

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

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

**THE PROSECUTOR OF THE TRIBUNAL**

**AGAINST**

**JOVICA STANISIC**

**AND**

**FRANKO SIMATOVIC**

**SECOND AMENDED INDICTMENT**

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

**JOVICA STANISIC**

**and**

**FRANKO SIMATOVIC**

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

**THE ACCUSED**

1. **Jovica STANISIC** 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 (*Drzavna bedzbednost* or "DB") of the Ministry of the Internal Affairs of the Republic of Serbia (*Ministarstvo Unutrasnjih Poslava* or "MUP") 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 SIMATOVIC**, 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. During the time relevant to the Indictment he initially worked 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.

**STATEMENT OF FACTS**

3. From no later than May 1991, and at other times during the period relevant to this Indictment, secret units which were not legally authorised were established by or with the assistance of the Serbian DB for the purpose of undertaking special military actions in the Republic of Croatia (hereinafter "Croatia") and Bosnia and Herzegovina (hereinafter "BiH"). These units (hereinafter referred to as "special units of the Republic of Serbia DB") included, but were not limited to, groups known by the following names: Red Berets, Scorpions, Arkan's Tigers also known as Arkan's Men or Arkanovci, "Martic's Police", Militia of the so-called Serbian Autonomous District *Srpska autnomna oblast* (hereinafter "SAO") of Slavonia, Baranja and Western Srijem/Srem (hereinafter "SBWS"), JSO (*Jedinice specijalne operacije*) and JATD (*Jedinice za antiteroristicka dejstva*).
4. In or about April 1991, **Franko SIMATOVIC**, under the authority of **Jovica STANISIC**, helped to establish a training centre in Golubic, near Knin in the SAO Krajina, where armed units were trained. Additional training centres were subsequently established and financed by the Republic of Serbia DB. Volunteers and conscripts trained at these centres were deployed to special units of the Republic of Serbia DB or were deployed to locations in Croatia where they were subordinated to the Territorial Defence (hereinafter "TO") including the TO of the so-called SAO SBWS, "Martic's Police," also known as the "Marticevci," the "SAO Krajina Police" or "SAO Krajina Milicija" (hereinafter "Martic's Police"), the TO or to locations in BiH where they were subordinated to the Bosnian Serb Army or *Vojska Republike Srpske* (hereinafter "VRS"), TO or local SDS units.
5. **Franko SIMATOVIC** had responsibility for these special units of the Republic of Serbia DB and directed their involvement in particular operations in Croatia and BiH.
6. From April 1991 through to the end of 1991, Serb forces in Croatia, including forces of the TO and Martic's Police, which were directed, organised, trained, supplied, armed, and financed in part through **Jovica STANISIC** and **Franko SIMATOVIC**, along with Yugoslav People's Army (hereinafter "JNA") and paramilitary forces, attacked and took control of towns and villages in the SAO Krajina and the SAO SBWS.
7. From March 1992 and continuing through 1995, special units of the Republic of Serbia DB, organised, trained and financed in part through **Jovica STANISIC** and **Franko SIMATOVIC**, along with Serb forces in BiH, attacked and took control of towns and villages in the municipalities of Bijeljina, Bosanski Samac, Dobojski Most, Srebrenica and Zvornik.

### **INDIVIDUAL CRIMINAL RESPONSIBILITY**

#### **Article 7(1) of the Statute of the Tribunal**

8. **Jovica STANISIC** and **Franko SIMATOVIC** 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 or in whose planning, preparation 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 includes participation in a joint criminal enterprise.

