

UNITED NATIONS

International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. **IT-03-69-PT**

Date: **10 July 2008**

TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Pedro R. David
Judge Michèle Picard

Registrar: Mr. Hans Holthuis

THE PROSECUTOR

v.

**JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ**

Public

**PROSECUTION NOTICE OF FILING OF THIRD AMENDED
INDICTMENT**

The Office of the Prosecutor:

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**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

CASE No. IT-03-69-PT

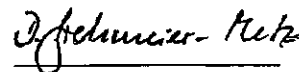
**THE PROSECUTOR
v.
JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ**

PROSECUTION NOTICE OF FILING OF THIRD AMENDED INDICTMENT

1. On 4 July 2008 the Trial Chamber issued its "Decision on Prosecution Motion to Amend the Revised Second Amended Indictment".¹ In that Decision, the Trial Chamber directed the Prosecution "to file, within seven days of this Decision, a final copy of the indictment that reflects the findings set out in this decision. That indictment will serve as the operative indictment in this case".²

2. An indictment that reflects the findings set forth in the Trial Chamber's 4 July Decision is hereby submitted for filing. This indictment is titled the "Third Amended Indictment".

Respectfully submitted,



For Dermot Groome
Senior Trial Attorney

Dated this 10th day of July 2008
At The Hague, The Netherlands

Words: 281

¹ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-T, "Decision on Prosecution Motion to Amend the Revised Second Amended Indictment", 4 July 2008 (hereinafter "Decision").

² Decision at paragraph 114, page 34.

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

THE PROSECUTOR

V.

JOVICA STANIŠIĆ AND FRANKO SIMATOVIĆ

Case No. IT-03-69-PT

THIRD AMENDED INDICTMENT

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-03-69-PT

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

**JOVICA STANIŠIĆ
AND
FRANKO SIMATOVIĆ**

THIRD AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia ("the Statute of the Tribunal"), charges:

**JOVICA STANIŠIĆ
and
FRANKO SIMATOVIĆ**

**With CRIMES AGAINST HUMANITY and VIOLATIONS OF THE
LAWS OR CUSTOMS OF WAR as set forth below:**

THE ACCUSED

1. **Jovica STANIŠIĆ** was born on 30 July 1950 in Ratkovo in the Autonomous Province of Vojvodina, Republic of Serbia. He commenced work in the State Security Service (*Državna Bezbednost*, hereinafter "DB") of the Ministry of the Internal Affairs (*Ministarstvo Unutrašnjih Poslova*, hereinafter "MUP") of the Republic of Serbia in 1975. He held the position of Deputy Head of the DB throughout 1991 and was *de facto* head of the DB until his formal appointment to the position of Head or Chief of the DB from 31 December 1991 to 27 October 1998.
2. **Franko SIMATOVIĆ**, also known as "Frenki", was born on 1 April 1950 in Belgrade, Republic of Serbia. He commenced work with the DB in 1978 and worked in various roles until 2001. He initially worked in counter intelligence and then moved into the newly formed Intelligence Administration (or Second Administration) of the DB and as such was the commander of the Special Operations Unit of the DB. Throughout the Indictment period, **Franko SIMATOVIĆ** functioned under the authority of **Jovica STANIŠIĆ**.

STATEMENT OF FACTS

3. In or about April 1991, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** helped to establish a training centre in Golubić, near Knin, in the Serb Autonomous Region (*Srpska Autonomna Oblast*, hereinafter "SAO") of Krajina in the Republic of Croatia (hereinafter "Croatia"). At this training centre, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** organised, supplied, financed, supported and directed the training of "Serb Forces" as defined below by members of the Republic of Serbia DB. Additional training centres were subsequently established in Serb-held parts of Croatia and Bosnia and Herzegovina (hereinafter "BiH"). The training centres were financed by the Serbian DB.

