983, no prior convictions, no other criminal proceedings pending against him, ordered into custody pursuant to the Decision of the Court of BiH, No. X-KRN/05/96 of 08 July 2009.**

Because:

During the state of war in Bosnia and Herzegovina and the armed conflict in the territory of Jajce municipality between the Army of Republika Srpska, on the one side, and the Army of BiH and HVO (Croat Defense Council) on the other, as a member of the Army of Republika Srpska, he acted in violation of the rules of Article 3, paragraph 1, subparagraphs a) and c) as read with Article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in as much as he,

- On 10 September 1992, after the burial of a killed soldier of the Army of Republika Srpska, Rade Savić, as an organized group of armed people, which consisted of Jovo Jandrić, Mirko Pekez son of Špiro, Simo Savić, Mirko Pekez son of Mile, Milorad Savić son of Ljupko, Zoran Marić, Slobodan Pekez, Ilija Pekez, Milorad Savić son of Đuro and Blagoje Jovetić, which was organized by

Jovo Jandrić, having agreed on the plan to gather civilian Bosniak population located in the place of Ljoljići and Čerkazovići – municipality Jajce, whose freedom of movement was limited since they had to respond to the roll call on a daily basis, with the intention to take them away and kill them at the place called “Tisovac”; they went to this place armed with automatic and semi-automatic rifles, and under the threat of using the arms, unlawfully arrested and forcibly took the civilian Bosniak population out of their houses, rounded up women, men and children in the place called “Osoje”, and then took them all together to the place called “Draganovac” with rifles in their hands, threatening that they would kill whoever tried to escape; while they were taking them they insulted them and physically harassed them calling them different names, punching and kicking them and hitting them with rifles, and when they reached the place called “Draganovac”, they stopped them there and ordered them to put at a specifically designated place all valuable items they had on them, such as gold jewellery, watches and money, and when they did so, they appropriated those items; thereupon they took them to the place called “Tisovac” where they ordered them to line up against the edge of an abyss and when they did so, they all opened fire from their rifles pointed at them, intending to kill them; on that occasion they



suffered no injuries.

Therefore, by violating the rules of international law in time of war and armed conflict, they committed killings and intentional infliction of severe physical and mental pain to persons, violation of bodily integrity and plunder of property,

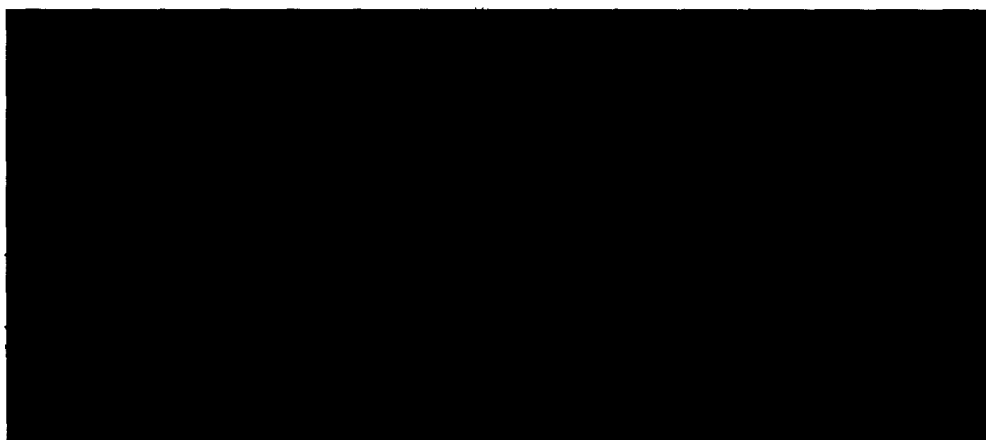
Whereby as co-perpetrators they committed the criminal offense of War Crimes against Civilians in violation of Article 173 (1) items c) and f), in conjunction with Article 29 and Article 180 (1) of the CC BiH.

Hence,

**I MOVE
THAT THE FOLLOWING EVIDENCE BE PRESENTED AT THE
MAIN TRIAL**

I - to hear the persons listed below as witnesses:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.



II – to examine the following person as an expert witness:

- 1.