9. 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 Persecutions, Murder, Deportations and Inhumane Acts (Forcible Transfers). **Jovica STANISIC** and **Franko SIMATOVIC** participated in the joint criminal enterprise as co-perpetrators or as aiders and abettors, in the ways set out below.
10. The crimes charged in this Indictment were within the joint criminal enterprise and **Jovica STANISIC** and **Franko SIMATOVIC** held the state of mind necessary for the commission of each of these crimes, that is: Count 1, Persecutions, the intent to violate basic and fundamental rights of Croats, Bosnian Muslims, Bosnian Croats, and other non-Serbs on the basis of religion, race or political beliefs; Counts 2 and 3, Murder, the intent to kill or inflict serious injury in reckless disregard of human life; Counts 4 and 5, Deportations and Inhumane Acts (Forcible Transfers), the knowing and intentional participation in expulsion or coercive conduct to forcibly deport or transfer one or more persons to another State or location without grounds permitted by international law and/or wilful intention to force persons to leave their territory without grounds permitted by international law. Alternatively, the crimes charged in this Indictment were natural and foreseeable consequences of the execution of the object of the joint criminal enterprise. **Jovica STANISIC** and **Franko SIMATOVIC** were aware that such crimes were the possible outcome of the execution of the joint criminal enterprise.
11. The joint criminal enterprise was in existence no later than 1 August 1991 and continued until at least 31 December 1995.
12. Numerous individuals participated in this joint criminal enterprise. Each participant, by acts or omissions, contributed to achieving the objective of the enterprise. Individuals who participated in this joint criminal enterprise, thereby significantly furthering the objective of the enterprise, included the accused **Jovica STANISIC** and **Franko SIMATOVIC**; **Slobodan MILOSEVIC**; **Veljko KADIJEVIC**; **Blagoje ADZIC**; **Ratko MLADIC**; **Radmilo BOGDANOVIC**; **Radovan STOJICIC**, also known as "Badza"; **Mihalj KERTES**; **Milan MARTIC**; **Radovan KARADZIC**; **Biljana PLAVSIC**; **Zeljko RAZNATOVIC**, also known as "Arkan"; **Vojislav SESELJ**; and other members of the JNA, later the Army of the Federal Republic of Yugoslavia (hereinafter "VJ"), the VRS and the army of the Republic of Serbian Krajina (hereinafter "VRSK"); the Serb TO of Croatia, BiH, Serbia and Montenegro; local police forces and Serbian MUP, including the DB of Serbia and Martic's Police; and members of Serbian, Montenegrin and Bosnian Serb paramilitary forces units.
13. **Jovica STANISIC** and **Franko SIMATOVIC**, acting individually and/or in concert with other members of the joint criminal enterprise participated in the joint criminal enterprise in the following ways:

They participated in the formation, financing, supply and support of special units of the Republic of Serbia DB;

They directed members and agents of the DB who participated in the perpetration of the crimes in this Indictment;

They provided arms, funds, training, logistical support and other substantial assistance or support to special units of the Republic of Serbia DB that were involved in the commission

of crimes in Croatia and BiH between 1 August 1991 and 31 December 1995.

14. **Jovica STANISIC** and **Franko SIMATOVIC** knowingly and wilfully participated in the joint criminal enterprise, while being aware of the foreseeable consequences of this enterprise. On this basis they bear individual criminal responsibility for these crimes under Article 7(1) of the Statute of the Tribunal, in addition to their responsibility under Article 7 (1) for having planned, ordered or otherwise aided and abetted in the planning, preparation and execution of these crimes.

### **GENERAL LEGAL ALLEGATIONS**

15. All acts and omissions alleged in this Indictment occurred on the territory of the former Yugoslavia.
16. At all times relevant to this Indictment, a state of armed conflict existed in Croatia and BiH.
17. At all times relevant to this Indictment, **Jovica STANISIC** and **Franko SIMATOVIC** 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.
18. All acts and omissions charged in this Indictment as crimes against humanity were part of widespread or systematic attacks directed against the Croats, Bosnian Muslims, Bosnian Croats and other non-Serb civilian populations within large areas of Croatia and BiH.