4. Volunteers and conscripts were trained at these centres. Some were subsequently deployed to the special units of the Serbian DB or became instructors in other units affiliated with the Serbian DB. These special units were secretly established by or with the assistance of the Serbian DB from no later than April 1991 and continued throughout the period described in the Indictment. They were established for the purpose of undertaking special military actions in Croatia and BiH. These units (hereinafter referred to as "special units of the Republic of Serbia DB") included groups or members of groups known by the following names: Special Purpose Unit of the MUP Serbia, JATD (*Jedinice za antiteroristička dejstva*) and JSO (*Jedinice za specijalne operacije*) (both also known as "Red Berets" or "*Crvene Beretke*"), Scorpions (*Škorpioni*), Serbian Volunteer Guard (*Srpska Dobrovoljačka Garda*, hereinafter "SDG") also known as "Arkan's Men" and "*Arkanovci*", and the elite SDG unit known as "Arkan's Tigers". These units often operated in coordination with other "Serb Forces" as defined below.

5. As well as being deployed to the special units of the Serbian DB, those trained at the training centres were deployed to locations in Croatia where they were subordinated to or operated in coordination with other "Serb Forces" as defined below, in particular the local Serb Territorial Defence (*Teritorijalna Odbrana*, hereinafter "TO") of the SAO of Krajina and Slavonija, Baranja, and Western Srem (*Slavonija, Baranja, i Zapadni Srem*, hereinafter "SBWS") in Croatia and local MUP Forces, or were deployed to locations in BiH where they were subordinated to or operated in coordination with other "Serb Forces" as defined below, in particular the local Serb TO, which later became the Army of Republika Srpska (*Vojska Republike Srpske*, hereinafter "VRS") and the Bosnian Serb police forces and special police forces. **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** directed and organised the financing, training, logistical support and other substantial assistance or support to special units of the Republic of Serbia DB and other Serb Forces which were involved in the commission of crimes in Croatia and BiH during the Indictment period. They continued to send forces and provide support over an extended period of time, failed to instruct them to refrain from committing

unlawful acts, and failed to stop replenishing the forces on the ground who were committing unlawful acts.

6. For the purposes of this Indictment and specifically the joint criminal enterprise (hereinafter "JCE") of which the Accused were members, the term "Serb Forces" is used to refer to the following:
- a. The members of the Yugoslav People's Army (*Jugoslovenska Narodna Armija*, hereinafter "JNA"), later the Yugoslav Army (*Vojska Jugoslavije*, hereinafter "VJ");
 - b. The newly-formed Serb TO in the SAO Krajina and the SAO SBWS which later became the Army of SAO Krajina (*Srpska Vojska Krajine* hereinafter "SVK");
 - c. The newly formed TO in BiH which later became the VRS;
 - d. The TO of the Republic of Serbia;
 - e. The special units of the Republic of Serbia DB;
 - f. The newly formed special police and police forces of the SAO Krajina, later incorporated into the *Republika Srpska Krajina* (hereinafter "RSK") MUP, who were commonly referred to as "Martić's Police", "*Martićevci*", "SAO Krajina Police" or "*SAO Krajina Milicija*" (hereinafter, "Martić's Police");
 - g. The newly formed special police and police forces of the SAO SBWS, including the Serb National Security (*Savet za Nacionalnu Bezbednost*, hereinafter "SNB") (hereinafter "SAO SBWS MUP Forces"), which were later incorporated into the RSK MUP;
 - h. The newly formed police forces and special police forces in Serb – controlled territories in BiH which later became the police and special police forces of the *Republika Srpska* MUP; and
 - i. Members of Serbian, Montenegrin, Bosnian Serb and Croatian Serb paramilitary and volunteer formations including "Chetniks" or "Šešeljevci".

7. **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** had responsibility for the special units of the Republic of Serbia DB and they organised, supplied, financed, supported, and directed their involvement in particular operations in Croatia and BiH.
8. From no later than April 1991 through to the end of 1991, Serb Forces, in particular special units of the Republic of Serbia DB operating in coordination with the JNA, the TO, and paramilitary forces, committed crimes in and attacked and took control of towns and villages in the SAO Krajina and the SAO SBWS.
9. From March 1992 and continuing through 1995, Serb Forces, in particular special units of the Republic of Serbia DB, committed crimes in and attacked and took control of towns and villages in the municipalities of Bijeljina, Bosanski Šamac, Doboj, Sanski Most, Zvornik, and committed crimes in Trnovo.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) of the Statute of the Tribunal

10. **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** are individually criminally responsible for the crimes referred to in Articles 3 and 5 of the Statute of the Tribunal as described in this Indictment, which they planned, ordered, committed and/or in whose planning, preparation and/or execution they otherwise aided and abetted. By using the word "committed" in this Indictment, the Prosecutor does not allege that the accused physically committed any of the crimes charged personally. "Committed" in this Indictment refers to the participation of **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** as co-perpetrators in a joint criminal enterprise.

