



COURT OF BOSNIA AND HERZEGOVINA

Case No.: S1 1 K003472 09 KrI (X-KR-08/549)

Date: Delivered 21 December 2010
 Published 15 March 2011

Before Panel comprised of: Judge Minka Kreho, Presiding
 Judge Marjan Pogačnik
 Judge Željka Marenić

PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

v.

Zoran Babić
Milorad Radaković
Milorad Škrbić
Dušan Janković
Željko Stojnić

VERDICT

Prosecutor for the Prosecutor's Office of Bosnia and Herzegovina:

Slavica Terzić

Counsel:

Attorney Slavica Bajić	for Zoran Babić
Attorney Slavica Čvoro	for Milorad Radaković
Attorney Slobodan Perić	for Milorad Škrbić
Attorney Ranko Dakić	for Dušan Janković
Attorney Zlatko Knežević	for Željko Stojnić

Record-keeper:

Emil Pinkas legal adviser-assistant

IN THE NAME OF BOSNIA AND HERZEGOVINA

The Court of Bosnia and Herzegovina, in the Panel of judges presided by Judge Minka Kreho, and judges Marjan Pogačnik and Željka Marenić as the Panel members, with the participation of Legal Adviser-Assistant Emil Pinkas as the record-keeper, in the criminal case against the accused Zoran Babić *et al.*, upon the Amended Indictment of the Prosecutor's Office of Bosnia and Herzegovina number KT-RZ-48/06 dated 23 November 2010 under which the accused Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić are charged with the commission of the criminal offense of *Crimes against Humanity* in violation of Article 172(1) h), in conjunction with subparagraphs a), d), e), h) and k), all in conjunction with Article 180(1) of the Criminal Code of Bosnia and Herzegovina (hereinafter: the CC of BiH), following the public main trial, whereat the public was excluded during some parts, in the presence of the accused Zoran Babić and his Defense Counsel, Attorney Slavica Bajić; the accused Milorad Radaković and his Defense Counsel, Attorney Slavica Čvoro; the accused Milorad Škrbić and his Defense Counsel, Attorney Slobodan Perić; the accused Dušan Janković and his Defense Counsel, Attorney Ranko Dakić; the accused Željko Stojnić and his Defense Counsel, Attorney Zlatko Knežević; and the Prosecutor of the Prosecutor's Office of BiH, Slavica Terzić, on 21 December 2010, rendered and publicly announced the following

I. VERDICT

I

The accused:

- ZORAN BABIĆ a.k.a. "Bakin"**, son of Dušan and Persa (mother's maiden name Petrović), born in Prijedor on 1 June 1968, residing at ..., ... Municipality, JMBG /Citizen Identification Number/ ..., of ... ethnicity, citizen of ..., locksmith, literate, completed secondary school of mechanical engineering (locksmith), married, father of one underage child, completed military service in Novo Mesto, Republic of Slovenia, in 1988/1989, holds the rank of lance corporal and is registered in the military records in Prijedor, no decorations, of average financial standing, no convictions and, according to his own statement, there are no ongoing criminal proceedings against him, currently at liberty subject to the prohibiting measures imposed under a decision of the Court of Bosnia and Herzegovina;

2. **MILORAD ŠKRBIĆ**, son of Drago and Lazarka (mother's maiden name Radonjić), born in Veliko Palančište, Prijedor, on 11 July 1960, JMBG ..., residing at ..., of ... ethnicity, citizen of ..., driver by occupation, literate, married, completed the military service in Ohrid in 1979, holds the rank of sergeant, he does not know if he is listed in military records, no decorations, indigent, no prior convictions and, according to his own statement there are no ongoing criminal proceedings against him, currently at liberty subject to the prohibiting measures imposed under a decision of the Court of Bosnia and Herzegovina;
3. **DUŠAN JANKOVIĆ**, son of Dragoje and Anđa (mother's maiden name Janković), born in Dera, village of Benkovac, Prijedor Municipality, on 8 March 1950, residing in ..., ... Municipality, of ... ethnicity, citizen of ..., graduate traffic engineer, literate, graduated from the Faculty of Traffic and Transportation in Zagreb and completed postgraduate studies in Belgrade, married, father of two children of age, completed his military service in 1969/1970 in Niš and Leskovac, does not hold the rank of a senior officer, decorated by the police with the Miloš Obilić Medal, of average financial standing, currently at liberty subject to the prohibiting measures imposed under a decision of the Court of Bosnia and Herzegovina;
4. **ŽELJKO STOJNIĆ**, son of Boško and Stana (mother's maiden name Kremić), born in Tukovi, Prijedor Municipality, on 10 October 1971, residing in ..., JMBG ..., of ... ethnicity, citizen of ..., police officer, literate, secondary school qualifications – mechanical engineering technician, married, father of two underage children, completed his military service in Belgrade in 1990/1991, registered in the military department in Prijedor, no decorations, of average financial standing, currently at liberty subject to the prohibiting measures imposed under a decision of the Court of Bosnia and Herzegovina;

ARE GUILTY

BECAUSE:

In the time period between the end of April and the end of September 1992, as part of a widespread and systematic attack carried out in the same time period by the army and police of the Serb Republic of BiH (and then of the Republika Srpska) against the Bosniak and Croat population of the Prijedor Municipality, knowing of such an attack and that their acts constituted a part thereof, Dušan Janković, as a member of the senior staff at the Prijedor Public Security Station, and Zoran Babić, Milorad Škrbić and Željko Stojnić as reserve police officers, made a knowing and significant contribution to a joint criminal enterprise comprising civilian and military authorities of the Prijedor

Municipality, the defendants themselves and Damir Ivanković, Gordan Đurić, Ljubiša Četić, Simo Drljača (Chief of the Prijedor Public Security Station), Milomir Stakić (president of the Prijedor Municipality Crisis Staff) and Slobodan Kuruzović (Warden of Trnopolje Camp), with a view to effecting a common goal of persecution of Bosniaks and Croats that involved forcible transfers, murders, and robbing; the common goal included discriminatory persecution of Bosniaks and Croats on political, national, ethnic and religious grounds from the territory controlled by the army and police of the Serb Republic of BiH (the Republika Srpska); the defendants knowingly and intentionally made a significant contribution to effecting the persecution by way of forcible transfer of population in a convoy, deliberate deprivation of life (murders), and robbing of persons in the convoy, whereas Dušan Janković additionally ordered perpetration of acts with a view to effecting the common goal of persecution, thus:

On **21 August 1992**, Dušan Janković, as commander of the Prijedor Police Station, and other co-defendants as reserve police officers and members of the police Intervention Platoon from Prijedor and officers of the Prijedor Public Security Station, were all present in uniforms and carrying weapons as escort and security of a convoy that set out from Tukovi, Prijedor Municipality, when civilians boarded the vehicles; some members of the escort headed for Trnopolje and the second part of the convoy carrying Bosniak civilians in four buses set out from the Trnopolje Camp; thereupon, all the vehicles and the convoy escort joined at a crossroads in Kozarac and proceeded towards Banja Luka and beyond. Dušan Janković ordered and organized the movement of the convoy and, together with the other co-defendants and other members of the police and army, through significant contribution to effecting the said goal of the JCE, escorted the convoy consisting of at least 16 buses, trailer trucks, trucks and trucks with trailers carrying more than 1,200 predominantly Muslim and some Croat civilians from Prijedor who, due to conditions of insecurity and fear for their lives created by the army and police of the Republika Srpska in the Prijedor Municipality, were forced to leave the Prijedor Municipality in order to save their lives, and the defendants were aware of that. En route to the Travnik Municipality via the municipalities of Prijedor, Banja Luka, Kneževo/Skender Vakuf and Travnik where the civilians were to be transported to enforce the forcible transfer, with a view to effecting the common goal that everyone was aware of, made a significant contribution to effecting the goal as the uniformed and armed escort of the said vehicles transporting civilians and the escorting vehicles, with an intention and knowing that the civilians (including many small children, women and elderly) in the convoy that moved slowly in a blistering heat were crammed and unlawfully imprisoned aboard the vehicles in the convoy, in the trucks under tarpaulin, with not enough space, air, food or water, with a view to effecting the common goal, by making various serious threats to the Bosniak and Croat civilians

being transported in the convoy (already in fear and in difficult transportation conditions) they robbed them of their money, gold and other valuables, in which Željko Stojnić particularly stood out. He even took a male civilian out of a vehicle, pressed a pistol against his head and threatened to kill him and toss a small child into the ravine if he did not gather as much valuables from the civilians on the convoy as possible, thus deliberately effecting the common goal that included forcible transfer, and robbing of Bosniak and Croat civilians from Prijedor Municipality. When the convoy stopped by the small river of Ilomska (a tributary of the Ugar River) on the Vlašić Mountain, Dušan Janković, with a view to effecting the common goal of murdering some of the men from the convoy, after talking to the convoy escort and giving them instructions and approval to separate the men in order to kill male civilians, and after the separation commenced, left that location, whereas Zoran Babić, Željko Stojnić and other members of the escort, in uniforms and carrying automatic weapons, made a knowing and significant contribution to the murder of the civilians and, knowing that the purpose of the separation was to kill the civilians, selected an undetermined number but not less than 150 able-bodied men from among the civilians on the convoy by forcing the selected male civilians to come out of the buses, trailer trucks, trucks and trucks with trailers. Members of the escort forced the separated men to board two buses, whereupon Zoran Babić, Milorad Škrbić and Željko Stojnić, together with other members of the escort, took the separated male civilians in two buses to a location called “Korićanske stijene” on the Vlašić Mountain, where they ordered the men from one of the buses to come out onto the road and then marched them to an edge of the road above an abyss, ordered them to kneel down on the very edge of the road facing the abyss and then opened fire at them from automatic weapons at point blank range, whereupon the bodies of the killed men fell into the abyss; some of the men who were lined up, fearing for their lives because they were being shot at from automatic weapons, threw themselves into the abyss in an attempt to avoid death; many of them were unsuccessful because they fell from a considerable height onto rocks and stones and sustained fatal injuries. Thereafter, the defendants brought men from the other bus in small groups of two or three to the same spot or nearby, and opened fire at them at point blank range from pistols and then from automatic rifles. Thereafter, the defendants threw hand grenades from the top of the precipice and opened fire at the bodies of those slain and at the wounded men who shrieked with pain from the abyss, resulting in the death of an undetermined number of civilians but not less than 150 able-bodied men, including: **Mujo (Alija) Alić, Sejad (Rifet) Alić, Enver (Avdo) Arifagić, Muhamed (Ekrem) Arifagić, Rasim (Sulejman) Avdić, Šerif (Ramo) Bajrić, Zafir (Šerif) Bajrić, Rasim (Muharem) Bašić, Nihad (Meho) Bešić, Mustafa (Ibrahim) Bešić, Nermin (Izet) Bešić, Sead (Adem) Bešić, Suvad (Mustafa) Bešlagić, Šerif (Suljo) Blažević, Ahmet (Hamdija) Blažević, Fadil (Ibrahim) Blažević, Fikret (Himzo) Blažević, Mustafa (Edhem) Blažević, Muharem (Šaban) Crljenković,**

Zijad (Ibrahim) Čejvan, Besim (Smail) Čaušević, Hilmija (Mehmed) Ćustić, Ismet (Mehmed) Ćustić, Admir (Džemal) Dergić, Fadil (Fehim) Duratović, Šaban (Šerif) Elezović, Fahrudin (Kasim) Elezović, Jasmin (Hajrudin) Elezović, Edin (Muharem) Elezović, Emir (Muharem) Elezović, Hajrudin (Salih) Elezović, Ismet (Derviš) Fazlić, Jasim (Ismet) Fazlić, Mirsad (Ismet) Fazlić, Almir (Refik) Fazlić, Edin (Hilmija) Fazlić, Samir (Sadik) Garibović, Vasif (Atif) Garibović, Kemal (Hamdija) Garibović, Muhamed (Abaz) Grabić, Mirsad (Hasan) Gutić, Husein (Salih) Hankić, Osman (Hasan) Hasanagić, Ismet (Husein) Hirkić, Rifet (Husein) Hirkić, Šefik (Husein) Hirkić, Midhet (Fehim) Hodžić, Ahmet (Husein) Hodžić, Mirsad (Hilmija) Hodžić, Said (Alija) Horozović, Emsud (Alija) Horozović, Mahmud (Sefer) Hrustić, Hajro (Huska) Ičić, Armin (Mustafa) Jakupović, Senad (Latif) Jusufagić, Zuhdija (Meho) Kadirić, Mehmed (Sulejman) Kahrmanović, Uzeir (Muharem) Kahrmanović, Derviš (Osman) Karabašić, Osman (Derviš) Karabašić, Elvir (Kadir) Kararić, Kadir (Husein) Kararić, Elvin (Mehmed) Kauković, Meho (Ahmet) Kljajić, Sakib (Ahmet) Kljajić, Ahmet (Salih) Krkić, Abaz (Omer) Kulašić, Velid (Ramo) Marošlić, Himzo (Redžo) Marošlić, Ejub (Abaz) Medić, Alija Mehmedagić, Osman (Husein) Mehmedagić, Asmir (Mehmed) Memić, Himzo (Omer) Mrkalj, Idriz (Haso) Muretčehajić, Edin (Osman) Mujkanović, Husein (Hamdija) Mujkanović, Refik (Rasim) Mujkanović, Vasif (Mahmut) Mujkanović, Nihad (Sulejman) Memić, Senad (Esad) Mujkanović, Mehmed (Derviš) Muretčehajić, Fuad (Derviš) Murčehajić, Faik (Osman) Paratušić, Faik (Osman) Rizvančević, Nail (Džemal) Sadić, Bajazid (Hamza) Saldumović, Jasmin (Mehmed) Saldumović, Zijad (Huska) Selimović, Kasim (Šefik) Sivac, Merzuk (Ibrahim) Sivac, Edin (Munib) Sivac, Nedžad (Munib) Sivac, Omer (Halil) Šljivar, Mehmedalija (Ibrahim) Talić, Sakib (Bejdo) Trnjanin, Seid (Miralem) Vehabović, Fadil (Ramo) Velić, Ekrem (Zudija) Velić, Ziko (Husein) Zahirović, Nedžad (Latif) Zulić, Sakib (Idriz) Žerić, Ferid (Karanfil) Žerić, while a number of able-bodied men survived the execution (at least 12 of them); a number of complete corpses have been recovered of which the following 11 have been identified: Seid (Miralem) Vehabović, Edin (Hilmija) Fazlić, Elvin (Mehmed) Kauković, Ahmet (Salih) Krkić, Ferid (Karanfil) Žerić, Fikret (Himzo) Blažević, Sead (Adem) Bešić, Enver (Avdo) Arifagić, Osman (Husein) Mehmedagić, Uzeir (Muharem) Kahrmanović, Ekrem (Zudija) Velić; a number of body parts of the killed men have been recovered and identified through DNA analysis as belonging to the following victims: Mujo (Alija) Alić, Sejad (Rifet) Alić, Mehmed (Ekrem) Arifagić, Rasim (Sulejman) Avdić, Zafir (Šerif) Bajrić, Mustafa (Ibrahim) Bešić, Nermin (Izet) Bešić, Ahmet (Hamdija) Blažević, Mustafa (Edhem) Blažević, Fadil (Ibrahim) Blažević, Muharem (Šaban) Crljenković, Besim (Smail) Čausević, Zijad (Ibrahim) Čejvan, Hilmija (Mehmed) Ćustić, Admir (Džemal) Dergić, Fadil (Fehim) Duratović, Šaban (Šerif) Elezović, Hajrudin (Salih) Elezović, Jasmin