### **THE CHARGES**

#### **COUNT 1 PERSECUTIONS**

19. From on or about 1 April 1991 until 31 December 1995, **Jovica STANISIC** and **Franko SIMATOVIC**, acting alone or in concert with members of the joint criminal enterprise, planned, ordered, committed or otherwise aided and abetted the planning, preparation 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 Samac, Doboј, Sanski Most, Srebrenica and Zvornik.
20. Throughout this period, Serb forces comprised of special units of the Republic of Serbia DB, acting alone or in conjunction with other Serb forces including: Serbian MUP; the JNA, later divided into the VJ, VRS and VRSK; local TO units; Republika Srpska police forces; and other paramilitary units took control of towns and villages in these territories. After take-over, Serb forces, in co-ordination with local Serb authorities, established a regime of persecutions designed to drive the Croats, Bosnian Muslims, Bosnian Croats and other non-Serbs from these territories.
21. These persecutions were committed on the discriminatory grounds of political affiliation, race or religion and included:
  - a. The murder of Croats, Bosnian Muslims, Bosnian Croats and other non-Serb civilians, as described in paragraphs 23 to 67 of this Indictment.

- b. The forcible transfer and deportation of Croats, Bosnian Muslims, Bosnian Croats and other non-Serb civilians, as described in paragraphs 68 to 69 of this Indictment.
- 22. By these acts and omissions, **Jovica STANISIC** and **Franko SIMATOVIC** acting alone or in concert with members of the joint criminal enterprise, planned, ordered, committed or otherwise aided and abetted the planning, preparation 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**

- 23. From on or about May 1991 until 31 December 1995, **Jovica STANISIC** and **Franko SIMATOVIC** acting alone or in concert with other members of the joint criminal enterprise planned, ordered, committed or otherwise aided and abetted the planning, preparation or execution of the murder and wilful killing of non-Serbs, principally Croats, Bosnian Muslims and Bosnian Croats. 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 Bijeljina, Bosanski Samac, Doboј, Sanski Most, Srebrenica and Zvornik.

**SAO KRAJINA**

- 24. From on or about 7 October 1991, members of Martic's Police and other Serb forces, in particular the JNA and members of the local Serb TO, were in control of the area of Hrvastka Kostajnica. Most of the Croat civilians fled their homes during the September 1991 attack. Approximately 120 Croat citizens, mostly women, elderly or the infirm remained in the villages of Dubica, Cerovljani and Bacin. On the morning of 20 October 1991, members of Martic's Police and other Serb forces rounded up fifty-three civilians in Dubica and detained them in the village fire station. Over the course of the day and night ten of these civilians were released because they were Serbs or had connections with Serbs. On 21 October 1991, members of Martic's Police and the other Serb forces described above took the remaining forty-three detained Croats to a location near the village of Bacin. Members of Martic's Police and other Serb forces also brought at least thirteen additional non-Serb civilians from Bacin and Cerovljani to this location. All fifty-six non-Serb civilians were executed in this location. At approximately the same time the members of Martic's Police and the other Serb forces described above took away an additional thirty civilians from Bacin and twenty-four from the villages of Dubica and Cerovljani to an unknown location where the civilians were killed.
- 25. From early August 1991 until 12 November 1991, the Croat villages of Saborsko, Poljanak and Lipovaca were attacked by members of Martic's Police and other Serb forces, in particular the JNA and members of the local Serb TO. These attacking forces killed all remaining non-Serb inhabitants of the villages they found as they entered the villages.
- 26. On 28 October 1991, local TO units entered Lipovaca and killed eight civilians.
- 27. On 7 November 1991, JNA and TO units, in particular a special JNA unit from Nis, entered

the hamlet of Vukovici near Poljanak and killed nine civilians.

28. On 12 November 1991, members of Martic's Police and other Serb forces, in particular JNA and TO units, entered the village of Saborsko where they killed at least twenty Croat civilians and razed the village to the ground.
29. In November 1991, members of Martic's Police and other Serb forces, in particular JNA and TO units, attacked the village of Skabrnja, near Zadar. On 18 November 1991, members of Martic's Police and other Serb forces moved from house to house in Skabrnja and killed at least thirty-eight non-Serb civilians in their homes or in the streets.
30. On 19 November 1991, Serb forces attacked Nadin, a neighbour village to Skabrnja described above, and killed seven non-Serb civilians.
31. Between 18 November 1991 and February 1992, all remaining Croat civilians in Skabrnja died. Serb forces killed twenty-six of the remaining elderly and infirm Croat civilians.
32. On 21 December 1991, members of Martic's Police and other Serb forces entered the village of Bruska and the hamlet of Marinovic where they killed ten civilians, including nine Croats.