11. The JCE came into existence no later than April 1991 and continued in existence until at least 31 December 1995.
12. Numerous individuals participated in this JCE. Each participant, by acts or omissions, contributed to achieving the objective of the enterprise. Individuals who participated in this JCE, thereby significantly furthering the objective of the enterprise, included the accused **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ**; **Slobodan MILOŠEVIĆ**; **Veljko KADIJEVIĆ**; **Blagoje ADŽIĆ**; **Ratko MLADIĆ**; **Radmilo BOGDANOVIĆ**; **Radovan STOJIČIĆ**, also known as "Badža"; **Mihalj KERTES**; **Milan MARTIĆ**; **Goran HADŽIĆ**; **Milan BABIĆ**; **Radovan KARADŽIĆ**; **Momčilo KRAJIŠNIK**; **Biljana PLAVŠIĆ**; **Miéo STANIŠIĆ**; **Željko RAŽNATOVIĆ**, also known as "Arkan"; **Vojislav ŠEŠELJ**; and other members of the Serb Forces. Alternatively, the individuals named in this paragraph participated in a JCE and implemented its objective through the use of members or groups of the Serb Forces.
13. The objective of this joint criminal enterprise was the forcible and permanent removal of the majority of non-Serbs, principally Croats, Bosnian Muslims and Bosnian Croats, from large areas of Croatia and BiH, through the commission of the crimes of Persecution, Murder, Deportations and Inhumane Acts (Forcible Transfers). **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** participated in the joint criminal enterprise as co-perpetrators in the ways set out below.
14. The crimes charged in this Indictment were within the objective of the joint criminal enterprise and **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** shared the intent to further the common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and BiH, through the commission of each of these crimes. Alternatively, the common criminal purpose was to forcibly and permanently remove, through deportation

and forcible transfer, the majority of the Croats, Muslims and other non-Serbs from large areas of BiH and Croatia, and the crimes of persecution and murder were reasonably foreseeable to **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** as a possible consequence of the execution of the JCE and with that awareness, they participated in the enterprise.

15. **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** participated in the joint criminal enterprise in the following ways:
- a. They provided channels of communication between and among the core members of the JCE in Belgrade, in the specific regions, and locally throughout the Indictment period;
 - b. They directed and organised the formation of special units of the Republic of Serbia DB and other Serb Forces which were involved in the commission of crimes in Croatia and BiH during the Indictment period:
 - c. They directed and organised the financing, training, logistical support and other substantial assistance or support to special units of the Republic of Serbia DB and other Serb Forces which were involved in the commission of crimes in Croatia and BiH during the Indictment period. They continued to send forces and provide support over an extended period of time, failed to instruct them to refrain from committing unlawful acts, and failed to stop replenishing the forces on the ground who were committing unlawful acts.

16. In addition, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** participated in the design of these crimes. Moreover, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** were in a position of authority, which they used to instruct others to commit offences. **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** intended the commission of the crimes charged in this Indictment or were aware of the substantial likelihood that such crimes would be committed in the execution of the plan or the order. Furthermore, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** gave practical assistance, encouragement or moral support to the persons who carried out the crimes of persecution, deportation, forcible transfer and murder, which had a substantial effect on the commission of the crimes; they did so with the knowledge required. The acts described in this Indictment as contributions to the JCE also amount to acts of planning, ordering, and/or aiding and abetting.
17. **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** participated in the joint criminal enterprise, sharing the intent with the other participants in the joint criminal enterprise or being aware of the foreseeable consequences of this enterprise: and on this basis they bear individual criminal responsibility for the commission of these crimes under Article 7(1) of the Statute of the Tribunal. In addition to their responsibility under Article 7(1) for committing as part of a joint criminal enterprise, they are also criminally responsible for having planned, ordered and/or otherwise aided and abetted in the planning, preparation and/or execution of these crimes.