(Hajrudin) Elezović, Ismet (Derviš) Fazlić, Vasif (Atif) Garibović, Kemal (Hamdija) Garibović, Muhamed (Abaz) Grabić, Mirsad (Hasan) Gutić, Husein (Salih) Hankić, Osman (Hasan) Hasanagić, Šefik (Husein) Hirkić, Ahmet (Husein) Hodžić, Mirsad (Hilmija) Hodžić, Mahmut (Sefer) Hrustić, Senad (Latif) Jusufagić, Mehmed (Sulejman) Kahrmanović, Derviš (Osman) Karabašić, Osman (Derviš) Karabašić, Elvir (Kadir) Kararić, Kadir (Husein) Kararić, Zuhdija (Meho) Kadirić, Meho (Ahmet) Kljajić, Sakib (Ahmet) Kljajić, Abaz (Omer) Kulašić, Himzo (Redžo) Marošlić, Velid (Ramo) Marošlić, Alija (Bećo) Mehmedagić, Asmir (Mehmed) Memić, Himzo (Omer) Mrkalj, Edin (Osman) Mujkanović, Husein (Hamdija) Mujkanović, Refik (Rasim) Mujkanović, Vasif (Mahmut) Mujkanović, Idriz (Haso) Muretčehajić, Fuad (Derviš) Murčehajić, Faik (Osman) Paratušić, Faik (Osman) Rizvančević, Nail (Džemal) Sadić, Bajazid (Hamza) Saldumović, Jasmin (Mehmed) Saldumović, Zijad (Huska) Selimović, Merzuk (Ibrahim) Sivac, Kasim (Šefik) Sivac, Omer (Halil) Šljivar, Mehmedalija (Ibrahim) Talić, Sakib (Bejdo) Trnjanin, Fadil (Ramo) Velić, Ziko (Husein) Zahirović, Nedžad (Latif) Zulić, Sakib (Idriz) Žerić; and a number of charred body remains that belong to approx. 10 victims. The remaining bodies have not been recovered to date.

Therefore, as part of the widespread and systematic attack of the army and police of the Republika Srpska in the Prijedor Municipality, knowing of such an attack and that their acts constituted a part thereof, Dušan Janković ordered and, together with other co-defendants, persecuted Bosniaks and Croats from the Prijedor Municipality by making a significant contribution to effecting the common goal of persecution by way of forcible transfer of population, deliberate deprivation of life (murders), and the robbing of those persons while consciously and deliberately effecting the common goal by participating in the JCE comprising the civilian and military authorities of the Prijedor Municipality, including Milomir Stakić, Simo Drljača, Slobodan Kuruzović, Damir Ivanković, Gordan Đurić, Ljubiša Četić and other members of the civilian and military authorities in Prijedor, their goal being to expel Bosniaks and Croats from the territory controlled by the Serb authorities by committing the aforesaid criminal acts.

Whereby Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić committed the criminal offense of *Crimes against Humanity* under Article 172(1) h), in relation to Subparagraph (a)-murders, Subparagraph (d)-forcible transfer, Subparagraph (h)-persecution by way of robbery of the Criminal Code of Bosnia and Herzegovina, all in conjunction with Article 180(1) thereof.

Therefore, for the criminal offence of Crimes against Humanity in violation of Article 172(1) h), in conjunction with sub-paragraphs a), d) and h), all in conjunction with Article 180(1) of the CC of BiH, by applying the quoted provisions and Articles 39, 42b and 48 of the CC of BiH, the Court

S E N T E N C E S

THE FIRST-ACCUSED ZORAN BABIĆ

TO 22 (twenty-two) YEARS OF LONG TERM IMPRISONMENT

For the criminal offence of Crimes against Humanity in violation of Article 172(1) h), in conjunction with sub-paragraphs a), d) and h), all in conjunction with Article 180(1) of the CC of BiH, by applying the quoted provisions and Articles 39, 42b and 48 of the CC of BiH, the Court

S E N T E N C E S

THE THIRD-ACCUSED MILORAD ŠKRBIĆ

TO 22 (twenty-two) YEARS OF LONG TERM IMPRISONMENT

For the criminal offence of Crimes against Humanity in violation of Article 172(1) h), in conjunction with sub-paragraphs a), d) and h), all in conjunction with Article 180(1) of the CC of BiH, by applying the quoted provisions and Articles 39, 42b and 48 of the CC of BiH, the Court

S E N T E N C E S

THE FORTH-ACCUSED DUŠAN JANKOVIĆ

TO 27 (twenty-seven) YEARS OF LONG TERM IMPRISONMENT

For the criminal offence of Crimes against Humanity in violation of Article 172(1) h), in conjunction with sub-paragraphs a), d) and h), all in conjunction with Article 180(1) of the CC of BiH, by applying the quoted provisions and Articles 39, 42b and 48 of the CC of BiH, the Court

S E N T E N C E S

THE FIFTH-ACCUSED ŽELJKO STOJNIĆ

TO 15 (fifteen) YEARS OF IMPRISONMENT

II

Pursuant to Article 284, paragraph 1, sub-paragraph c) of the CPC of BiH

MILORAD RADAKOVIĆ aka “Srbo”, son of Stojan and Borka (mother’s maiden name Bilbija), born in Podvidača, Sanski Most Municipality, on 10 August 1962, JMBG ..., residing at ..., of ... ethnicity, citizen of ..., completed secondary school of agriculture - fruit-growing, literate, married, father of one underage child, completed the military service in 1982/83 in Zrenjanin and Benkovac, holds no rank, he does not know if he is listed in military records, cited in the JNA for exemplary behavior, indigent, no prior convictions and, according to his own statement, there are no ongoing criminal proceedings against him, currently at liberty subject to the prohibiting measures imposed under a decision of the Court of Bosnia and Herzegovina

IS ACQUITTED OF THE CHARGES

That he:

In the time period between the end of April and the end of September 1992, as part of a widespread and systematic attack carried out in the same time period by the army and police of the Serb Republic of BiH (and then of the Republika Srpska) against the Bosniak and Croat population of the Prijedor Municipality, knowing of such an attack and that their acts constituted a part thereof, Milorad Radaković as a reserve police officer, made a knowing and significant contribution to a joint criminal enterprise comprising civilian and military authorities of the Prijedor Municipality, as well as Damir Ivanković, Gordan Đurić, Ljubiša Četić, Simo Drljača (Chief of the Prijedor Public Security Station), Milomir Stakić (president of the Prijedor Municipality Crisis Staff) and Slobodan Kuruzović (Warden of Trnopolje Camp), with a view to effecting a common goal of persecution of Bosniaks and Croats that involved forcible transfers, murders, unlawful imprisonment of persons aboard vehicles in a convoy, and perpetrating other inhumane acts against those persons such as robbing; the common goal included discriminatory persecution of Bosniaks and Croats on political, national, ethnic and religious grounds from the territory controlled by the army and police of the Serb Republic of BiH (the Republika Srpska); and knowingly and intentionally made a significant contribution to effecting the persecution by way of forcible transfer of population in a convoy, deliberate deprivation of life (murders), unlawful imprisonment of persons aboard vehicles in a convoy, inhumane treatment and robbing of persons in the convoy, thus:

On **21 August 1992**, he was present in a uniform and carrying weapons as escort and security of a convoy that set out from Tukovi, Prijedor Municipality, when civilians boarded the vehicles; some members of the escort headed for Trnopolje and the second part of the convoy carrying Bosniak civilians in four buses set out from the Trnopolje Camp; thereupon, all the vehicles and the convoy escort joined at a crossroads in Kozarac and proceeded towards Banja Luka and beyond. Together with the other co-defendants and other members of the police and army, through significant contribution to effecting the said goal of the JCE, he escorted the convoy consisting of at least 16 buses, trailer trucks, trucks and trucks with trailers carrying more than 1,200 predominantly Muslim and some Croat civilians from Prijedor who, due to conditions of insecurity and fear for their lives created by the army and police of the Republika Srpska in the Prijedor Municipality, were forced to leave the Prijedor Municipality in order to save their lives, and the defendants were aware of that. En route to the Travnik Municipality via the municipalities of Prijedor, Banja Luka, Kneževo/Skender Vakuf and Travnik where the civilians were to be transported to enforce the forcible transfer, with a view to effecting the common goal that everyone was aware of, made a significant contribution to effecting the goal as the uniformed and armed escort of the said vehicles transporting civilians and the escorting vehicles, with an intention and knowing that the civilians (including many small children, women and elderly) in the convoy that moved slowly in a blistering heat were crammed and unlawfully imprisoned aboard the vehicles in the convoy, in the trucks under tarpaulin, with not enough space, air, food or water, or the ability to satisfy physiological needs, without taking any measures to change the situation inside the vehicles; instead, with a view to effecting the common goal, by making various serious threats to the Bosniak and Croat civilians being transported in the convoy (already in fear and in difficult transportation conditions) they robbed them of their money, gold and other valuables, thereby inflicting great suffering and serious injuries to body or to physical or mental health of the civilians (children in particular); thus deliberately effecting the common goal that included forcible transfer, unlawful detention in the vehicles, robbing and inhumane treatment of Bosniak and Croat civilians from Prijedor Municipality. When the convoy stopped by the small river of Ilomska (a tributary of the Ugar River) on the Vlašić Mountain, with a view to effecting the common goal of murdering some of the men from the convoy, Milorad Radaković and other escorts together, in uniforms and carrying automatic weapons, made a knowing and significant contribution to the murder of the civilians and, knowing that the purpose of the separation was to kill the civilians, selected more than 200 able-bodied men from among the civilians on the convoy by ordering the selected male civilians to come out of the buses, trailer trucks, trucks and trucks with trailers; the male civilians were forced to comply as all members of the escort were in uniforms and carried automatic weapons. Members of the escort, the defendant included, thus separated more than 200 able bodied men and forced them

to board two buses. On that location, Milorad Radaković, with a view to assisting and making a significant contribution to the killing of the civilians, handed over automatic weapons ammunition to other members of the convoy escort, knowing at the moment of handover that the ammunition would be used for killing the separated civilians; thereupon he escorted one of the buses from the convoy that was carrying civilians and they reached the final destination on the Vlašić Mountain where the population transfer task was completed. Other members of the escort took the separated male civilians in two buses to a location called “Korićanske stijene” on the Vlašić Mountain, where they ordered the men from one of the buses to come out onto the road and then marched them to an edge of the road above an abyss, ordered them to kneel down on the very edge of the road facing the abyss and then opened fire at them from automatic weapons at point blank range, whereupon the bodies of the killed men fell into the abyss; some of the men who were lined up, fearing for their lives because they were being shot at from automatic weapons, threw themselves into the abyss in an attempt to avoid death; many of them were unsuccessful because they fell from a considerable height onto rocks and stones and sustained fatal injuries. Thereafter, the defendants brought men from the other bus in small groups of two or three to the same spot or nearby, and opened fire at them at point blank range from pistols and then from automatic rifles. Thereafter, the defendants threw hand grenades from the top of the precipice and opened fire at the bodies of those slain and at the wounded men who shrieked with pain from the abyss, resulting in the death of more than 200 men, including: **Mujo (Alija) Alić, Sejad (Rifet) Alić, Enver (Avdo) Arifagić, Muhamed (Ekrem) Arifagić, Rasim (Sulejman) Avdić, Šerif (Ramo) Bajrić, Zafir (Šerif) Bajrić, Rasim (Muharem) Bašić, Nihad (Meho) Bešić, Mustafa (Ibrahim) Bešić, Nermin (Izet) Bešić, Sead (Adem) Bešić, Suvad (Mustafa) Bešliagić, Šerif (Suljo) Blažević, Ahmet (Hamdija) Blažević, Fadil (Ibrahim) Blažević, Fikret (Himzo) Blažević, Mustafa (Edhem) Blažević, Muharem (Šaban) Crljenković, Zijad (Ibrahim) Čejvan, Besim (Smail) Čaušević, Hilmija (Mehmed) Ćustić, Ismet (Mehmed) Ćustić, Admir (Džemal) Dergić, Fadil (Fehim) Duratović, Šaban (Šerif) Elezović, Fahrudin (Kasim) Elezović, Jasmin (Hajrudin) Elezović, Edin (Muharem) Elezović, Emir (Muharem) Elezović, Hajrudin (Salih) Elezović, Ismet (Derviš) Fazlić, Jasim (Ismet) Fazlić, Mirsad (Ismet) Fazlić, Almir (Refik) Fazlić, Edin (Hilmija) Fazlić, Samir (Sadik) Garibović, Vasif (Atif) Garibović, Kemal (Hamdija) Garibović, Muhamed (Abaz) Grabić, Mirsad (Hasan) Gutić, Husein (Salih) Hankić, Osman (Hasan) Hasanagić, Ismet (Husein) Hirkić, Rifet (Husein) Hirkić, Šefik (Husein) Hirkić, Midhet (Fehim) Hodžić, Ahmet (Husein) Hodžić, Mirsad (Hilmija) Hodžić, Said (Alija) Horozović, Emsud (Alija) Horozović, Mahmut (Sefer) Hrustić, Hajro (Huska) Ičić, Armin (Mustafa) Jakupović, Senad (Latif) Jusufagić, Zuhdija (Meho) Kadirić, Mehmed (Sulejman) Kahrmanović, Uzeir (Muharem) Kahrmanović, Derviš (Osman) Karabašić, Osman (Derviš) Karabašić, Elvir (Kadir) Kararić,**