#### SAO SBWS

33. In September and October 1991, Serb TO forces and Militia of the SAO SBWS arrested Croat civilians and kept them in a detention facility in the police building in Dalj. On 21 September 1991, Goran Hadzic and Zeljko Raznatovic visited the detention facility and ordered the release of two of the detainees. Members of the TO of the SAO SBWS led by Zeljko Raznatovic, shot eleven detainees and buried their bodies in a mass grave in the village of Celije.
34. On 4 October 1991, members of the TO of the SAO SBWS led by Zeljko Raznatovic entered the detention facility in the police building in Dalj and shot twenty-eight Croat civilian detainees. The bodies of the victims were then taken from the building and dumped into the nearby Danube River.
35. On 9 November 1991, members of the TO of the SAO SBWS led by Zeljko Raznatovic and members of the Militia of the SAO SBWS arrested 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 twelve of them were shot dead the following day. Several days after 9 November 1991, members of the Serb National Security (hereinafter "SNB") of the SAO SBWS in co-operation with several members of Arkan's Tigers arrested and executed three civilians, two of them family members of the original Hungarian victims who had inquired about the fate of their relatives. The bodies of eight of the initial twelve victims were buried in the village of Celija and one victim was buried in Daljski Atar. The bodies of the three additional victims were thrown into a well in Borovo. On 3 June 1992, members of the SNB, in co-operation with members of "Arkan's Tigers", arrested Marija Senasi (born 1937), a female family member of the original Hungarian victims who had continued to make inquiries about the fate of her relatives. This woman was subsequently murdered and her body was thrown into an abandoned well in Dalj Planina.

36. On 11 November 1991, members of the TO of SAO SBWS, under the command of Zeljko Raznatovic arrested seven non-Serb civilians in the village of Klisa. Two of the detainees who had Serb relatives were released. The remaining five civilians were taken to the TO training centre in Erdut. After their interrogation, the victims were killed and buried in a mass grave in the village of Celije.
37. Between 18 and 20 November 1991, after the termination of the military operations in and around Vukovar, the JNA deported thousands of Croat and other non-Serb inhabitants to the territory of the Republic of Serbia. Following a request of Goran Hadzic to retain those non-Serbs who were suspected of participation in the military operations, the JNA transported a large number of inhabitants of Vukovar to the detention facilities in Dalj on or around 20 November 1991. There, Serb TO members selected those suspected of participating in the defence of Vukovar. The selected detainees were interrogated, beaten and tortured. At least thirty-four of these detainees were executed.
38. On 10 December 1991, members of the TO of the SAO SBWS led by Zeljko Raznatovic and members of the Militia of the SAO SBWS arrested five non-Serb villagers from Erdut. The victims were taken to the TO training centre in Erdut and subsequently killed. The bodies of three of the victims were later disposed of in a well in Daljski Atar.
39. From 22 December 1991 to 25 December 1991, members of the TO of the SAO SBWS led by Zeljko Raznatovic, and members of the Militia of the SAO SBWS arrested seven ethnic Hungarian and Croat civilians in Erdut and took them to the TO training centre in Erdut. On 26 December 1991, they were shot and killed. The bodies of six of the victims were buried in Daljski Atar.
40. On 21 February 1992, members of the TO of the SAO SBWS led by Zeljko Raznatovic and members of the Militia of the SAO SBWS arrested four non-Serb civilians in Erdut. All of the victims were interrogated in the Territorial Defence training centre in Erdut and then killed. The bodies of the victims were buried in a mass grave in Daljski Atar.

#### **BOSNIA AND HERZEGOVINA**

##### **BIJELJINA**

41. On or about 31 March 1992, acting at the request of local Serb leaders in Bijeljina Zeljko Raznatovic, members of Arkan's Tigers, other Serb forces and special units of the Serbia DB, attacked and took control of the town of Bijeljina.
42. In the early days of April 1992, members of Arkan's Tigers and the other special units of the Serbia DB terrorised the civilian population by killing non-Serb civilians.