GENERAL LEGAL ALLEGATIONS

18. All acts and omissions alleged in this Indictment occurred on the territory of the former Yugoslavia.
19. At all times relevant to this Indictment, a state of armed conflict existed in Croatia and BiH.

20. At all times relevant to this Indictment, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** were required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the Additional Protocols thereto.
21. All acts and omissions charged in this Indictment as crimes against humanity were part of widespread or systematic attacks directed against the Croat, Bosnian Muslim, Bosnian Croat and other non-Serb civilian populations within large areas of Croatia and BiH.

THE CHARGES

COUNT 1

PERSECUTIONS

22. From no later than 1 April 1991 until 31 December 1995, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ**, acting in concert with other members of the JCE, committed persecutions of Croats, Bosnian Muslims and Bosnian Croats and other non-Serbs within the SAO Krajina, SAO SBWS and the BiH municipalities of Bijeljina, Bosanski Šamac, Doboj, Sanski Most, Trnovo (of Muslim civilians from Srebrenica) and Zvornik. Alternatively, or in addition, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ**, planned, ordered, and/or otherwise aided and abetted the planning, preparation and/or execution of persecutions of Croats, Bosnian Muslims and Bosnian Croats and other non-Serbs within the SAO Krajina, SAO SBWS and the BiH municipalities of Bijeljina, Bosanski Šamac, Doboj, Sanski Most, Trnovo (of Muslim civilians from Srebrenica) and Zvornik.
23. Throughout this period, special units of the Republic of Serbia DB, acting alone or in conjunction with the other Serb Forces, took control of towns and villages in the territories of Croatia and BiH referred to above (with the

exception of Trnovo). After the take-over, special units of the Republic of Serbia DB, acting alone or in conjunction with the other Serb Forces, established a regime of persecutions designed to force Croats, Bosnian Muslims, Bosnian Croats and other non-Serbs to leave these territories.

24. These persecutions were committed through discrimination on the grounds of race, religion or politics, and included:
- a) The murder of Croat, Bosnian Muslim, Bosnian Croat and other non-Serb civilians, as described in paragraphs 26 to 63 of this Indictment.
 - b) The forcible transfer and deportation of Croat, Bosnian Muslim, Bosnian Croat and other non-Serb civilians, as described in paragraphs 64 and 65 of this Indictment.
25. By the acts and omissions described in this Indictment, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** committed, planned, ordered, and/or otherwise aided and abetted the planning, preparation and/or execution of:

COUNT 1: PERSECUTIONS ON POLITICAL, RACIAL OR RELIGIOUS GROUNDS, a CRIME AGAINST HUMANITY, punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal.

COUNTS 2 and 3

MURDER

26. From no later than April 1991 until 31 December 1995, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ**, acting in concert with other members of the JCE, committed murder and wilful killing of non-Serbs, principally Croats, Bosnian Muslims and Bosnian Croats, as described below. The murder and wilful killing were effected by the killing of Croats, Bosnian Muslims, Bosnian Croats and other non-Serbs in their towns and villages during and after the

take-over of the SAO Krajina, SAO SBWS and territories in BiH in the municipalities of Bosanski Šamac, Doboj, Sanski Most, Trnovo (of Muslim civilians from Srebrenica) and Zvornik. Alternatively, or in addition, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** planned, ordered, and/or otherwise aided and abetted the planning, preparation and/or execution of the murder and wilful killing of non-Serbs, principally Croats, Bosnian Muslims and Bosnian Croats and other non-Serbs in their towns and villages during and after the take-over of the SAO Krajina, SAO SBWS and territories in BiH in the municipalities of Bosanski Šamac, Doboj, Sanski Most, Trnovo (of Muslim civilians from Srebrenica) and Zvornik.