Kadir (Husein) Kararić, Elvin (Mehmed) Kauković, Meho (Ahmet) Kljajić, Sakib (Ahmet) Kljajić, Ahmet (Salih) Krkić, Abaz (Omer) Kulašić, Velid (Ramo) Marošlić, Himzo (Redžo) Marošlić, Ejub (Abaz) Medić, Alija Mehmedagić, Osman (Husein) Mehmedagić, Asmir (Mehmed) Memić, Himzo (Omer) Mrkalj, Idriz (Haso) Muretčehajić, Edin (Osman) Mujkanović, Husein (Hamdija) Mujkanović, Refik (Rasim) Mujkanović, Vasif (Mahmut) Mujkanović, Nihad (Sulejman) Memić, Senad (Esad) Mujkanović, Mehmed (Derviš) Muretčehajić, Fuad (Derviš) Murčehajić, Faik (Osman) Paratušić, Faik (Osman) Rizvančević, Nail (Džemal) Sadić, Bajazid (Hamza) Saldumović, Jasmin (Mehmed) Saldumović, Zijad (Huska) Selimović, Kasim (Šefik) Sivac, Merzuk (Ibrahim) Sivac, Edin (Munib) Sivac, Nedžad (Munib) Sivac, Omer (Halil) Šljivar, Mehmedalija (Ibrahim) Talić, Sakib (Bejdo) Trnjanin, Seid (Miralem) Vehabović, Fadil (Ramo) Velić, Ekrem (Zudija) Velić, Ziko (Husein) Zahirović, Nedžad (Latif) Zulić, Sakib (Idriz) Žerić, Ferid (Karanfil) Žerić, while a number of able-bodied men survived the execution (at least 12 of them); a number of complete corpses have been recovered of which the following 11 have been identified: Seid (Miralem) Vehabović, Edin (Hilmija) Fazlić, Elvin (Mehmed) Kauković, Ahmet (Salih) Krkić, Ferid (Karanfil) Žerić, Fikret (Himzo) Blažević, Sead (Adem) Bešić, Enver (Avdo) Arifagić, Osman (Husein) Mehmedagić, Uzeir (Muharem) Kahrmanović, Ekrem (Zudija) Velić; a number of body parts of the killed men have been recovered and identified through DNA analysis as belonging to the following victims: Mujo (Alija) Alić, Sejad (Rifet) Alić, Mehmed (Ekrem) Arifagić, Rasim (Sulejman) Avdić, Zafir (Šerif) Bajrić, Mustafa (Ibrahim) Bešić, Nermin (Izet) Bešić, Ahmet (Hamdija) Blažević, Mustafa (Edhem) Blažević, Fadil (Ibrahim) Blažević, Muharem (Šaban) Crljenković, Besim (Smail) Čausević, Zijad (Ibrahim) Čejvan, Hilmija (Mehmed) Čustić, Admir (Džemal) Dergić, Fadil (Fehim) Duratović, Šaban (Šerif) Elezović, Hajrudin (Salih) Elezović, Jasmin (Hajrudin) Elezović, Ismet (Derviš) Fazlić, Vasif (Atif) Garibović, Kemal (Hamdija) Garibović, Muhamed (Abaz) Grabić, Mirsad (Hasan) Gutić, Husein (Salih) Hankić, Osman (Hasan) Hasanagić, Šefik (Husein) Hirkić, Ahmet (Husein) Hodžić, Mirsad (Hilmija) Hodžić, Mahmut (Sefer) Hrustić, Senad (Latif) Jusufagić, Mehmed (Sulejman) Kahrmanović, Derviš (Osman) Karabašić, Osman (Derviš) Karabašić, Elvir (Kadir) Kararić, Kadir (Husein) Kararić, Zuhdija (Meho) Kadirić, Meho (Ahmet) Kljajić, Sakib (Ahmet) Kljajić, Abaz (Omer) Kulašić, Himzo (Redžo) Marošlić, Velid (Ramo) Marošlić, Alija (Bećo) Mehmedagić, Asmir (Mehmed) Memić, Himzo (Omer) Mrkalj, Edin (Osman) Mujkanović, Husein (Hamdija) Mujkanović, Refik (Rasim) Mujkanović, Vasif (Mahmut) Mujkanović, Idriz (Haso) Muretčehajić, Fuad (Derviš) Murčehajić, Faik (Osman) Paratušić, Faik (Osman) Rizvančević, Nail (Džemal) Sadić, Bajazid (Hamza) Saldumović, Jasmin (Mehmed) Saldumović, Zilhad (Huska) Selimović, Merzuk (Ibrahim) Sivac, Kasim (Šefik) Sivac, Omer

(Halil) Šljivar, Mehmedalija (Ibrahim) Talić, Sakib (Bejdo) Trnjanin, Fadil (Ramo) Velić, Ziko (Husein) Zahirović, Nedžad (Latif) Zulić, Sakib (Idriz) Žerić; and a number of charred body remains that belong to approx. 10 victims. The remaining bodies have not been recovered to date.

Therefore, as part of the widespread and systematic attack of the army and police of the Republika Srpska in the Prijedor Municipality, knowing of such an attack and that his acts constituted a part thereof, and, together with other members of the escort, he persecuted Bosniaks and Croats from the Prijedor Municipality by making a significant contribution to effecting the common goal of persecution by way of forcible transfer of population, deliberate deprivation of life (murders), inhumane treatment, unlawful imprisonment of persons aboard the vehicles in the convoy and the robbing of those persons while consciously and deliberately effecting the common goal by participating in the JCE comprising the civilian and military authorities of the Prijedor Municipality, including Milomir Stakić, Simo Drljača, Slobodan Kuruzović, Damir Ivanković, Gordan Đurić, Ljubiša Četić and other members of the civilian and military authorities in Prijedor, their goal being to expel Bosniaks and Croats from the territory controlled by the Serb authorities by committing the aforesaid criminal acts.

Whereby Milorad Radaković would have committed the criminal offense of *Crimes against Humanity* under Article 172(1) h), in relation to Subparagraph **(a)**-murders, Subparagraph **(d)**-forcible transfer, Subparagraph **(e)**-imprisonment, Subparagraph **(h)**-persecution by way of robbery and Subparagraph **(k)**-other inhumane acts, of the Criminal Code of Bosnia and Herzegovina, all in conjunction with Article 180(1) thereof.

III

Pursuant to Article 56 of the CC of BiH, the time the accused spent in custody shall be credited towards the pronounced sentence of imprisonment as follows:

- for the accused Milorad Škrbić the time period from 14 October 2008 to 24 October 2009;
- for the accused Dušan Janković the time period from 29 May 2008 to 11 November 2009;
- for the accused Željko Stojnić the time period from 29 May 2008 to 11 November 2009.

IV

In accordance with Article 186, paragraphs 1 and 2, the accused Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić are relieved of the obligation to reimburse the costs of the criminal proceedings which shall be paid from budget appropriations.

V

Pursuant to Article 198(2) of the CPC of BiH, the injured parties are hereby referred to take civil action with their claims under property law.

II. CHARGES

1. Under the Indictment of the Prosecutor's Office of Bosnia and Herzegovina, Special Department I for War Crimes number KT-RZ-48/06 dated 8 January 2009, confirmed on 12 January 2009, the accused Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Ljubiša Četić, Dušan Janković and Željko Stojnić were charged with the commission of criminal offence of *Crimes against Humanity* in violation of Article 172, paragraph 1, sub-paragraph h), in conjunction with sub-paragraphs a), d), e) and k) of the CC of BiH, all in conjunction with Article 180, paragraph 1 of the CC of BiH, and in relation to Dušan Janković, in conjunction with Article 180, paragraph 2 of the same Code.

2. During the Plea Hearing held on 13 February 2008 all the eight accused pled not guilty to any count under the Indictment, whereupon the Preliminary Hearing Judge, acting in accordance with Article 229(4) of the CPC of BiH, forwarded the case to the Trial Panel to schedule the main trial.

3. During the main trial – on 22 June 2009, the Prosecutor's Office of BiH submitted to the Court the Agreement on the admission of guilt number KT-RZ-48/06 concluded with the accused Damir Ivanković.

4. At the Proposal of the Prosecution, the Trial Panel rendered the Decision number X-KR-08/549-1 dated 29 June 2009 separating the proceedings against the accused Damir Ivanković from the proceedings against the other seven accused, whereupon it pronounced the Verdict on 2 July 2009 finding the accused Damir Ivanković guilty of the criminal offence charged against him under the Indictment and sentencing him to 14 (fourteen) years of imprisonment.

5. On 26 June 2009 the Court received another Agreement on the admission of guilt number KT-RZ-48/06, which the Prosecutor's Office of BiH concluded with the accused Gordan Đurić and his Defense Counsels.

6. Under the Decision number X-KR-08/549-2 dated 6 July 2009, the Court separated proceedings against the accused Gordan Đurić whereupon, on 10 September 2009, the accused Gordan Đurić was found guilty of the offences charged against him and sentenced to 8 (eight) years of imprisonment.

7. In the further course of the proceedings, on 11 March 2010, the Prosecutor's Office concluded an Agreement with Ljubiša Četić and his Defense Counsel.

8. The Trial Panel rendered the Decision on separation of the proceedings number X-KR-08/549-3 dated 15 March 2010 in relation to the accused Ljubiša Četić, whereupon it pronounced the Verdict on 18 March 2010 finding the accused Ljubiša Četić guilty of the offences charged against him and sentenced him to 13 (thirteen) years of imprisonment.

9. Before the main trial was completed the Prosecutor's Office submitted to the Court the Amended Indictment number KT-RZ-48/06 dated 23 November 2010, under which the accused Dušan Janković is no longer charged with command responsibility, and under which the robbing – described in the previous Indictment, was qualified as persecution in accordance with Article 172, paragraph 1, sub-paragraph h) of the CC of BiH.

III. PRESENTED EVIDENCE

10. During the proceedings, both the Prosecution and the Defense examined a great number of witnesses, expert witnesses and presented numerous pieces of documentary evidence.

11. The list thereof is enclosed as Addendum I to this Verdict.

IV. CLOSING ARGUMENTS

A. PROSECUTION

12. In their closing argument the Prosecution underlined that a great number of witnesses testified before the Trial Panel on incidents in the territory of Prijedor municipality in 1992 and that they confirmed the existence of a widespread and systematic attack of the civilian and military authorities of the Prijedor municipality directed against the non-Serb population in the territory of that municipality.

13. The Prosecution furthermore pointed out that the accused were aware of the existence of such an attack and that their acts constituted a part thereof considering the tasks of the Intervention Platoon, on which the members of the Intervention Platoon testified during the proceedings in the capacity of witnesses, in addition to the tendered documentary evidence.

14. Moreover, the Prosecution noted that a great number of witnesses testified about the forcible transfer in the convoy of 21 August 1992, unlawful imprisonment, looting and murder of civilians separated from the convoy, as well as that the planned criminal offence of murder the accused are charged with did take place in the manner as described in the Indictment. Additionally, the tendered documentary evidence confirmed these allegations as well.

15. In relation to the accused Zoran Babić, the Prosecution underlined that the presented documentary evidence as well as numerous examined witnesses testified they had seen him in Tukovi with the automatic rifle, during the convoy movement and at Ilomska river where the men were taken out of the buses. Furthermore, the Prosecution emphasized that witness K-3 pointed out in his statement that Zoran Babić's name was on the list of convoy escorts, while the witnesses who had concluded Agreements on the admission of guilt with the Prosecution, namely Damir Ivanković and Gordan Đurić, claimed to having seen him "at the location". Moreover, the convicted Damir Ivanković added he saw him shooting at the lined up men.

16. The Prosecution stated the presented documentary evidence confirms the accused Milorad Radaković was a member of the Intervention Platoon and that he performed all the tasks as the other members of the platoon.

17. The above-mentioned was also confirmed by the other members of the Intervention Platoon who testified in the capacity of witnesses. The Prosecution argues furthermore that the witnesses stated they saw the accused Milorad Radaković escorting the convoy and at the separation spot where he handed over a bag with ammunition to other members of the Intervention Platoon.

18. The accused Damir Ivanković underlined in his testimony that the accused Milorad Radaković handed over to the fifth accused Željko Stojnić rifle kits with ammunition and added he /Milorad Radaković/ knew the ammunition handed over was to be used for murder. The Prosecution also stated that the accused Milorad Radaković himself testified that he carried out certain acts in the convoy, namely that he ordered men to lower their heads and similar, and that he escorted the convoy as a medic, although not with a bag but with an automatic rifle. Furthermore, according to the Prosecution, the accused underlined he was not aware men in the convoy were robbed and that he learned of the killing of the separated men only after he reached Prijedor.

19. As for the accused Milorad Škrbić, the Prosecution underlined in their closing argument that the witnesses noted in their statements they had seen him at the separation spot, while the convicted Damir Ivanković saw him at the execution site shooting at the lined up civilians.

20. Furthermore, although the accused himself claimed he escorted the bus that broke down, one of the witnesses confirmed he came to escort the bus that broke down three hours after it allegedly broke down for which reason the Prosecutor's Office believes that the accused had had enough time to partake in the separation and killing of civilians and return to the location where the broken bus was parked.