III – to review:

1. Decision declaring the state of war in the territory of the Republic of Bosnia and Herzegovina (RBiH Official Gazette No. 7/92 of 20.06.1992);
2. Regular Operative Report of the 5th Corps Command of Bosnian Serb Army No. OP.STR.POV. BR. 84-84 of 23.04.1992;
3. Regular Combat Reports of the Command of the 1st Krajina Corps of Bosnian Serb Army No. OP.POV. BR. 44-1/160 of 03.06.1992, No. OP.STR.POV. BR. 44-1/180 of 14.06.1992, No. OP.STR.POV. BR. 44-1/195 of 23.06.1992, No. STR. POV. BR. 44-1/248 of 20.07.1992, No. STR. POV. BR. 44-1/286 of 09.08.1992, No. STR.POV. BR. 44-1/332 of 31.08.1992, No. STR. POV. BR. 44-1/440 of 26.10.1992;
4. Order of the Command of the 1st Krajina Corps of Bosnian Serb Army No. OP.STR.PO.BR. 535-1 of 19.06.1992;
5. On-site Investigation Report of the Basic Court in Mrkonjić Grad, No. Kri: 57/92 of 12.09.1992;

27. Specialist's Findings and Opinion - external post-mortem examination of the body of ██████████ Šipovo Health Centre, dated 12.09.1992;
28. Specialist's Findings and Opinion - external post-mortem examination of the body of ██████████ Šipovo Health Centre, dated 12.09.1992;
29. Submission of data on military records of Jajce Public Security Station, No. 11-11/01-828/93 of 26.06.1993;
30. Report upon Review of Military Records kept by Banja Luka based Ministry of Interior, No. 02-11347/07 of 18.10.2007;
31. Decision on exhumation No. Kri.5/99 of 27.04.1999 made by Cantonal Court in Travnik;
32. Record on exhumation No. Kri.5/99 of 28.04.1999 made by Cantonal Court in Travnik;
33. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 117/99 of 08.05.1999;
34. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 116/99 of 08.05.1999;
35. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 115/99 of 08.05.1999;
36. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 114/99 of 08.05.1999;
37. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 113/99 of 08.05.1999;
38. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 112/99 of 08.05.1999;
39. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 111/99 of 08.05.1999;
40. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 110/99 of 08.05.1999;
41. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 109/99 of 08.05.1999;
42. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 108/99 of 08.05.1999;
43. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 107/99 of 08.05.1999;
44. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 106/99 of 08.05.1999;
45. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 105/99 of 08.05.1999;
46. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 104/99 of 08.05.1999;
47. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 103/99 of 08.05.1999;
48. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for ██████████ No 102/99 of 08.05.1999;

49. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 101/99 of 08.05.1999;
50. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 100/99 of 08.05.1999;
51. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 99/99 of 08.05.1999;
52. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 98/99 of 08.05.1999;
53. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 97/99 of 08.05.1999;
54. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 96/99 of 08.05.1999;
55. Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 95/99 of 08.05.1999;
56. Exhumation and Post-mortem examination Findings for the territory of Jajce municipality, Institute of Forensic Medicine – Sarajevo Medical Faculty;

INVESTIGATION RESULTS:

It undoubtedly arises from the evidence collected and obtained during the investigation carried out by this Prosecutor's Office that the suspects Jovo Jandrić and Slobodan Pekez, son of Mile, at the time and in the manner as described in the operative part of the Indictment, committed the criminal acts referred to in this Indictment, which comprise all the essential elements of the criminal offense of War Crimes against Civilians in violation of Article 173 (1) items c) and f), in conjunction with Article 29 and Article 180 (1) of the CC BiH.

Pursuant to Article 8 of the Decree on Defense with the Force of Law („Official Gazette of RBiH“, number 4/92), upon the proposal by the Main Staff of the Armed Forces of the Republic of Bosnia and Herzegovina, at the session held on 20 June 1992, the Presidency of the Republic of Bosnia and Herzegovina issued the **Decision Declaring the State of War** under which the state of war was proclaimed in the territory of the Republic of Bosnia and Herzegovina. The Decision on Declaring the State of War was published in the „Official Gazette of the RBiH“, number 7/92 and it came into force on the day when it was published.