SAO KRAJINA

27. From on or about 7 October 1991, Serb Forces, in particular members of Martić's Police acting in coordination with the JNA and members of the local Serb TO, were in control of the area of Hrvatska Kostajnica. Most of the Croat civilians fled their homes during the September 1991 attack. Approximately 120 Croats, mostly women, elderly or the infirm remained in the villages of Dubica, Cerovljani and Baćin. On the morning of 20 October 1991, Serb Forces, in particular members of Martić's Police, rounded up fifty-three civilians in Dubica and detained them in the village fire station. Over the course of the day and night Serb Forces, in particular Martić's Police, released ten of these civilians because they were Serbs or had connections with Serbs. On 21 October 1991, Serb Forces, particularly members of Martić's Police, took the remaining forty-three detained Croats to a location near the village of Baćin. Members of Martić's Police and other Serb Forces also brought at least thirteen additional non-Serb civilians from Baćin and Cerovljani to this location, and executed all fifty-six of them. (Last Incident Dropped).
28. From early August 1991 until 12 November 1991, the Croatian villages of Saborsko, Poljanak and Lipovača were attacked by Serb Forces, in particular members of Martić's Police, the JNA and members of the local Serb TO.

These attacking forces killed or forcibly transferred or deported all remaining non-Serb inhabitants of the villages they found as they entered the villages.

29. (Dropped)
30. On 7 November 1991, Serb Forces, particularly JNA and local Serb TO units, and specifically a JNA special unit from Niš, entered the hamlet of Vukovići near Poljanak and killed nine civilians.
31. On 12 November 1991, Serb Forces, particularly members of Martić's Police, JNA and local Serb TO units, entered the village of Saborsko where they killed at least twenty Croat civilians and razed the village to the ground.
32. In November 1991, Serb Forces, particularly members of Martić's Police, JNA and local Serb TO units, attacked the village of Škabrnja, near Zadar. On 18 November 1991, they moved from house to house in Škabrnja and killed at least thirty-eight non-Serb civilians in their homes or in the streets.
33. (Dropped)
34. (Dropped)
35. On 21 December 1991, Serb Forces, particularly members of Martić's Police, entered the village of Bruška and the hamlet of Marinović where they killed ten civilians, including nine Croats.

SAO SBWS

36. In September and October 1991, Serb Forces, particularly SAO SBWS TO and SAO SBWS MUP Forces arrested Croat civilians and kept them in a detention facility in the police building in Dalj. On 21 September 1991, Goran Hadžić and Željko Ražnatović visited the detention facility and ordered the release of two of the detainees. Serb Forces, particularly SAO SBWS TO, SAO SBWS MUP Forces and Arkan's SDG led by Željko Ražnatović, shot and killed eleven detainees and buried them in a mass grave in the village of Čelije.
37. On 4 October 1991, Serb Forces, particularly SAO SBWS TO, SAO SBWS MUP Forces and Arkan's SDG, led by Željko Ražnatović, entered the detention facility in the police building in Dalj and shot twenty-six Croat civilian detainees and dumped them into the nearby Danube River.
38. On 9 November 1991, Serb Forces, particularly SAO SBWS TO, SAO SBWS MUP Forces and members of Arkan's SDG led by Željko Ražnatović arrested at least nine ethnic Hungarian and Croat civilians in Erdut, Dalj Planina, and Erdut Planina and took them to the training centre of the TO in Erdut where they shot them dead the following day. The bodies of eight of the victims were buried in the village of Čelije and one victim was buried in Daljski Atar. Several days after 9 November 1991, members of the SNB of the SAO SBWS in co-operation with several members of Arkan's SDG arrested and executed three civilians, two of them family members of the original Hungarian victims who had inquired about the fate of their relatives. They threw their bodies into a well in Borovo. On 3 June 1992, members of the SNB, in co-operation with members of "Arkan's SDG", arrested Marija Senaši (born 1937), a female family member of the original Hungarian victims who had continued to make inquiries about the fate of her relatives. They subsequently murdered Marija Senaši, and threw her body into an abandoned well in Dalj Planina.

39. On 11 November 1991, Serb Forces, particularly SAO SBWS TO, SAO SBWS MUP Forces and members of Arkan's SDG led by Željko Ražnatović arrested five non-Serb civilians in the village of Klisa and two in Dalj and Bijelo Brdo. They took the civilian detainees to a house in Erdut where they beat and interrogated them. Later that night, Arkan's men took them to the TO training centre in Erdut, where they were further interrogated. Two of the detainees, who had Serb relatives, were released. Arkan's SDG then killed the remaining five detainees and buried them in a mass grave in the village of Čelije.
40. (Dropped)
41. (Dropped)
42. From 22 December 1991 to 25 December 1991, Serb Forces, particularly SAO SBWS TO, SAO SBWS MUP Forces and members of Arkan's SDG led by Željko Ražnatović detained seven ethnic Hungarian and Croat civilians in Erdut and took them to the TO training centre in Erdut. On or around 26 December 1991, they shot and killed the seven detainees. Six of the victims were buried in Daljski Atar.
43. (Dropped)