21. In relation to the accused Dušan Janković, the Prosecution emphasized that witnesses confirmed to having seen him in Tukovi, that he was present during the driving as well as at the separation spot where he instructed police officers on something. The Prosecutor underlined that the Defense for the accused, with the aim of evading criminal responsibility, claimed he was a police officer in charge of materiel and equipment, and that he was celebrating saint patron's day in Dubica on the relevant day, in other words, that he was not in Tukovi. Nevertheless, numerous pieces of documentary evidence confirm that the accused Dušan Janković, at the time of the commission of the offence, was a commander of the Police Station Prijedor within the Public Security Station Prijedor.

22. In terms of the accused Željko Stojnić, the Prosecution is of the position that the witnesses confirmed in their testimonies he was in Tukovi and that he was seen during the ride taking a civilian out of the truck trailer and giving him a bag to collect money and jewelry from the other civilians in the convoy. Moreover, he was seen at Korićanske stijene.

23. Furthermore, although the Defense for the accused Željko Stojnić claimed he reached the final destination, a certain number of witnesses stated they did not see him there.

24. Finally, the Prosecutor's Office of BiH highlighted the testimony of witness K-3 who stated he saw the accused Željko Stojnić when the civilians were separated, and that the latter personally confessed to him to having participated in the killing of men immediately after the commission of the offence at Korićanske stijene.

B. THE ACCUSED ZORAN BABIĆ AND HIS DEFENSE

1. Defense for the accused Zoran Babić

25. In the closing argument the Defense for the accused Zoran Babić drew attention to the fact that under the Amended Indictment the accused are charged with a new criminal offence, namely, persecution by way of robbing.

26. Furthermore, the Defense Counsel objected to the application of Article 4a and the JCE the accused are charged with, whereby their fundamental rights have been violated. The Counsel added it was not clear which category of the JCE the accused are being charged with.

27. Not disputing the fact the convoy was organized on the relevant day and that it transported civilians from Prijedor, the Defense for the first accused stated the accused Zoran Babić did come to Tukovi but did not nor could he leave Tukovi on his own will because he was on duty at the Public Security Station Prijedor.

28. In her closing argument the Defense Counsel referred to the statements of the accused Damir Ivanković and Ljubiša Četić.

2. The accused Zoran Babić

29. In his closing argument the accused Zoran Babić maintained the averments of his Defense Counsel and underlined he was a member of the Intervention Platoon but did not escort the referenced convoy. The accused furthermore pointed out that he was not guilty and that his conscience is clear in terms of the committed offence.

C. THE ACCUSED MILORAD RADAKOVIĆ AND HIS DEFENSE

1. Defense for the accused Milorad Radaković

30. In her closing argument the Defense Counsel for the accused Milorad Radaković emphasized that on the relevant day her client did not separate civilians from the truck at the last stop nor did he take valuables from the passengers, but that he proceeded in a bus to a final destination.

31. Moreover, the Defense Counsel noted her client did not willingly or consciously partake in the JCE nor did he commit the criminal offence charged against him.

32. The Defense Counsel believes that adding sub-paragraph h) to the Amended Indictment was unlawful.

33. Furthermore, the Defense Counsel argued it was not clear which category of the JCE the Prosecution was trying to prove and added it was not prescribed under the CC of SFRY, CC of BiH nor is it incorporated in customary international law. The Defense Counsel added that if the JCE theory as proposed by the Prosecution would be accepted than every member of the escort as well as bus and truck drivers would have to be punished for the same offence.

34. The Defense also noted that even before the relevant day convoys had been organized and there had been no victims, and that the convoy of 21 August 1992 was an isolated event.

35. Moreover, the Defense Counsel underlined that the statements of some of the witnesses should be assessed with caution as their testimony was given in order to avoid their own criminal responsibility.

2. The accused Milorad Radaković

36. The accused Milorad Radaković joined the arguments of his Defense Counsel and added he had responsibly performed the duties of the medic and that he was ready to provide medical care to his fellow-citizens of Bosniak ethnicity.

37. The accused went on to claim he did not participate in the robbing or killing of civilians from the bus.

38. Finally, the accused offered his condolences to the families of the killed.

D. THE ACCUSED MILORAD ŠKRBIĆ AND HIS DEFENSE

1. Defense for the accused Milorad Škrbić

39. In his closing argument the Defense Counsel pointed out that the Court should acquit his client as there is no evidence he persecuted, forcibly transferred or robbed anyone.

40. The Defense Counsel stated that neither the CC of BiH nor the CC of SFRY defines the concept of JCE, and added that at the time of the commission of the offence at Korićanske stijene there was no widespread or systematic attack.

41. Furthermore, the Defense Counsel underlined that the victims of the referenced offence charged against his client were able-bodied men, that it was the time of war and that they could not have had the status of civilians regardless of the clothes they wore.

42. The Defense Counsel also argued that the Prosecution did not attempt to prove which individuals participated in the commission of the referenced offence, and underlined it was indisputable his client replaced the escort in the bus that broke down.

2. The accused Milorad Škrbić

43. While accepting these arguments of his Defense Counsel, the accused Milorad Škrbić pointed out that he did not persecute, imprison, rob or kill anyone.

44. Finally, the accused added he can look in the eyes of every citizen of Prijedor with his conscience clear.

E. THE ACCUSED DUŠAN JANKOVIĆ AND HIS DEFENSE

1. Defense for the accused Dušan Janković

45. The Defense Counsel for the accused Dušan Janković highlighted in his closing argument that the case at hand, at least in terms of his client, is a result of the Prosecution intention to convict at least one member of the senior staff of the Public Security Station Prijedor for the offence at Korićanske stijene.

46. The Defense Counsel went on to analyze all relevant allegations in the Indictment and pointed out that during the relevant time period there was no widespread or systematic attack in the territory of Prijedor municipality, but that the case in hand involved combat activities between the warring parties.

47. In order to substantiate these assertions, the Defense Counsel chronologically described the political situation that developed during 1990, 1991 and 1992, and described how the population in the territory of the Prijedor municipality was armed, firstly by the Party of Democratic Action (the SDA) which was followed by combat activities. However, that could not be interpreted as an attack directed against civilians.

48. When commenting on the allegations pertaining to the existence of the JCE, the Defense Counsel referred to the positions taken by the ICTY Trial Panel in the *Fatmir Limaj et al.* case underlying that the Prosecution did not sufficiently specify the category of the JCE in question.

49. A special part of his closing argument the Defense Counsel dedicated to shedding light on the role, that is, duties of his client within the Public Security Station Prijedor.

50. The Defense Counsel noted that after the mobilization the Police Station Prijedor ceased to exist and that Reserve Police Stations were activated and staffed by police officers, reserve police officers and volunteers.

51. The above-mentioned in the opinion of the Defense Counsel confirms that his client, from the moment of mobilization, had the status of inspector first class without any commanding role.

52. The Defense Counsel referred to the statements of witnesses who concluded Plea Agreements with the Prosecution, highlighting that the accused Dušan Janković was not a member of the senior staff within the Prijedor Police Station as it did not exist during the relevant time

period, as well as that he was not superior to the members of the Intervention Platoon, for which reason the concept of command responsibility cannot be applied.

53. Finally, the Defense Counsel reiterated that on the relevant day his client did not partake in the escort of the convoy but was attending a celebration in the settlement of Sreflije where he headed once he handed over his shift.

2. The accused Dušan Janković

54. The accused pointed out in his closing argument that the Indictment against him is unfounded and not corroborated with adequate evidence.

55. The accused furthermore stated that all available documents show he did not enjoy the trust of the SDS, for which reason the assertion of the Prosecution that he participated in the JCE led by the Serb Democratic Party (the SDS) from Prijedor is not valid.

56. The proceedings at hand are, in the opinion of the accused, a result of his dispute with Vitomir Lakić and Luka Gnjatović, whose statements were corroborated by the accused who have in the meantime concluded Agreements on the admission of guilt with the Prosecution.

57. Finally, the accused emphasized that the case at hand shows how the Prosecutor wanted someone innocent to be convicted of the crimes at Korićanske stijene, adding he sympathized with the victims but that punishing him would not contribute to reconciliation.

F. THE ACCUSED ŽELJKO STOJNIĆ AND HIS DEFENSE

1. Defense for the accused Željko Stojnić

58. The Defense Counsel for the accused Željko Stojnić joined the allegations of his colleagues in the referenced proceedings in his closing argument, adding there are still many unclear issues in relation to the crimes that took place at Korićanske stijene.

59. Not contesting the existence of convoy of 21 August 1992, the separation of Bosniak men from the buses and their murder, the Defense Counsel underlined that the Indictment contains very little information on the charges against his client.

60. In relation to the JCE, the Defense Counsel stated that by applying this institute it would be possible to apply the institute of objective responsibility, which is contrary to fundamental postulates of modern criminal law.

61. The Defense Counsel referred to the presented evidence, noting that the Prosecution examined a great number of witnesses who were either tendentious or unreliable in their

testimonies, particularly pointing out the statements of witnesses Elvir Hadžimuratović and Erna Kadirić who stated they had seen the accused Željko Stojnić at Smetovi at the relevant time, which corroborates the averments of the Defense that he was not present at the locations where the murder took place.

62. Finally, the Defense Counsel moved the Court to acquit his client, emphasizing that his client came of his own will and in his personal car to the seat of the State Investigation and Protection Agency (SIPA).

2. The accused Željko Stojnić

63. The accused joined the assertions of his Defense Counsel and added he did not know anyone would be killed and that he did not partake in the killing.

64. For the afore-mentioned reasons he did not conclude an Agreement with the Prosecution as it would mean he confessed to the murders.

65. Finally, the accused underlined he was guilty of taking property from the men in the convoy but only upon the order of Miroslav Paraš who made him leave the separation place.

V. PROCEDURAL DECISIONS

A. ESTABLISHED FACTS

66. The principle of taking judicial notice of the facts established under final judgments in proceedings before the ICTY significantly improves the efficiency and judicial economy of criminal proceedings.

67. By taking judicial notice of certain facts a contestable assumption on the said facts is made so that the opposing party is in the position to challenge them or refute them.

68. In order to protect the rights of the accused while taking judicial notice of established facts a set of criteria has been developed which, *inter alia*, imply the cases in which final verdicts were rendered or in which appellate proceedings were pending, provided that the facts proposed to be accepted are not challenged, or that the facts at issue are not taken from verdicts rendered on the basis of plea agreements.

69. Furthermore, the criteria applied are, among others, the following: (1) the conclusions are not of the legal nature (these conclusions are under the exclusive responsibility of the Trial Panel), and that (2) facts do not directly imply the criminal responsibility of the accused, not only in terms

of the acts undertaken by him but also his subjective relation to them, in other words, whether he was mentally capable at the time of the commission of the criminal offence charged against him.

70. In other words, the “established facts” primarily pertain to issues like the existence of a widespread or systematic attack, that is, the existence of an armed conflict and its nature.

71. On 15 April 2009, the Prosecutor’s Office of BiH submitted a Motion number KT-RZ-48/06 moving the Court to accept as established facts under the Judgments of the ICTY in the cases *Prosecutor vs. Duško Tadić*, case number IT-94-1, Judgment of 7 May 1997; *Prosecutor vs. Miroslav Kvočka et al.*, case number IT-98-30/1, Judgment of 2 November 2001; *Prosecutor vs. Milomir Stakić*, case number IT-97-24-T, Judgment of 31 July 2003 and *Prosecutor vs. Radoslav Brđanin*, case number IT-99-36-T, Judgment of 1 September 2004. The Court accepted these facts as established in the scope and order as noted in Addendum 2.

72. By applying the criteria of relevance, the Court refused to accept the following paragraphs of the Judgment pronounced by the Trial Panel in the ICTY case *Prosecutor vs. Duško Tadić* (IT-94-1): 156, 159, 161, 163, 164, 166, 167, 169, 175, 176, 177 and a part of the paragraph under number 466.

73. The proposal of the Prosecutor to accept facts from the Judgment of the Trial Panel in the ICTY case *Prosecutor vs. Miroslav Kvočka et al.* (IT-98-30/1) under numbers 45, 55, 58, 68, 108, 112, 336 and 344 has been refused.

74. Further, the Court refused to accept paragraphs 162, 164, 170, 197, 198, 210, 211, 212, 213, 231, 242, 246, 247, 253, 254, 255, 270, 271, 273, 274, 780 and a part of the paragraph under number 688 from the Judgment in the *Prosecutor vs. Milomir Stakić* case (IT-97-24-T).

75. Finally, The Court refused to accept paragraphs from the Judgment of the Trial Panel in the ICTY case *Prosecutor vs. Radoslav Brđanin* (IT-99-36-T) under numbers: 413, 415, 453, 509, 858, 859, 862 and 863.

76. By applying the criteria according to which a fact cannot pertain to acts, conduct or mental state of the accused, the Panel partially refused to accept paragraphs from the Judgment of the Trial Panel in the ICTY case *Prosecutor vs. Milomir Stakić* (IT-97-24-T) under numbers 215 through 218 related to the events which took place on 21 August 1992 and in which the accused allegedly participated. The event involved transportation of the Trnopolje camp prisoners by buses to the location called Korićanske stijene. Taking into consideration that the Prosecutor based the

Indictment largely on this incident, the Panel concluded that the referenced criteria would not be met if this fact were accepted.

77. Bearing in mind all the foregoing, it should be emphasized that judicial economy is achieved by formally taking judicial notice of the facts established before the ICTY. This purpose is in accordance with the right of the accused to a trial without any delay guaranteed in Article 13 of the CPC and Article 6(1) of the European Convention. However, regardless of this, judicial economy was not the only prevailing standard in the case at hand given that that it is coordinated with the principle of presumption of innocence and the right of the accused to a fair trial enshrined in Article 6 of the European Convention.

B. MANNER OF WITNESS EXAMINATION

78. In the case conducted against the then suspects Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković, Milorad Škrbić, Ljubiša Četić, Dušan Janković and Željko Stojnić, the Preliminary Proceedings Judge rendered during the investigative procedure decisions granting protection measures to twenty-three Prosecution witnesses in total.