During the relevant period, in the territory of the municipality of Jajce, an armed conflict was ongoing between the Army of Republika Srpska on one side and the Army of the R BiH-HVO on the other, which ensues from the evidence collected by this Prosecutor's Office during the investigation. From the collected documentary evidence, as well as from the statements of the witnesses who were interviewed in the Prosecutor's Office of BiH, it arises that the armed conflict in the territory of the municipality of Jajce started in the spring of 1992. Nine proposed pieces of documentary evidence, that is, Operative Report, Combat

Reports and Orders by the Command of the V and I Krajina Corps of the Army of Republika Srpska made during the period from 23 April 1992 to 26 October 1992 confirm the existence of the armed conflict in the said territory. These documents of the Army of Republika Srpska designate members of the HVO and the Army of R BiH as its enemies and the most frequent term used for them was „the units of the Muslim-Croat formations“.

It undoubtedly ensues from the statements of all the examined witnesses as well as from other documentary evidence that the persons who were forcibly expelled from their houses, taken away and killed in the place called “Tisovac”, were unarmed civilians, who were not involved in armed conflicts in any way, and that there were 13 men, 10 women, including one child and three minor persons, all of whom aged from 9 to 74 and were under the protection of the Geneva Convention. Four civilians, who were also taken to the place called “Tisovac” to be killed, survived the execution. The fact that 23 persons were killed at the time of this criminal offense ensues also from the Record of the On-Site Investigation by the Basic Court in Mrkonjić Grad, Specialist's Findings and Opinion concerning the external examination of the persons' corpses, Death Certificates for the killed persons and other documentary evidence collected during the investigation. Survivors themselves and other proposed witnesses gave accounts of the condition of victims-survivors after the commission of this criminal offense.

Based on the evidence obtained during the investigation, it was established that at the time of the commission of the criminal offense with which they are charged, the suspect was a member of the Mrkonjić Brigade of the Army of Republika Srpska. This primarily ensues from the document of the Military Post number 7048 of 1 July 1993 and the document of MoI Banja Luka, number: 02-11347/07 of 18 October 2007; The suspect Jovo Jandrić formed a group of at least 10 armed persons to which, among others, the second suspect Slobodan Pekez voluntarily joined, and following the plan they agreed upon, that is, to collect the civilian Bosniak population from the villages of Ljoljići and Čerkazovići in order to take and kill them in the place of “Tisovac”, they participated in the action of rounding up, taking away and killing the civilian Bosniak population.

MATERIALS CORROBORATING THE ALLEGATIONS IN THE INDICTMENT

The materials corroborating the allegations in the Indictment include the following:

- Receipts no. X-KR-05/96-1 of 6 November 2008 issued by the Court of BiH;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 05.11.2007;

- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 15.05.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 06.06.2007 and 19.10.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 23.05.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 13.11.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 06.11.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 27.04.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 08.05.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 06.11.2007;
- Record on hearing the witness [REDACTED] MD, No. KT-RZ 116/05 of 14.11.2007;
- Record on hearing the witness [REDACTED] No. KT-RZ 116/05 of 17.03.2008;
- Transcript of court testimony of Jovo Jandrić in the main trial session dated 7 April 2009, with the corresponding CD;
- Transcript of court testimony of Pekez (Mile) Mirko in the main trial session dated 10 March 2008, with the corresponding CD;
- Decision on declaring the state of war in the territory of the Republic of Bosnia and Herzegovina (R BiH Official Gazette No. 7/92 of 20.06.1992);
- Regular Operative Report of the 5th Corps Command of Bosnian Serb Army No. OP.STR.POV. BR. 84-84, of 23.04.1992;
- Regular Combat Reports of the Command of the 1st Krajina Corps of Bosnian Serb Army No. OP.POV. BR. 44-1/160 of 03.06.1992, No. OP.STR.POV. BR. 44-1/180 of 14.06.1992, No. OP.STR.POV. BR. 44-1/195 of 23.06.1992, No. STR. POV. BR. 44-1/248 of 20.07.1992, No. STR. POV. BR. 44-1/286 of 09.08.1992, No. STR.POV. BR. 44-1/332 of 31.08.1992, No. STR. POV. BR. 44-1/440 of 26.10.1992;
- Order of the Command of the 1st Krajina Corps of Bosnian Serb Army No. OP.STR.PO.BR. 535-1 of 19.06.1992;
- On-site Investigation Report of the Basic Court in Mrkonjić Grad, No. Kri: 57/92 of 12.09.1992;
- Specialist's Findings and Opinion - external post-mortem examination of the body of [REDACTED], Šipovo Health Centre, dated 12.09.1992;
- Specialist's Findings and Opinion - external post-mortem examination of the body of [REDACTED] Šipovo Health Centre, dated 12.09.1992;