BOSNIA AND HERZEGOVINA

BIJELJINA

44. (Dropped)
45. (Dropped)

BOSANSKI ŠAMAC

46. On or about 11 April 1992, Serb Forces, particularly special units of the Republic of Serbia DB, arrived in Bosanski Šamac from the Republic of Serbia at the request of local Bosnian Serb leaders. The members/leaders of the special units of the Republic of Serbia DB included Dragan Đorđević, also known as "Crni," Srećko Radovanović, also known as "Debeli", and Slobodan Miljković, also known as "Lugar".
47. On 17 April 1992, Serb Forces, in particular the special units of the Republic of Serbia DB and local forces who had been trained by members of the special units of the Republic of Serbia DB, attacked and took control over the town of Bosanski Šamac.
48. Beginning with the attack of Bosanski Šamac on 17 April 1992, Serb Forces, in particular special units of the Republic of Serbia DB, detained non-Serb civilians at or near the Bosanski Šamac police headquarters (hereinafter SUP) and TO buildings. On several occasions between 17 April 1992 and 31 July 1992 members of the special units of the Republic of Serbia DB beat and/or otherwise mistreated the non-Serb detainees.
49. (Dropped)
50. On or about 6 May 1992, approximately 50 Bosnian Croat and Bosnian Muslim detainees who had been detained at the Bosanski Šamac TO building were moved by the Serb authorities to an agricultural building in the nearby village of Crkvina (hereinafter referred to as "Crkvina"). On or about 7 May 1992, Slobodan Miljković and Dragan Đorđević with other members of the Serb Forces, including special units of the Republic of Serbia DB, went to

Crkvina. They beat the non-Serb detainees and shot and killed at least sixteen of the non-Serb civilian detainees.

DOBOJ

51. Serb Forces, particularly Special units of the Republic of Serbia DB, established a training centre for local Serb Forces at Mt. Ozren in the municipality of Doboj in early 1992.
52. On or about the night of 2 May 1992, the take-over of Doboj began when Serb Forces, in particular special units of the Republic of Serbia DB, attacked and took control of the undefended town. Over the next few weeks Serb Forces attacked different towns and villages in the municipality.
53. (Dropped)
54. On or about July 12, 1992, Serb Forces, in particular special units of the Republic of Serbia DB, used non-Serb detainees as human shields and approximately twenty-seven of these civilians were killed.

SANSKI MOST

55. In September 1995, Željko Ražnatović and members of Arkan's SDG arrived in Sanski Most at the request of Bosnian Serb leaders.
56. On or about 20 September 1995, members of Arkan's SDG took twelve non-Serb men from various locations in Sanski Most and transported them in a truck to a site approximately five kilometres from Sanski Most, in the village of Trnova. At this location, they executed eleven of the men and shot and seriously wounded the twelfth.

57. On or about 21 September 1995, members of Arkan's SDG abducted and detained a group of non-Serb civilians in Sanski Most, moving them to Sasina. In Sasina, they removed the non-Serb civilians from the vehicles at the western base of the hill near the village church. At this spot, members of Arkan's SDG shot the group, killing approximately sixty-five of them.

SREBRENICA/TRNOVO

Background facts

58. On 8 March 1995, Radovan Karadžić, as the Supreme Commander of the VRS, issued Operational Directive 7, which ordered the Drina Corps of the VRS, in furtherance of two of the "six strategic objectives" adopted at the 16th session of the Bosnian Serb Assembly on 12 May 1992, to "By planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica...".
59. On 6 July 1995, the VRS and other Serb Forces under the command and control of General Ratko Mladić attacked the Srebrenica enclave. On 11 July 1995 Mladić and VRS and other Serb Forces under his command and control entered Srebrenica. Between 12 July and about 20 July 1995, thousands of Bosnian Muslim men and boys were captured by, or surrendered to, VRS under the command and control of General Ratko Mladić.