79. In accordance with Article 13 of the Law on the Protection of Witnesses under Threat and Vulnerable Witnesses, the Court rendered a Decision during the hearing held on 21 April 2009 granting protection measures to a witness in that the witness was assigned pseudonym A, while his personal details were proclaimed confidential and will remain classified for the following 30 years.

80. The above referenced measures include a ban on publishing photographs and video recordings containing the image of the protected witness, while the witness will not be recorded during his testimony, that is, the camera cover lid will be closed, and those present will be cautioned that they must not reveal the identity of the protected witness.

81. Furthermore, after the majority of the Defense Counsels objected to the proposed measures, the Court rendered a decision under which one of the witnesses was granted protection measures in that all personal details of the witness for whom protection measures were sought under the Submission of the Association of Women from Prijedor (the name and personal details of the witness were referenced in the Indictment and the Submission) are declared confidential.

82. Moreover, the witness will use pseudonym B in the proceedings before the Court of BiH, while the measure will be in force for 30 years.

83. Additional measures imply that the witness B will testify from a separate room. His voice will not be distorted but his image will, by way of image distortion.

84. Additionally, the witness who had been assigned pseudonym KS-1 was granted additional measure, namely, testifying from a separate room. The parties in the proceedings will be able to see a clear image but the public, which will be in a separate room, will only be able to hear the witness. The Defense for the accused Zoran Babić and Milorad Škrbić objected to these protection measures.

85. Under the identical conditions the additional protection measures were granted to the witness KS-2, that is, testifying from a separate room. The parties in the proceedings will be able to see a clear image but the public, which will be in a separate room, will only be able to hear the witness. None of the Defense Counsels for the accused objected to the referenced protection measures.

86. Likewise, the Court granted additional protection measures to the witness K-1, that is, testifying from a separate room. The parties in the proceedings will be able to see a clear image but the public, which will be in a separate room, will only be able to hear the witness. None of the Defense Counsels for the accused objected to the referenced protection measures.

87. During the hearing held on 12 October 2009, the Court granted additional protection measures to the witness KO-8 including testifying from a separate room as well as distortion of image. The Defense Counsels for the accused Damir Ivanković, Zoran Babić, Gordan Đurić, Milorad Radaković and Milorad Škrbić opposed the application of these measures.

88. During the hearing held on 17 November 2009, the Court granted additional protection measures to the witness KO 15, which are the same as the witness enjoyed when he testified before the ICTY.

89. These measures pertain to the exclusion of the public and the Defense did not object to them.

90. During the hearing held on 8 February 2010, witness O-3 was granted protection measures in the way that he would testify from a separate room and that his image would be distorted.

91. The Defense Counsels did not object to the referenced measures.

92. Furthermore, during the hearing held on 22 February 2010, the Court granted new protection measures to the witness O-4, including testifying from a separate room and distortion of image. The Defense Counsels did not object to the referenced measures.

93. During the hearing held on 6 July 2010, the Court assigned pseudonym KA-1 to one of the witnesses and the following protection measures: testifying from a separate room and distortion of image for the parties in the proceedings save the Panel.

94. The Defense Counsels for the accused Zoran Babić, Milorad Radaković, Dušan Janković and Željko Stojnić opposed the referenced measures.

95. Finally, during the hearing held on 4 October 2010, witness KO 18 was assigned additional protection measures implying a ban on publishing photographs in the media. The Defense did not object to the additional protection measures.

96. The Court bore in mind that the referenced witnesses and their families had to be protected so, regardless of the Defense objections, it rendered the decisions granting protection measures to the above named witnesses.

C. PROCEDURAL OBJECTIONS TO SPECIFIC EVIDENCE

VI. APPLICABLE LAW

97. In relation to the applicable substantive law, the Defense objected to the application of the Criminal Code of BiH, underlying that the Criminal Code of SFRY should have been applied as it was in force at the time the referenced incident took place.

98. The view of the Defense was that the application of any other law instead of the CC SFRY that was in force at the time relevant to this case constitutes a violation of the principle of legality. In light of this, the Defense referred to Article 7(1) of the European Convention and Article 15(1) of the International Covenant on Civil and Political Rights.

99. Article 3 of the CC of BiH prescribes the principle of legality, that is, that the criminal offences and criminal sanctions shall be prescribed only by law and that no punishment or other criminal sanction may be imposed on any person for an act which, prior to being perpetrated, has not been defined as a criminal offence by law or international law, and for which a punishment has not been prescribed by law. Furthermore, Article 4 of the CC of BiH prescribes that the law that was in effect at the time when the criminal offence was perpetrated shall apply to the perpetrator of the criminal offence; if the law has been amended on one or more occasions after the criminal offence was perpetrated, the law that is more lenient to the perpetrator shall be applied.

100. Article 7(1) of the European Convention also prescribes the principle of legality. In accordance with Article 2.2 of the Constitution of BiH, the European Convention on the Protection

of Human Rights has priority over all laws of BiH. Furthermore, this provision of the European Convention prescribes the general principle that prohibits the imposing of a sentence more severe than the one that was prescribed at the time of commission of the criminal offense, but does not prescribe the application of the most lenient law.

101. Article 4a of the CC of BiH prescribes that Articles 3 and 4 of the CC of BiH shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, *was criminal according to the general principles of international law*.

102. Article 7(2) of the European Convention provides for the same exception in that paragraph 1 of the same Article *shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by civilized nations* (see Article 15, paragraphs 1 and 2 of the International Covenant on Civil and Political Rights which contains similar provisions. The state of Bosnia and Herzegovina has, as a legal successor of Yugoslavia, ratified this Covenant).

103. The above mentioned provides for the possibility in the described circumstances to depart from the principle referenced in Articles 3 and 4 of the CC BiH (and Article 7(1) of the European Convention) as well as from the application of the criminal code applicable at the time of the commission of the criminal offence.

104. When deliberating on the Defense objections it should be noted that none of the provisions of the CC of SFRY (applicable during the relevant time period) exclusively addressed crimes against humanity in the manner as specified under Article 172 of the CC of BiH.

105. Nevertheless, considering other provisions of the applicable substantive law, as well as general principles of international law, this objection of the Defense could not have been accepted as founded.

106. The Court underlines that the criminal offences charged against the accused are criminal offences in accordance with customary international law and therefore fall under *general principles of international law* prescribed under Article 4a of the Law on Amendments to the CC of BiH as well as *general principles of law recognized by civilized nations* under Article 7(2) of the European Convention.

107. Accordingly, the CC of BiH can be applied in the case at hand.

108. It is particularly necessary to emphasize that the status of crimes against humanity in customary international law, and attributing individual criminal responsibility during the period relevant to the Indictment, was *inter alia* mentioned in the Report of the UN Secretary General pursuant to Paragraph 2 of the Resolution 808 of the Security Council dated 3 May 1993, International Law Commission, Commentaries on the Draft Code on Crimes against Peace and Security of Humanity (1996) and the case law of the ICTY and the ICTR.

109. The view of these institutions is that the punishment of crimes against humanity constitutes an imperative among the standards of international law or *jus cogens* (International Law Commission, Commentary on the Draft articles on state responsibility for international unlawful offenses (2001, Article 26). It therefore irrefutably follows that crimes against humanity in 1992 constituted a part of customary international law.

110. Finally, the application of the CC of BiH is additionally justified by the fact that the imposed punishment is in any case more lenient than the capital punishment applicable at the time of the commission of the criminal offence, whereby the principle of time constraints regarding the application of the criminal law, that is, application of the law more lenient for the perpetrator has been met.

111. The above stated is in accordance with the position taken by Section I of the Appellate Division of the Court of BiH in their Verdict against Abduladhim Maktouf number KPŽ 32/05 dated 4 April 2006, and the Verdict against Dragoje Paunović number KPŽ 05/16 dated 27 October 2006.

112. The Constitutional Court of Bosnia and Herzegovina deliberated on this issue raised in the Appeal of A. Maktouf (AP 1785/06) and stated in the decision of 30 March 2007: “68. In practice, legislation in all countries of former Yugoslavia did not provide a possibility of pronouncing either a sentence of life imprisonment or long-term imprisonment, as often done by the International Criminal Tribunal for the former Yugoslavia (the cases of Krstic, Galic, etc.).”

113. At the same time, the concept of the SFRY Criminal Code was such that it did not stipulate either long-term imprisonment or life sentence but death penalty in case of a serious crime or a 15 year maximum sentence in case of a less serious crime. Hence, it is clear that a sanction cannot be separated from the totality of goals sought to be achieved by the criminal policy at the time of application of the law.”

114. In this context, the Constitutional Court holds that it is simply not possible to ‘eliminate’ the more severe sanction under both earlier and later laws, and apply only other, more lenient, sanctions, so that the most serious crimes would in practice be left inadequately sanctioned.”

115. In the case at hand the Court believes it was established the accused had to know that during the state of war the application of international rules has priority and that any violation of internationally protected values incurs severe repercussions.

116. If we analyze Article 172 of the CC of BiH it becomes clear that the essential elements of this criminal offence include, among others, elements of violation of international rules.

117. Accordingly, this group of criminal offences is special as it is not sufficient to only commit such criminal offences through a physical action but there needs to be awareness that the commission of the act violates international rules as well as the assumption that the accused must be aware that the times of war, or conflicts, or hostilities are particularly sensitive and especially protected by the generally recognized rules of international law which, as such, adds even more importance to the criminal offence whose commission results in even more grievous consequences than those that would have been caused if the criminal offence were committed in peace time.

118. Moreover, at the time when the criminal offences were committed Bosnia and Herzegovina, as a legal successor of the SFRY, was a signatory party of all relevant international conventions on human rights and international humanitarian law protecting human rights in war and peace time.¹

119. Additionally, the customary status of criminal responsibility for crimes against humanity and war crimes against civilians, as well as individual responsibility for war crimes committed during 1992 was confirmed by the UN Secretary General², International Law Commission³, and the ICTY and International Criminal Tribunal for Rwanda (ICTR)⁴ case law.

¹ This includes in particular: Convention on Genocide (1948); Geneva Conventions (1949) and their Additional Protocols (1977); Slavery Convention amended in 1956; Convention on Racial Discrimination (1966); International Covenant on Civil and Political Rights (1966); Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968); Convention on Apartheid (1973); Convention on the Elimination of All Forms of Discrimination against Women (1979); UN Convention against Torture (1984).

² Report of the UN Secretary General in accordance with paragraph 2 of the 808 Resolution, the Security Council dated 3 May 1993, parts 34-35 and 47-48

³ International Law Commission, Commentary on the Draft of the Law on Crimes against Peace and Safety of Mankind (1196)

⁴ ICTY, Appellate Panel, *Tadić* case, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction dated 2 October 1995, paragraph 151; ICTY, Trial Panel, Judgment in the *Tadić* case dated 7 May 1997, paragraphs 618-623

120. These institutions established that the criminal responsibility for crimes against humanity and war crimes against civilians constitute an imperative standard of international law, that is, *ius cogens*⁵.

121. Therefore, it is indisputable that the crimes against humanity and war crimes against civilians committed in 1992 were a part of customary international law.

122. This conclusion was also confirmed by the Study on Customary International Humanitarian Law⁶ composed by the International Committee of the Red Cross.

123. According to the Study: *serious violations of international humanitarian law constitute war crimes* (Rule 156) and *individuals are criminally responsible for war crimes they commit* (Rule 151) as well as that *states must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecute the suspects*.

124. *They must also investigate other war crimes over which they have jurisdiction and, if appropriate, prosecute the suspects* (Rule 158).

125. Pursuant to the principle of universal responsibility, customary international humanitarian law is binding on any state in the world, regardless of whether it has ratified the appropriate international legal instruments. Thus, each state is bound to criminally prosecute or extradite (*aut dedere aut iudicare*) all individuals suspected of having violated customary international humanitarian law.

126. The principles of international law recognized under Resolution 95(I) of the UN General Assembly (1946), as well as by the International Law Commission (1950) pertain to the Nurnberg Charter and the Judgment of the Tribunal and, accordingly, to all war crimes in general. Principles of International Law recognized in the Charter of the Nurnberg Tribunal and the Judgment of the Tribunal adopted by the International Law Commission in 1950 and submitted to the General Assembly essentially prescribe: (1) *Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment*. Moreover, principle 2 prescribes: *The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law*.

⁵ International Law Commission, Commentary of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts (2001), Article 26

⁶ Jean-Marie Henchaerts and Luise Doswald-Beck: Customary International Humanitarian Law; ICRC, Cambridge University Press, 2005, page 568 onwards

127. Therefore, the criminal offence of crimes against humanity and war crimes against civilians should be classified in the category of “general principles of international law” under Articles 3 and 4a of the CC of BiH. Regardless of whether it is observed from the aspect of customary international law, law of treaties or “principles of international law”, it is indisputable that crimes against humanity and war crimes against civilians constituted criminal offences in the relevant time period, that is, the principle of legality was met in the sense of *nullum crimes sine lege* and *nulla poene sine lege*.

128. Accordingly, the criminal offence of crimes against humanity, in accordance with provisions under common Article 3, paragraph 1, sub-paragraphs a) and c) of the Geneva Conventions and Article 27, paragraph 2 of the Geneva Conventions relative to the Protection of Civilian Persons in Time of War of 12 August 1949, should be subsumed under “international law”, that is, “general principles of international law” under Article 3 and 4a of the CC of BiH. It is therefore indisputable that crimes against humanity and war crimes against civilians constituted criminal offences during the relevant time.

129. Finally, in terms of the objection raised by the accused Željko Stojnić that during the relevant time his client was a young adult and that the CC of SFRY is more favorable to him, it should be noted that the CC of SFRY indeed did not prescribe capital punishment for young adults (Article 37, paragraph 3).

130. However, paragraph 4 of the said Article prescribed the exception according to which capital punishment may be imposed upon a young adult for the criminal offences against humanity and international law (as is the criminal offence under Article 172 of CC of BiH).