- Submission of data on military records of Jajce Public Security Station, No. 11-11/01-828/93 of 26.06.1993;
- Report upon Review of Military Records kept by Banja Luka based Ministry of Interior, No. 02-11347/07 of 18.10.2007;
- Decision on exhumation No. Kri.5/99 of 27.04.1999 made by Cantonal Court in Travnik;
- Record on exhumation No. Kri.5/99 of 28.04.1999 made by Cantonal Court in Travnik;
- Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED], No 117/99 of 08.05.1999;
- Certification of Death issued by Public Utility Enterprise City Cemeteries, Visoko, for [REDACTED] No 116/99 of 08.05.1999;
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- Certification of Death issued by Public Utility Enterprise City Cemeteries Visoko for [REDACTED] No 95/99 of 08.05.1999;
- Exhumation and Post-mortem Examination Findings for the territory of Jajce municipality, Institute of Forensic Medicine – Sarajevo Medical Faculty;
- Letter bearing standard mark „A“ for Marić Zoran, son of Simo, , No. 025287/GB/RR810 of 17.01.2002;
- “War Crimes Against Civilians on 10.09.1992 in the place of Tisovac, Jajce Municipality” CD;
- Decision of the Court of Bosnia and Herzegovina on Takeover of Criminal Cases no. KT-55/99 from the Cantonal Prosecutor’s Office in Travnik, no. X-KRN/05/96 dated 17.10. 2005;
- Order of the Court of Bosnia and Herzegovina, No. X-KRN-05/96 dated 28.05.2008 to issue both Central and International Arrest Warrant;
- Decision of the Republic of Serbia Ministry of Justice no. 713-01-05179/2008-08 dated 8 June 2009 to allow handover of Marić Zoran to Bosnia and Herzegovina;
- Decision of the Court of Bosnia and Herzegovina no. X-KRN/05/96 dated 8.07. 2009 to order the suspect Zoran Marić into custody.

After the analysis of the evidence collected during the investigation, both individually and in their correlation, we are of the opinion that there is sufficient evidence giving rise to grounded suspicion that the suspect Zoran Marić committed the criminal offense of War Crimes against Civilians in violation of Article 173 (1) items c) and f), in conjunction with Article 29 and Article 180 (1) of the CC BiH. Now therefore, we propose to the Preliminary Hearing Judge of the Court of BiH to confirm the Indictment and refer it for further proceedings.

Grounded suspicion is further corroborated by the fact that on 22 November 2007, the Prosecutor’s Office of BiH brought the Indictment No. KT-RZ 116/06 on 22 November 2007 against Mirko Pekez, son of Špiro, Mirko Pekez, son of Mile, and Milorad Savić, son of Ljupko, for the criminal offense of War Crimes against Civilians in violation of Article 173 (1)(c)(f), in conjunction with Article 29 and Article 180(1) of the BiH CC, with which the suspect Zoran Marić is also charged under the above mentioned Indictment. Following the court proceedings, in the final Verdict of the Appellate Panel of Section 1 for War Crimes of the

Court of BiH, No. X-KRŽ-05/96, the accused Mirko Pekez, son of Mile, was sentenced to 29 (twenty nine) years of long term imprisonment. Mirko Pekez, son of Špiro, was sentenced to 21 (twenty one) years of long term imprisonment and the accused Milorad Savić, son of Ljupko to 21 (twenty one) years of long-term imprisonment. The Prosecutor's Office of BiH also filed an Indictment against Jovo Jandrić and Slobodan Pekez, as co-perpetrators, for the same criminal offence, which was confirmed by the Court of BiH on 9 December 2008.