##### **BOSANSKI SAMAC**

43. On or about 11 April 1992, special units of the Republic of Serbia DB arrived in Bosanski Samac from the Republic of Serbia at the request of local Bosnian Serb leaders. These special units of the Republic of Serbia DB included Dragan Dordjevic, also known as "Crni" and Srecko Radovanovic, also known as "Debeli", and Slobodan Miljkovic, also known as "Lugar".

44. On 17 April 1992, Serb forces, including 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 Samac.
45. Beginning with the attack of Bosanski Samac on 17 April 1992, Serb forces, including special units of the Republic of Serbia DB, detained non-Serb civilians at or near the Bosanski Samac police headquarters (hereinafter SUP) and TO buildings. On several occasions from 17 April 1992 and 31 July 1992 members of the special units of the Republic of Serbia DB beat the non-Serb detainees.
46. On or about 27 April 1992 Slobodan Miljkovic beat several detainees held in the TO building and killed Anto Brandic, also known as "Dikan" by beating him repeatedly with a wooden club and then shooting him.
47. On or about 6 May 1992, approximately 50 Bosnian Croat and Bosnian Muslim detainees who had been detained at the Bosanski Samac 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 Miljkovic and Dragan Dordjevic with other members of the 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

48. 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.
49. On or about the night of 2 May 1992, the take-over of Doboj began when Serb forces, including 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.
50. Beginning with the attack Serb forces on the night of 2 May 1992, Serb forces, including special units of the Republic of Serbia DB, detained non-Serb civilians in several locations in Doboj. Members of the special units of the Republic of Serbia DB entered these facilities and killed detainees.
51. On or about July 12, 1992, Serb forces, including special units of the Republic of Serbia DB, used non-Serb detainees as human shields and approximately twenty-seven civilians were killed.

#### SANSKI MOST

52. In September 1995, Zeljko Raznatovic and members of Arkan's Tigers, arrived in Sanski Most at the request of local Bosnian Serb leaders.
53. On or about 20 September 1995, members of Arkan's Tigers 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 eleven of the men were executed and the twelfth man was shot and seriously wounded.

54. On or about 21 September 1995, a group of non-Serb civilians were forcibly taken to Sasina. In Sasina, the non-Serb civilians were removed from the vehicles at the western base of the hill near the village church. At this spot, members of Arkan's Tigers shot the group, killing approximately sixty-five non-Serb detainees.

#### SREBRENICA

55. On 12 May 1992, at the 16<sup>th</sup> session of the Bosnian Serb Assembly, KARADZIC had announced the six strategic objectives of the Serb people in BiH. In essence, these strategic goals constituted a plan to seize and control territory, establish a Bosnian Serb state, defend defined borders and separate the ethnic groups within BiH.
56. On 8 April 1993 the International Court of Justice issued an order to the Federal Republic of Yugoslavia to take all immediate measures within its power to prevent the commission of the crime of genocide in BiH. On 16 April 1993, the United Nations Security Council issued Resolution 819 which reaffirmed the order of the International Court of Justice as well as the sovereignty, territorial integrity and political independence of the Republic of BiH. In Resolution 819 the Security Council recognising that the continued Bosnian Serb military operations against Srebrenica and in Eastern Bosnia involved unlawful attacks on civilians made several demands. The Security Council demanded that the attacks stop and further that "the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina."
57. On 8 March 1995, Radovan Karadzic, as the Supreme Commander of the VRS, issued Operational Directive 7, which directed the VRS to eliminate the Muslim enclaves of Srebrenica and Zepa, in furtherance of the "six strategic objectives" of 12 May 1992.
58. On 6 July 1995, the VRS and other Bosnia Serb forces under the command and control of General Ratko Mladic attacked the Srebrenica enclave. The attack on the enclave continued until 11 July 1995, when General Ratko Mladic and the VRS and other Bosnia Serb forces under Mladic's command and control entered Srebrenica.
59. Special units of the Republic of Serbia DB under the control of **STANISIC** and **SIMATOVIC**, including Red Berets and Scorpions participated in this attack by the VRS on the enclaves of Srebrenica and Zepa. Several weeks before the VRS attack, the Accused ordered the Scorpions to travel from their base in Delotic in Croatia to Serb controlled area near Sarajevo. The Scorpions then based themselves in the village of Trnovo, under Treskavica Mountain, near Sarajevo. They were under the command of **SIMATOVIC** who was running a joint Serbian MUP/DB command post from Jahorina.
60. Before the VRS attack on Srebrenica, the Scorpions and the other special units attacked ABiH forces near Sarajevo in a co-ordinated move to draw units of the ABiH from Srebrenica and Zepa to Sarajevo by leaving open a land corridor between Srebrenica and Sarajevo. The ABiH responded by moving units to Sarajevo, thus making it easier for VRS forces to take control of Srebrenica.
61. Between 12 July and about 20 July 1995, thousands of Bosnian Muslim men were captured by, or surrendered to, Bosnia Serb forces under the command and control of General Ratko Mladic.