131. Therefore, the Defense for the accused Željko Stojnić had no grounds to invoke the application of the CC of SFRY as the criminal code allegedly more favorable because of the age of the accused Željko Stojnić at the time of the commission of the referenced criminal offence.

VII. THE STANDARDS APPLIED IN EVALUATION OF EVIDENCE AND ELEMENTS OF THE OFFENCE

A. STANDARDS IN EVALUATION OF INDIVIDUAL EVIDENCE

132. The task of every court is to assess evidence in accordance with the applicable procedural law, that is, the Criminal Procedure Code of Bosnia and Herzegovina.

133. Moreover, when analyzing each piece of evidence, the Court is bound to apply the presumption of innocence to each of the accused as stipulated under Article 3 of the CPC of BiH, which is at the same time the basic principle of modern criminal legislation.

134. Therefore, the Prosecution bore the onus of proving the guilt of the accused.

135. Furthermore, when assessing witness statements, the Court took into account their conduct, behavior, character, in as much as possible, as well how logical and consistent their statements are.

136. In relation to all witnesses the Court also took into consideration how likely they are, their consistency and other evidence, circumstances related to the case as well as personal interest of some of the witnesses in the criminal proceedings at hand.

137. During the entire proceedings the Court bore in mind the fact that the credibility of witnesses depends on their knowledge of the facts they testified about, their ability to adequately perceive the circumstances they testified about, their honesty as well as that they pledged to speak the truth as they took the oath.

138. In case the Court deems a witness testified honestly, the key issue becomes whether that testimony is reliable and whether it contains all relevant circumstances.

139. Moreover, the Court constantly bore in mind during the proceedings that the testimony contained facts about incidents which took place (many) years ago and that the witnesses were uncertain when testifying, as human perception of traumatic incidents and their recollection are not constant.

140. Statements of witnesses who were at the time present during the events they testified about were particularly evaluated as they were exposed to stress and trauma. The Court is of the opinion that some deviations in terms of order of events and their duration do not affect the credibility of statements in terms of doubt whether some incidents did indeed take place.

141. As we underlined previously, the situations wherein individuals were imprisoned for longer periods of time on uninhabitable premises and when it was customary that certain acts were regular/frequent, it is quite logical that witnesses err in their order or their duration.

142. Additionally, the Court is aware it is possible those witnesses might make a mistake when describing the presence or conduct of some individuals.

143. However, in cases when other evidence confirm the presence of a certain individual, the Court gave full credence to descriptions and details as noted by such a witness.

144. As for indirect evidence, it should be underlined that the case law took a position according to which indirect evidence is acceptable.

145. However, in accordance with Article 15 of the CPC of BiH, the Court is free in its evaluation. Nevertheless, this evidence must be reliable, that is, in case of a witness testimony it must be given voluntarily, must be true and obtained in a lawful manner.

146. Specifically, the probative value of indirect evidence, that is, statements depends on the context and character of the referenced statement and/or whether the statement is corroborated with other appropriate evidence.

147. Indirect evidence is essentially evidence on facts, that is, incidents or criminal offences from which the relevant fact logically follows.

148. Since some of the relevant incidents took place at the time when there were not many surviving eye-witnesses at the crime scene, and since a possibility to establish relevant facts through the testimony of the witnesses and the documentary evidence directly confirming this fact was problematic or difficult, circumstantial evidence became the key element not only for the Prosecution, but also for the Accused.

149. If considered individually, these pieces of evidence cannot be sufficient *per se* but if observed in their entirety, their collective and cumulative character can be rather revealing and sometimes decisive.

150. The Court is of the opinion that the order and temporal links between the incidents covered by the Indictment as well as the identical manner in which they took place, are of particular importance.

151. In the case at hand, documentary evidence was abundant and of particular importance for creating a clear and complete picture of relevant incidents and key players.

152. Furthermore, the fact that a certain document was not signed or bears no seal does not necessarily mean it is not trustworthy (particularly if the document in question is a record or journal). The Court was not of the position that a document which did not bear signature or seal was *a priori* untrustworthy.

153. The Court constantly bore in mind the principle according to which the Prosecution bears the burden of proof. The Court reviewed all the presented documents, one by one, and is of the opinion that the Prosecution managed to prove their veracity beyond any reasonable doubt.

154. When evaluating the veracity of documents, the Court considered them in the light of all other presented evidence, namely, documentary evidence and witness statements.

155. Moreover, even when the Court was convinced the assessed document is trustworthy it did not automatically accept that the statements contained in those documents are accurate representation of facts. On the contrary, the veracity of the content was assessed in each specific case.

156. Moreover, Article 15 of the CPC of BiH defines the principle of free evaluation of evidence, which gives the Court the right to freely assess the existence or non-existence of facts. The assessment whether certain facts exist or do not exist is not related to or limited to particular formal evidentiary rules.

157. Value of evidence is not predetermined either in terms of quality or quantity.

158. Therefore, even when certain certificates, status decisions or certain relevant facts do exist, the Court was in the position to re-assess their existence.

159. As for the free evaluation of evidence, the Court has the right as well as the obligation to conscientiously evaluate all evidence individually and together with other evidence and on the basis of such evaluation reach a conclusion whether a certain fact is proven. Moreover, the evaluation of evidence includes their logical and psychological assessment.

160. In other words, a free evaluation of evidence is limited with the principle of lawfulness of evidence and nothing else.

161. Furthermore, it is important to emphasize that Article 10 of the CPC BiH defines the term of unlawful evidence in the way that the sources of information obtained or adduced in a manner prohibited by law constitute legally invalid evidence.

162. The evidence obtained by violations of fundamental human rights and freedoms, and essential violations of the procedural law, is categorized as unlawfully obtained evidence.

163. This evidence constitutes legally invalid evidence and it is impossible to base a court's decision on such evidence.

164. Also, frequently raised is the issue of authenticity or a copy of the document whose content is important for the evidentiary procedure.

165. Although a view principally exists on the necessity to submit original documents to the Court, this view *per se* does not exclude a possibility to use a copy of a certain document as lawful evidence.

166. The same view is shared among the courts in other states in the region. Thus the Supreme Court of the Republic of Croatia stated in the Decision number I Kž-645/01 the following:

"The Accused are right when they are stating that all official letters that have the importance of evidence should be submitted in original. In this specific case, this was not done with the Record on questioning suspect N. Š. dated 8 May 1999 (sheet 72-74 of the record). In spite of its attempts, the First Instance Court did not manage to obtain the original during the proceedings either. However, contrary to the appellate complaints, it cannot be accepted that this evidence is unlawful in terms of Article 9(2) of the CPC due only to a formal omission since the Accused Š. did not contest the authenticity of the Record, the Record was not obtained by violations of the Constitution, the rights of the Defense guaranteed by the law or international law, while during the main trial, in presenting his defense, the Accused himself stated that he maintained such defense of his. The record was thereupon read out and the Accused stated that it was exactly what he had stated before the police authorities. In addition, given that the Accused Š. entirely denies the commission of the offense, it is not acceptable that the contested Judgment is based on this evidence. Therefore, even if it were accepted that it was the evidence set forth in Article 9(2) of the CPC, the appellate ground of unlawful violation set forth in Article 367(2) of the CPC was still not satisfied."

167. When speaking about the view of the European Court of Human Rights (hereinafter: ECtHR) regarding the evaluation of evidence, it should be indicated that the general rule was established according to which national courts are the ones evaluating the evidence.

168. Since the Convention does not prescribe this explicitly, the ECtHR did not address the establishment of the rules on evidence, having firmly maintained its view that the task of the Court was not to adjudicate on whether this evidence was accepted in an appropriate manner at the trial, which is principally an issue that is regulated pursuant to the national law. The task of the Court is to establish if the judicial proceedings were fair in their entirety.

169. Therefore, the view of the ECtHR and the judicial systems of the neighboring countries was that the main goal of the criminal proceedings was to establish the material truth⁷, pursuant to which they established the fairness of the criminal proceedings in their entirety as the lowermost threshold related to the lawfulness of evidence, without being limited to certain aspects thereof.

⁷ Possible departures from this principle could be discussed only when the instruments of plea agreement and the Accused's pleading not guilty are in question.

B. GENERAL ELEMENTS OF CRIMES AGAINST HUMANITY

170. The accused Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić are charged with the commission of the criminal offence of Crimes against Humanity in violation of Article 172, paragraph 1, sub-paragraph h), in conjunction with sub-paragraphs a), d), e), h) and k) of the CC of BiH.

171. To qualify a criminal offense as crimes against humanity, the law prescribes that in addition to concrete elements of individual criminal offenses, the Prosecutor must also prove the general elements of crimes against humanity, namely:

1. the existence of a widespread and systematic attack directed against any group of civilians;
2. awareness of the Accused of the existence of such an attack;
3. the knowledge of the Accused that their actions constituted or could constitute a part of the attack.

C. LEGAL STANDARDS APPLIED TO THE ESTABLISHED STATE OF FACTS

172. The Prosecution charged the accused Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić with persecution by way of unlawful imprisonment, inhumane treatment committed with the aim of inflicting great suffering or serious injury to body or to mental health, murder, forcible transfer and robbing.

173. A definition/explanation of the meaning of certain terms and a brief commentary concerning the established state of facts will be given in the text below.

1. Unlawful imprisonment

174. Unlawful imprisonment should be construed as an arbitrary imprisonment, namely it should be defined as “depriving a certain individual of liberty without any regular legal procedure”. Accordingly, the view of the Court was that the imprisonment of civilians was unlawful when (1) the civilians were imprisoned in violation of Article 42 of the IV Geneva Convention, namely when no reasonable grounds existed to believe that their imprisonment was absolutely necessary for the reasons of security of the power which kept them imprisoned; (2) when the guaranteed procedural protective mechanisms required by Article 43 of the IV Geneva Convention are not complied with regarding the imprisoned civilians, even when the initial imprisonment was perhaps justified; and (3) when the imprisonment appeared as part of a widespread or systematic attack directed against the civilian population.

175. It should be underlined in terms of unlawful imprisonment that the Prosecution position that the fact the civilians could not have left the convoy during its movement would constitute the criminal offence of unlawful imprisonment was not accepted.

2. Other inhumane acts

176. Other inhumane acts of a similar character constitute the acts committed intentionally to cause great suffering, or serious injury to body or to physical or mental health and the acts for which it is necessary to prove the existence of acts or omissions to act of a similar gravity as for other crimes listed in Article 172(1) of the CC BiH;

1. An act or omission to act by which mental or physical suffering or injury was inflicted, or that constitutes a serious attack on human dignity;
2. An act or omission to act intentionally committed by the Accused and a person or persons for whose acts or omissions to act the Accused bears criminal responsibility.

177. An evaluation of gravity of such an act or omission to act is of a relative nature. All factual circumstances must be taken into account, including the character of the act or omission to act, the context in which they took place, their duration and/or repetition, physical, mental or moral effect of the action on the victim and the victim's personal situation, including the age, sex and health condition.

178. The sufferings inflicted on the victim by the action concerned do not have to be permanent, it is sufficient that they are real and serious.

179. The required *mens rea* element is present if at the time of commission of the act or omission to act the principal perpetrator had the intent to inflict severe physical or mental suffering, or to commit a serious attack against the victim's human dignity, or if he knew that his act or omission to act would probably result in causing severe bodily or mental sufferings, or serious attack on human dignity, while he chose to ignore a possibility that such suffering or attack would appear as a result of his act or omission to act.

3. Murder

180. Murder implies depriving other person of his life. It is characterized by the following elements:

- a) the death of victim;

b) the death which is a result of the act or omission to act on the part of the Accused or his subordinate;

c) in doing so, the Accused or his subordinate had an intent to deprive the victim of his life or inflict a severe injury on his bodily integrity, which he could have reasonably assumed would result in his death.

181. The required *mens rea* of murder implies the intent to commit a murder or inflict a severe bodily injury with a deliberate lack of care for a human life.

182. The required *mens rea* standard requires willful killing with the intent.

183. The consequence is a result of the intent when the perpetrator formulated his intent to murder having given it a reasonable thought. The consequence is intended when it constitutes the goal of the perpetrator or when the perpetrator is aware that it will occur following the usual sequence of events.

4. Deportation and forcible transfer

184. Deportation and forcible transfer of population is a forcible transfer of persons from the territory in which they lawfully reside by expulsion or other coercive measures not grounded on the international law.

5. Persecution

185. Persecution means intentional and severe deprivation of fundamental rights, contrary to international law, by reason of the identity of a group or collectivity.

186. The essence of the criminal offense of persecution is reflected in the fact that certain persons are being deprived of certain rights solely because they are members of a certain group. Therefore, for the purpose of persecution, a selective approach, that is, a discriminatory intention should be proved.

187. In this case, a specific circumstance exists, namely the existence of a tacit agreement of all participants to rob and forcibly transfer the civilians in the convoy because they were non-Serbs, and murder a number of men from the convoy.

D. INDIVIDUAL CRIMINAL RESPONSIBILITY PURSUANT TO ARTICLE 180(1) OF THE CC BiH

188. Article 180(1) of the CC BiH defines individual criminal responsibility in the war crimes cases and concerns the following: planning, ordering, perpetrating, instigating (inciting), and aiding and abetting criminal offenses.

189. Moreover, Article 180(1) of the CC of BiH incorporates application of criminal responsibility under the theory of the joint criminal enterprise.

1. Joint Criminal Enterprise

190. It clearly follows from the case law that attributing the guilt for the crime committed within a JCE does not require that the accused had any participation in the *actus reus* of the committed crime. It equally and clearly sets up as a requirement the participation of the accused in the realization of a common goal within the JCE.

191. Not each type of the acts reaches the level of significant contribution to the crime from which the criminal responsibility of the accused would ensue.

192. A JCE is not a flexible term that would enable the rendering of convicting verdicts based on the guilt of joining the enterprise. On the contrary, a convicting verdict based on the doctrine of JCE can be rendered only if the Court determined beyond a reasonable doubt that all necessary elements were satisfied.