MOTION TO EXTEND CUSTODY

Pursuant to Article 227 (3), in conjunction with Article 137 of the CPC BiH, I propose to the Court, should it confirm this Indictment, to extend custody of the accused Zoran Marić, which was originally ordered by the Decision of the Court of BiH no. X-KRN/05/96 dated 8 July 2009 pursuant to Article 132, paragraph 1, item a) of the CPC BiH, namely due to the continued presence of risk of the suspect's flight and going into hiding with a view to avoiding the criminal prosecution and liability before the responsible bodies of Bosnia and Herzegovina.

As to the custody ground set forth under **Article 132 (1) item a) of the CPC BiH**, the Prosecutor's Office of BiH deems it well-founded. It is noteworthy that on 17 December 2002 the Cantonal Court of Travnik summoned the suspect Zoran Marić, who was accused at the time, to be heard as a suspect. The summons was not delivered to the suspect and it was indicated on the delivery note that he had moved elsewhere and that his current address was unknown.

The BiH Prosecutor's Office requested from the State Investigation and Protection Agency to check the addresses of the suspect. In this Agency Report number 14-04/2-423-5/05 of 9 November 2005, it is stated that Zoran Marić is not included in the CIPS database and that, according to the intelligence information he resides in the Republic of Serbia.

The BiH Prosecutor's Office issued Arrest Warrants for the suspects Jovo Jandrić, Mirko Pekez son of Špiro, Mirko Pekez son of Mile, Milorad Savić aka Mića, son of Ljupko, Zoran Marić and Slobodan Pekez, while the investigation against Simo Savić son of Mile, Ilija Pekez son of Mile, Milorad Savić son of Mile and Blagoje Jovetić son of Krstan was suspended on account of obstacles excluding the criminal prosecution – the suspects have died.

Acting upon the Arrest Warrants, the State Investigation and Protection Agency arrested Mirko Pekez son of Špiro, Mirko Pekez son of Mile and Milorad Savić aka Mića son of Ljupko and brought them to the BiH Prosecutor's Office. Upon the Motion of the BiH Prosecutor's Office, they were ordered into custody by the Decision of the Court of BiH number X-KRN-05/95 of 1 November 2007.

In the Official Report of the State Investigation and Protection Agency number 17-04/2-04-2-423-35/05 of 31 October 2007, it is stated that Jovo Jandrić son of Simo, Zoran Marić son of Branko and Slobodan Pekez son of Mile were not arrested. Jovo Jandrić does not have his residence registered in the territory of Bosnia and Herzegovina, and according to the operative findings, he lives in the territory of the Republic of Serbia. Zoran Marić son of Branko reported his residence in the place of Ljoljići – municipality Jezero – Jajce, but he does not live at the reported address, and according to the collected information he left the territory of Bosnia and Herzegovina and lives in the territory of the Republic of Serbia. Slobodan Pekez son of Mile reported the residence in the place of Čerkazovići-municipality Jezero-Jajce, but according to the intelligence obtained, he does not live at the reported address and pursuant to the available information he left the territory of Bosnia and Herzegovina and lives in the territory of the Republic of Serbia.

Bearing in mind such situation, the suspect Zoran Marić has undoubtedly undertaken actions of flight intending to avoid responding to the Court's summons and attending the criminal proceedings because he left the territory of Bosnia and Herzegovina and went to a neighboring state thus rendering himself unavailable to the law-enforcement agencies.

On 7 July 2009, the Republic of Serbia's competent authorities extradited Zoran Marić to the Court of BiH pursuant to the Arrest Warrant of the Court of BiH no. X-KRN-05/96 dated 28 May 2008.

Based on all the foregoing, I am of the opinion that the grounds to extend custody of the accused Zoran Marić set forth under Article 132 (1) item a) of the Criminal Procedure Code of BiH are satisfied, due to which I propose to the Preliminary Hearing Judge of Section I for War Crimes of the Criminal Department of the Court BiH, to uphold the Motion by the BiH Prosecutor's Office to extend custody, and extend custody of the Accused.

**PROSECUTOR
OF THE PROSECUTOR'S OFFICE OF BiH
Lečić Mirko
(Seal and signature affixed)**

*We hereby certify that this document is a true translation of the original written in Bosnia /Croatia /Serbian language.
Sarajevo, 23 July 2009*

*██████████
Certified Court Interpreter for the English Language*