62. The Bosnian Serb forces then distributed the Bosnian Muslim prisoners to different Serb and Serbian units for the purpose of murdering them. One bus full of prisoners was taken to the base of the Scorpions at Treskavica, from which about fifteen male prisoners were taken from the bus for execution by members of the Scorpions. Members of the Scorpions took six of the prisoners by truck to a secluded rural area several kilometres from their base. Under the command of Slobodan Medic (Boca), the Scorpions murdered the prisoners by shooting them. Slobodan Medic (Boca) had these murders videotaped.
63. Over 7,000 Bosnian Muslim prisoners captured in the area around Srebrenica were summarily executed from 13 July to 19 July 1995 and thereafter many were buried in mass graves.
64. From about 1 August 1995 through 1 November 1995, VRS units under the command and control of General Ratko Mladic participated in an organised and comprehensive effort to conceal the killings by reburying, in isolated locations, bodies exhumed from their original mass graves. From July 1995 onwards, approximately 25,000 Bosnian Muslim civilian women, children and elderly men were forcibly transferred by the VRS from Potocari and other areas surrounding Srebrenica to Kladanj and other non-Serb areas of BiH.
65. These crimes were committed as part of the joint criminal enterprise described in paragraphs 8 to 14 of this indictment involving VRS personnel, members of the Republika Srpska police and some political leaders from both the FRY and the RS. The videotaped murder of the six Muslim Bosnian prisoners by members of the special units of the Serbian DB was a part of this joint criminal enterprise.

#### ZVORNIK

66. On or about 8 April 1992, Serb forces, including Zeljko Raznatovic, members of Arkan's Tigers and other special units of the Serbia DB, attacked and took control of Zvornik. During this attack approximately 20 non-Serb civilians were killed in Zvornik.
67. By these acts and omissions, **Jovica STANISIC** and **Franko SIMATOVIC** acting alone or in concert with members of the joint criminal enterprise, planned, ordered, committed or otherwise aided and abetted the planning, preparation 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)**

68. From on or about May 1991 until 31 December 1995 **Jovica STANISIC** and **Franko SIMATOVIC** acting alone or in concert with members of the joint criminal enterprise, planned, committed or otherwise aided and abetted the planning, preparation or execution of the unlawful forcible transfer or deportation of thousands of Croats, Bosnian Muslims,

Bosnian Croats and other non-Serb civilians from their legal domiciles in the SAO Krajina, SAO SBWS and territories of BiH in the municipalities of Bijeljina, Bosanski Samac, Doboj, Sanski Most, Srebrenica and Zvornik to other countries or other areas outside their home municipalities.

69. By these acts and omissions, Jovica STANISIC and Franko SIMATOVIC acting alone or in concert with members of the joint criminal enterprise, planned, ordered, committed or otherwise aided and abetted the planning, preparation 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.

---

Carla Del Ponte  
Prosecutor

Dated 20 December 2005  
At The Hague  
The Netherlands