193. The required elements at issue are the following:

- firstly, as already explained, the accused must have the required intent;
- the Court can determine that the Accused indeed has the required intent only if it is the only reasonable conclusion that can be drawn based on evidence.

194. Other requirements to render a convicting verdict based on the JCE doctrine are equally strict:

- a trier of facts must determine beyond a reasonable doubt that a number of persons shared a joint criminal goal;
- that the accused contributed to the realization of the joint criminal goal;
- that the jointly intended crime (that is, a predictable crime for rendering a convicting verdict based on the third category of JCE) actually occurred.

195. In case when it is not proved that the direct perpetrator of the criminal offense was a member of joint criminal enterprise, it should be determined that a certain crime can be attributed to at least one participant in the joint criminal enterprise, and that this participant, having used the direct perpetrator, acted in accordance with a joint enterprise.

196. In confirming these elements, among other things, the Court must:

- determine that a number of persons were members of the JCE (although it is not necessary to identify each person individually);
- precisely define a joint criminal goal both in terms of the intended punishable goal and its range (for example, determine the limitations of the goal in terms of time and geographic position);
- general identity of intended victims;
- that this criminal goal is not only unique, but also common for all persons who jointly acted within a joint criminal enterprise;
- precisely qualify the contribution of the accused to this joint plan.

197. As to this last element, it should be noted that this contribution, although it does not have to be necessary or significant, must at least constitute an important contribution to the crimes the responsibility for which is attributed to the Accused.

198. If all these requirements for attributing the responsibility based on the JCE were realized beyond a reasonable doubt, this means that the accused is guilty of much more than a mere joining with criminals.

199. He had the intent to commit the crime, joined the others in order to realize the goal and he gave a significant contribution to the commission of the crime.

200. Pursuant to the jurisprudence – that reflects the standards adopted in the customary international law for establishing general frames of joint criminal enterprise – the accused can be reasonably found guilty not only of his own contribution, but also of the acts of other participants in the JCE who acted in the realization of the crime at issue (the first category of the JCE), that is, of the acts that were a predictable consequence of the commission of this crime if his state of awareness may be qualified as *dolus eventualis* (the third category of the JCE).

201. Finally, the so called JCE type one is relevant to this specific case, that is, the *mens rea* that should be proved and that establishes the standard: the intent to perpetrate a certain crime is shared by all participants⁸.

202. It is not decisive whether those other participants in the JCE personally realized the *actus reus* of the crime or in order to do so they used the principal perpetrators who did not share the common goal.

203. In practice, this approach may result in certain discrepancies inasmuch as it does not define any formal distinction between the JCE participants whose contribution is prevailing and the JCE participants whose contribution, although important, is not so great.

204. However, it should be recalled that any such discrepancy is resolved in an appropriate manner in the phase of meting out the sentence.

VIII. COURT'S FINDINGS OF FACTS (CONVICTING PART)

A. FORCIBLE TRANSFER

1. Introduction

205. When deliberating on the evidence in the context of the Prosecution allegations that the accused are guilty of forcible transfer of population from the territory of Prijedor municipality in the convoy of 21 August 1992, the Court considered the following, very important, issues: (1) Whether during the relevant time period population was displaced from the territory of the Prijedor municipality; (2) Whether the displacement was forced; (3) Whether the displacement was an integral part of a criminal plan, that is, a joint criminal enterprise; (4) Whether Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić, as members of the Intervention Platoon, or the commander of the Prijedor police station, consciously and with intent participated in the forcible transfer; (5) Whether the accused Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić significantly contributed to the forcible transfer of population.

⁸ Judgment of the ICTY Appellate Chamber in the *Tadić* case, paras. 196 and 228.

2. Evaluation of evidence

(a) Was there a transfer of population from the municipality of Prijedor at the pertinent period of time

206. A large number of witnesses were examined during the proceedings and they confirmed the existence of transfer of population *en masse* from the municipality of Prijedor at the pertinent time.

207. That group of witnesses includes the following: Boško Peulić, Milan Komljenović, Čedo Vukotić, Radovan Đukarić, Slobodan Udovičić and Drago Slavnić.

208. All of these witnesses confirmed that they had the information about the convoys that moved from the direction of the municipality of Prijedor towards Travnik via Mt. Vlašić.

209. Boško Peulić, one of the Prosecution witnesses who commanded over the brigade at the pertinent time, and the convoys passed through his area of responsibility, confirmed that he knew that the convoys passed through his area of responsibility in the summer of 1992. According to him, the convoys of civilians frequently went through his area of responsibility.

210. He added that, for security reasons, he gave instructions that the convoys be directed to a forest road instead of the main road along the Ugar River as the forest road was far safer.

211. Boško Peulić's averments relative to the convoys are fully consistent with the testimony of witness Milan Komljenović who performed the duty of the President of Municipal Assembly Kneževo at the pertinent time and who was certainly informed about all rather significant events in the municipality.

212. Just like witness Boško Peulić, witness Milan Komljenović confirmed that the convoys of civilians were passing through the territory of Kneževo municipality.

213. They headed from Prijedor, Sanski Most and Kotor Varoš in the direction of Travnik and Mt. Vlašić. He explained that the convoys travelled once a week or perhaps once a fortnight carrying Croats and Muslims to the territory under the control of the Army of BiH and Croat Defence Council.

214. Like the aforementioned witnesses, witness Čedo Vukotić gave his account and confirmed that he was assigned to the compulsory work in the *Omar* Company in Kneževo at the pertinent time and that he heard that convoys were passing there.

215. In addition to witnesses Čedo Vukotić, Boško Peulić and Milan Komljenović, witness Radovan Đukarić also testified about the convoys. At the relevant time, he was a member of the reserve police force from Kneževo and among other duties he was assigned the duty of securing the roads.

216. He explained that their activity was limited to the protection from diversions, land mines and the like. According to him, they did not secure the convoys that passed through Kneževo at the relevant time because those convoys had their own escort. In exceptional circumstances they did secure convoys, but only when the Public Security Centre Banja Luka issued them such orders.

217. Radovan Đukarić's averments are telling, especially when compared against Boško Peulić's. Both of them confirmed that in the beginning the convoys travelled down the main road (Vitovlje-Gostilj-Turbe) but due to the security situation they were later re-directed to the Kneževo-Korićani-Vlašić route.

218. Finally, witness Drago Slavnić, resident of the village of Korićani, confirmed, just like all the aforementioned witnesses, that in the summer of 1992 the convoys from the direction of Banja Luka passed across Mt. Vlašić on their way towards Travnik.

219. In addition to the aforementioned witnesses who testified about the convoys that travelled from the directions of Banja Luka, Prijedor, Sanski Most and Kotor Varoš towards Travnik, it should be noted that a significant number of persons who were transported in those convoys also gave their accounts such as: witness A, witness B, Jusuf Žerić, Vlado Beben, Munib Sivac, Hakija Elezović, Nedžad Bašić, Sadik Suhonjić and KO-12.

220. Furthermore, witness A, witness B and Jusuf Žerić gave almost identical accounts of how they left Prijedor in the convoy on 21 August 1992 and confirmed that it was just one of many convoys; such convoys became a regular occurrence. Witness A added that the convoys were organized by local authorities while Jusuf Žerić stated, in concurrence with witness A, that it was the only way to leave the Trnopolje camp.

221. The testimony of witness Vlado Beban directly entails that the convoys were a regular occurrence and that the relevant convoy dated 21 August 1992 was just one in a series of convoys. This witness stated that after he had been mobilized, he was assigned as a bus driver and he transported people in the direction of Skender Vakuf (Kneževo) on three occasions.

222. Finally, the testimony of all these witnesses is substantiated by a rather large body of documentary evidence, principally the prosecution exhibit T-178 (Report on the work of the Public

Security Station Prijedor for the last nine months in 1992) which clearly shows that during the relevant time there were several convoys transporting Muslim and Croat population from the municipality of Prijedor towards Skender Vakuf (Kneževo), Bugojno, Karlovac and Gradiška.

223. Therefore, taking the aforementioned evidence as the starting point, the Panel finds beyond any reasonable doubt that in the relevant period of time (April-September 1992) and especially during the summer of 1992 non-Serb population was transferred *en masse* from the municipality of Prijedor by way of organized convoys.

(b) Was the transfer forcible?

224. Most important about the criminal offence under Article 172(1)d) of the CC of BiH (deportation or forcible transfer of population) is to establish whether the transfer was forcible or voluntary. In this regard it is important to mention that the Panel had in mind the broader context of events and did not limit its conclusion on possible forcible loading of people into trucks and buses (convoy on 21 August 1992).

225. Witnesses Erna Kadirić and Ferid Kovačević gave almost identical accounts of the reasons for their departure from Prijedor.

226. Erna Kovačević stated that she had to leave because her family members did not dare go out of their houses and move in the town of Prijedor. They were ostracized by their neighbors. She was an exception because she socialized with her age-mates but she could not go to the center of the town either.

227. According to her, the event that finally prompted them to leave Prijedor was a murder of one family. Erna Kadirić did not want to leave but her parents told her they had no other choice.

228. Ferid Kovačević was prompted to leave for identical reasons. Firstly, during April 1992 he stopped working as he could not move around the municipality of Prijedor (he lived in Prijedor but worked in Kozarac) and after that he was taken to the Omarska camp.

229. He left the camp with a help of his friend but even after that he could not freely move in Prijedor. More precisely, the witness clarified that he was issued a police certificate, that is, permit for movement but nevertheless he did not feel secure and free.

230. As witness Erna Kadirić pointed out, it frequently happened to him that his neighbors and acquaintances turned their heads away from him in the street, and they even threatened him.

According to witness Ferid Kovačević, there were some cases when entire families were taken out of their homes and murdered.

231. Therefore, based on the testimony of Erna Kadirić and Ferid Kovačević and similar or almost identical statements of a large number of other witnesses (Sadik Suhonjić, Šefik Šanta, Berislav Herceg, witness KO-12, witness KO-8 and witness KO-7), the Panel found beyond any reasonable doubt that the people left Prijedor out of fear for their own security.

232. Rounding up, murders, threats, insults, restriction of movement and an atmosphere of fear were a part of daily routine in Prijedor, which prompted many people to leave their homes and estates.

233. Furthermore, many witnesses (witness KO-5, Bekir Mujagić, Hakija Elezović, Husein Jakupović, Jusuf Žerić, witnesses KO-15, KO-18, Munib Sivac, Nedžad Bašić and Said Grabić), who spent some time in various camps (Omarska and Trnopolje), principally confirmed that applying for the convoys was the only way to get free.

234. All the aforementioned persons mentioned that the convoy was the only way out for them.

235. Some of the mentioned witnesses (Said Grabić, Sadik Suhonjić, witness KO-12) added that in order to obtain a permit to leave Prijedor they had to go to the Public Security Station and make a statement about giving away their property to the benefit of Serb authorities.

236. Finally, the aforementioned prosecution exhibit T-178 (*Report on the work of the Public Security Station Prijedor for the last nine months in 1992*) clearly confirms that the only way of disbandment/closure of *collection centers* implied the organization of convoys in the direction of various towns in Bosnia and Herzegovina or the Republic of Croatia.

237. Therefore, considering the quoted pieces of evidence which are mutually complementary and corroborative (as pointed to in the above text), the Panel gave credence to them and concluded beyond any reasonable doubt that the aforementioned transfer of population from the municipality of Prijedor was forcible, that is, that people who lived there objectively did not have a possibility to stay at their homes.

238. Finally, the previous conclusion of the Panel is well-founded, which is corroborated by the fact that several persons gave away their property (like witness KO-12) or various managerial functions (like witness Berislav Herceg) so that they can leave Prijedor without any consequences.

(c) Was the transfer an integral part of criminal plan, joint criminal enterprise

239. When establishing the criminal responsibility of the Defendants, it was important to establish whether the forcible transfer of non-Serb population from the municipality of Prijedor in the convoy on 21 August 1992 was a result of a plan, that is, coordinated activities aimed at exactly such transfer.

240. Numerous pieces of evidence, both subjective and objective, were analyzed. Many witnesses who were mentioned in the preceding paragraphs stated that they were first incarcerated in various camps or collection centers. These *centers* were established by the decisions of the Prijedor civilian authorities, which certainly were most responsible for the events in Prijedor during spring and summer 1992.

241. Furthermore, Prosecution exhibit T-178 (*Report on the work of the Public Security Station Prijedor for the last nine months in 1992*) clearly and unequivocally confirms that as early as in spring 1992 Serb police stations were illegally established and they were supposed to make appropriate preparations and after that, upon the order of the Executive Committee of the Serb Municipality Prijedor, carry out the takeover of power in order to include the municipality of Prijedor into the composition of Republika Srpska.

242. When the events described in the Prosecution exhibit T-178 are reviewed in the context of the Prosecution exhibit T-174 (*Decision on the Strategic Goals of the Serb People in Bosnia and Herzegovina*) and exhibit T-173 (*Instruction for the Organization and Activities of the Organs of the Serb People in Bosnia and Herzegovina in Extraordinary Circumstances*), a clear conclusion is drawn that this was actually a realization of a predetermined plan, that is, predefined goals.

243. Thus, the goal titled *State separation from two other ethnic communities* under number 1 of the Prosecution exhibit T-174 (*Decision on the Strategic Goals of the Serb People in Bosnia and Herzegovina*) constitutes the starting point which was subsequently operationally developed through the Instruction for the Organization and Activities of the Organs of the Serb People in Bosnia and Herzegovina in Extraordinary Circumstances (Prosecution exhibit T-173) which provided directions on the takeover of power from the legal organs in the municipalities in which Serbs did not represent a majority.

244. Furthermore, the implementation of the said goal from the Instruction obviously entailed unlawful incarcerations and, most importantly, forcible transfer of the non-Serb population. Ample evidence was submitted to that effect and almost all witnesses who were victims to the said events stated that they had to leave the municipality of Prijedor.

245. Therefore, considering the defined goals and bearing in mind the size of the area that was targeted by the plan, and particularly bearing in mind that the civilian and military authorities (including the police) played a very active role in the process of forcible transfer of population, this Panel concluded beyond any reasonable doubt that the forcible transfer, including the convoy dated 21 August 1992, constituted part of the plan of joint criminal enterprise.