Murders at Trnovo

60. In June 1995, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** ordered the Scorpions, a special unit of the Republic of Serbia DB, to travel from their base in Deletovci in the RSK (SBWS), to Serb controlled territory near Sarajevo. The Scorpions arrived in BiH in early July 1995 and based

themselves in the village of Trnovo, at the foot of Treskavica Mountain, near Sarajevo.

61. In July 1995, certain Muslim men and boys who were captured after the fall of the Srebrenica enclave were taken to the base of the Scorpions at Trnovo. On the orders of Slobodan Medić (Boca) members of the Scorpions took six of these detainees by truck to a secluded rural area at Godinjske Bare, several kilometres from their base, where they murdered them by shooting them. Acting on Medić's orders, members of the Scorpions videotaped the murders.

ZVORNIK

62. On or about 8 April 1992, Serb Forces, in particular Željko Ražnatović, and members of Arkan's SDG, attacked and took control of Zvornik. During this attack they killed approximately 20 non-Serb civilians in Zvornik.
63. By the acts and omissions described in this Indictment, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** committed, planned, ordered, and/or otherwise aided and abetted the planning, preparation and/or execution of:

COUNT 2: MURDER, a CRIME AGAINST HUMANITY, punishable under Articles 5(a) and 7(1) of the Statute of the Tribunal.

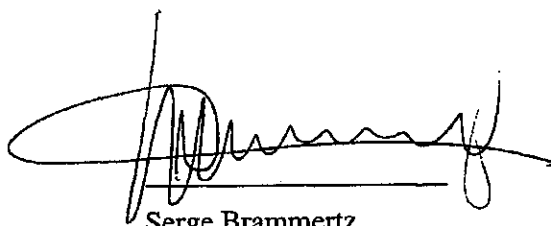
COUNT 3: MURDER, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Common Article 3(1)(a) of the Geneva Conventions of 1949, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

COUNTS 4 AND 5**DEPORTATION AND INHUMANE ACTS (FORCIBLE TRANSFERS)**

64. From no later than April 1991 until 31 December 1995, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ**, acting in concert with other members of the JCE, committed unlawful forcible transfer or deportation of thousands of Croat, Bosnian Muslim, Bosnian Croat and other non-Serb civilians from locations in which they were lawfully present in the SAO Krajina, SAO SBWS and territories of BiH in the municipalities of Bijeljina, Bosanski Šamac, Doboj, Sanski Most, and Zvornik to other countries or other areas inside the country. Alternatively, or in addition, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** planned, ordered, and/or otherwise aided and abetted the planning, preparation and/or execution of unlawful forcible transfer or deportation of thousands of Croat, Bosnian Muslim, Bosnian Croat and other non-Serb civilians from locations in which they were lawfully present in the SAO Krajina, SAO SBWS and territories of BiH in the municipalities of Bijeljina, Bosanski Šamac, Doboj, Sanski Most, and Zvornik to other countries or other areas inside the country.
65. The attacks, killings, arbitrary arrest and detention, burnings of Catholic churches and mosques, forced labour, torture, harassment, use of human shields, looting, rape and other forms of sexual abuse, as well as the threat of further persecutory acts, which targeted non-Serb civilians in SAO Krajina, SAO SBWS, Bijeljina, Bosanski Šamac, Doboj, Sanski Most, and Zvornik caused the non-Serb population to flee from these areas in which they were lawfully present to other parts of Croatia and BiH and to other countries. The forcible transfer and/or deportation took different forms, including forced expulsions.
66. By the acts and omissions described in this Indictment, **Jovica STANIŠIĆ** and **Franko SIMATOVIĆ** committed, planned, ordered, and/or otherwise aided and abetted the planning, preparation and/or execution of:

COUNT 4: DEPORTATION, a CRIME AGAINST HUMANITY, punishable under Articles 5(d) and 7(1) of the Statute of the Tribunal.

COUNT 5: INHUMANE ACTS (FORCIBLE TRANSFER), a CRIME AGAINST HUMANITY, punishable under Articles 5(i) and 7(1) of the Statute of the Tribunal.

A handwritten signature in black ink, appearing to read 'Serge Brammertz', written over a horizontal line.

Serge Brammertz

Prosecutor

Dated 9 July 2008

At The Hague

The Netherlands