(d) Did Zoran Babić, Milorad Radaković, Milorad Škrbić and Željko Stojnić, as members of the Intervention Platoon, and Dušan Janković, as Commander of the Police Station in Prijedor, knowingly and willfully participated in the forcible transfer of population from the municipality of Prijedor by the convoy on 21 August 1992.

246. Based on the adduced evidence, the Panel reached a conclusion beyond any reasonable doubt that the population was forcibly transferred from the municipality of Prijedor and that such transfer was a result of the joint criminal plan implementation, and thereafter reviewed the subjective position of the defendants regarding the forcible transfer.

247. Such context requires the review of the functions, that is, duties that the defendants carried out.

248. Defendants Zoran Babić, Milorad Radaković⁹, Milorad Škrbić and Željko Stojnić were members of the Intervention Platoon within the Public Security Station Prijedor at the relevant time.

249. Ample evidence and witnesses confirmed the said circumstance, predominantly Prosecution exhibit T-245 (*Order of the Crisis Staff of Prijedor Municipality No. 02-111-215/92 dated 17 June 1992*), Prosecution exhibit T-236 (*PSS Prijedor Information dated 14 June 1992*), Prosecution exhibit T-234 (*Information on the Implementation of Conclusions of the Crisis Staff of Prijedor Municipality No. 02-111-236/92-3 dated 13 July 1992*) which all confirm that a joint Intervention Platoon was established within the Public Security Station during June 1992.

250. To wit, the aforementioned exhibits constitute one logical whole which starts from the Prosecution exhibit T-245 (*the Order to Establish a Joint Intervention Platoon within the Public Security Station Prijedor*) through exhibit T-233 (*Letter of the Public Security Station Prijedor No. 11-12Y-24 dated 1 July 1992*) informing the Crisis Staff of the Municipal Assembly Prijedor that, inter alia, the PSS Prijedor has set up an *Intervention Platoon*, and finally Exhibit T- 234 –

⁹ As for defendant Milorad Radaković, it can be said with some qualifications that he was a member of the Intervention Platoon but this will be separately elaborated in the acquitting part of the Verdict.

Information by the relevant department of the Prijedor Municipal Assembly that the conclusion of the Municipal Assembly Prijedor relative to the establishment of *Intervention Platoon* was implemented.

251. Further, ample evidence confirms that defendants Zoran Babić, Milorad Škrbić, Milorad Radaković and Željko Stojnić were members of the *Intervention Platoon*. This was also confirmed by Damir Ivanković, Gordan Đurić, Ljubiša Četić, K-1, K-3, KA-1, and the defendants themselves who testified in their own defense and stated that they were mobilized and later assigned to the *Intervention Platoon*.

252. Finally, the fact that the Defendants were members of the Intervention Platoon is also confirmed by the Prosecution exhibit T-103 (*list of the Intervention Platoons*).

253. In addition to the fact that Defendants Zoran Babić, Milorad Škrbić, Milorad Radaković and Željko Stojnić were members of the *Intervention Platoon*, the Panel found it relevant to determine the tasks carried out by the *Intervention Platoon* in order to determine the subjective relation of the defendants (including Defendant Dušan Janković) towards the offence.

254. In that manner, relevant facts can be determined when reaching a conclusion if the defendants shared the intent to contribute to the plan of forcible transfer of population.

255. Further, in the context of analysis of the facts that were relevant when determining the subjective relation of Defendant Dušan Janković towards the forcible transfer, it was relevant to determine the duty that he performed at the relevant time.

256. According to the Indictment, Defendant Dušan Janković was not a member of the *Intervention Platoon* and therefore a separate analysis was required. That analysis is elaborated below in correlation with the defense exhibits.

257. During the proceedings, the defense for Defendant Dušan Janković attempted to prove that the Police Station Prijedor was disbanded after the mobilization was declared, and the Reserve Police Station Prijedor was established in its place.

258. Thus, according to the defense, Defendant Dušan Janković stopped carrying out the managerial duties in the Police after the mobilization procedure.

259. The fact is that following the activation of war plans with a predefined systematization and managerial structure, Defendant Dušan Janković, as a peacetime commander of the Prijedor Police Station, was stripped of this function and that Radovan Kečan, a police officer with a lower rank,

assumed the position of the commander of the Reserve Police Station Prijedor, and this fact itself points to the low probability of the defense theory.

260. The Panel further analyzed the defense exhibits (and it will be a subject of a separate analysis) and concluded that the Prijedor Police Station (regular police) was not disbanded after the mobilization had been declared and that it was exactly Defendant Dušan Janković who carried out the duty of the Police Station Commander.

261. The Panel grounded this conclusion on several pieces of evidence, and shall focus on four at this point. The first exhibit is the Prosecution exhibit T-139 (*Decision of the Security Services Center Banja Luka No. 11-120-1/1376 dated 17 June 1992*) according to which Defendant Dušan Janković was assigned to the position of the Prijedor Police Station Commander. This fact is confirmed by the Prosecution exhibit T-140 (*Personnel questionnaire for Dušan Janković dated 29 December 1992*) which clearly entails that Defendant Dušan Janković carried out the duty of the Prijedor Police Station Commander in the period from 1 April 1992 until at least 31 December 1992 (the date of the questionnaire) and that he held a rank of Senior Inspector Class 1 (as of 1 June 1992).

262. With regard to the said evidence, the defense submitted that those were decisions that were issued for the sole purpose of continuity of years of service necessary for the retirement of Defendant Dušan Janković, and that the Prijedor Police Station did not exist at the relevant time at all.

263. The Prosecution exhibits T-104 and T-105 (*Public Security Station, Police Station Prijedor, List of police employees for the purpose of income calculation in the period from 16 March to 15 April 1992 and Public Security Station, Reserve Police Station Prijedor-Centar, the List of members of the reserve police forces engaged in May 1992 for the income purposes*) should be singled out from amongst ample evidence rebutting the defense theory (which will be elaborated) because they clearly entail that the regular Police Station Prijedor existed even after the mobilization in parallel to the Reserve Police Station Prijedor-Centar.

264. Finally, in the context of analysis of the pieces of evidence that confirm the position of Defendant Dušan Janković and his relation towards the *Intervention Platoon*, the focus should again be placed on the Prosecution exhibit T-245 (Order of the Crisis Staff of Prijedor Municipality No. 02-111-215/92 dated 17 June 1992) which confirms that Defendant Dušan Janković was tasked to establish a joint *Intervention Platoon* (*Order to establish a joint Intervention Platoon was issued to him*).

265. In other words, if the said Prosecution exhibit is viewed in the context with the other aforementioned exhibits that are practically an exchange of correspondence related to the establishment of the *Intervention Platoon*, the following conclusion is clearly reached: not only was Defendant Dušan Janković one of the most senior police officers in the Prijedor Public Security Station by his rank but was also a creator of the *Intervention Platoon*, members of that platoon being Defendants Zoran Babić, Milorad Radaković¹⁰, Milorad Škrbić and Željko Stojnić.

266. Several witnesses who have precise knowledge about the work and functioning of the *Intervention Platoon* gave accounts about the duties of the *Intervention Platoon*.

267. In that regard, witness K-3, witness K-1, witness KA-1, Damir Ivanković, Gordan Đurić and Ljubiša Četić confirmed that members of the *Intervention Platoon* carried out the tasks such as searches, collection of weapons, escort of convoys, patrols and the like.

268. In essence, those duties were speed-intervention tasks, just as witness K-1 explained.

269. Furthermore, the tasks carried out by the *Intervention Platoon* should be interpreted in the context of opportunities at that relevant time in the municipality of Prijedor and entire Bosnia and Herzegovina.

270. It should be principally noted that the tasks such as the seizure of weapons pertained to non-Serb population alone (established fact No. 31) and that Prosecution witness Edin Mujadžić said that he saw an infamous yellow van in Tukovi.

271. To wit, according to this witness, there were always four to six members of the *Intervention Platoon* in the van and they were responsible for all misdeeds in Prijedor.

272. Witness Edin Mujadžić's averments were confirmed by all other witnesses who were transported in the convoy; they confirmed that the escorts (*the Intervention Platoon members*) insulted them along the ethnic lines. In that regard, witness KO-18 stated that one of the escorts swore his *Turkish mother* while they were lined up at the separation spot, while witness A stated that they were beaten on the same occasion.

273. All these pieces of evidence confirm that the *Intervention Platoon* was a very important link in the security structure in Prijedor at the relevant time and that the defendants certainly participated in the searches and seizure of weapons, escort of convoys, round-ups and incarceration of the non-

¹⁰ As for Defendant Milorad Radaković, it can be said with some qualifications that he was a member of the *Intervention Platoon* but this will be separately elaborated in the acquitting part of the Verdict.

Serb population, and thus knowingly and willfully discriminated against the non-Serb population, all with the aim of final transfer of the non-Serb population out of the municipality of Prijedor.

274. Therefore, the relevant convoy of 21 August 1992 was the final event that took place in Prijedor during spring and summer 1992, aiming at the forcible transfer of population from the municipality of Prijedor (this purpose was shared with defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić).

(e) Did Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić significantly contribute to the forcible transfer

275. The threshold of significant contribution is the final requirement that needs to be satisfied in order to find the Defendants guilty of participation in the joint criminal enterprise aimed at forcible transfer of population from the municipality of Prijedor.

276. For the purpose of clarification, in case it has been established that a specific Defendant was a member of the joint criminal enterprise (shared an intent for perpetration of a joint criminal plan with other persons) but at the same time it has not been objectively proved that he significantly contributed to the implementation of the defined criminal plan, he would be acquitted of the charges.

277. In the context of significant contribution, the focus should be placed again on the fact that the defendants were members of the *Intervention Platoon* except for Defendant Dušan Janković who was the Prijedor Police Station Commander and who established the *Intervention Platoon*.

278. The Defendants, as members of the *Intervention Platoon*, participated in various tasks that principally pertained to searches, search of weapons, and most importantly to escorting convoys.

279. Along those lines, Zoran Babić, Milorad Škrbić and Željko Stojnić stated they personally participated in the escort of at least two convoys and that, generally speaking, escorting convoys was one of the common tasks of the *Intervention Platoon*.

280. Yet, these facts were not covered by the Indictment and they cannot be the ground for determination of criminal responsibility for forcible transfer. They are, however, relevant to create a correct picture of the activities that the Defendants undertook while escorting the convoy on 21 August 1992.

281. In that regard, it should be noted that one part of the convoy set off from the Trnopolje camp and one part from Tukovi on 21 August 1992, and it was as such the largest convoy of the non-Serb civilian population from Prijedor.

282. Members of the *Intervention Platoon*, including Zoran Babić, Milorad Škrbić and Željko Stojnić, escorted the convoy (as confirmed by numerous witnesses including Munib Sivac, witness K-1, Damir Ivanković, Gordan Đurić, witness K-3, Ljubiša Četić, witness KA-1, Luka Gnjatović, Vitomir Lakić, witness B, Jusuf Žerić, Vlado Beben, Sadik Suhonjić, Erna Kadirić and witness KO-7), and also prohibited people to get off the convoy, loaded the people on the convoy (as confirmed by witness Erna Kadirić in relation to Defendants Zoran Babić and Željko Stojnić, and by witness Munib Sivac in relation to Defendant Milorad Škrbić), and banned them to return to Prijedor (especially as stated by Defendant Milorad Škrbić) and thus, objectively, made a significant contribution to the implementation of the forcible transfer plan.

283. It should be added in this context that Defendant Dušan Janković participated in the convoy in his capacity of the most senior employee of the Prijedor Police (by rank and function) and the person entrusted with the establishment of the *Intervention Platoon*. Therefore, the conclusion which can be drawn beyond any reasonable doubt is that Defendant Dušan Janković, in his capacity as the most senior superior and deputy to Simo Drljača without whose consent the Intervention Platoon could not have been used (this will be explained below in the Verdict), by his leading and controlling of the convoy, made a significant contribution to the implementation of the common purpose of the joint criminal enterprise, which principally included the forcible transfer of non-Serb population from the territory of Prijedor Municipality by way of convoy dated 21 August 1992.

3. Conclusion

284. Considering all the aforementioned critical determinations, the Panel concluded beyond any reasonable doubt that the forcible transfer of population from the territory of Prijedor Municipality took place at the relevant time and that the transfer was a purpose of the joint criminal enterprise the members of which were, among others, Zoran Babić, Milorad Škrbić, Željko Stojnić, and Dušan Janković, and that they, each by his own acts (as described above), significantly contributed to the implementation of the joint criminal plan for the forcible transfer of non-Serb population from the territory of Prijedor Municipality by way of the convoy dated 21 August 1992.

B. LOOTING (LARGE SCALE SEIZURE OF PROPERTY)

1. Introduction

285. The part of the Verdict that analyzed the issue of forcible transfer states that the Defendants in this case are charged with the forcible transfer by way of convoy on 21 August 1992. However, in

addition to the forcible transfer, the Indictment also covers other events (criminal offences) that are linked to the said convoy.

286. Those events include seizure of property (looting), murders, unlawful detention and other inhumane acts.

287. This part of the Verdict shall analyze the issue of seizure of property (looting), that is, persecution by way of looting.

288. More specifically, the Panel shall analyze whether the Prosecution successfully proved the following: (1) whether there was looting in the convoy on 21 August 1992; (2) whether the looting was common and widespread occurrence in the convoy on 21 August 1992; (3) whether the defendants shared the intent to loot the civilians and whether they participated in it, and (4) whether Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić significantly contributed to the looting.

2. Evaluation of evidence

(a) Did the looting happen in the convoy on 21 August 1992?

289. A large number of witnesses gave their accounts with regard to the looting, that is, seizure of belongings from the civilians who were transported in the convoy, including Ferid Kovačević, Enes Džaferagić, Hasan Elkaz, witness KO-7, Erna Kadirić, Šefik Šanta, witness KO-8, witness KO-18 and witness A.

290. When asked if they were secured on the convoy (as they were escorted), witness Ferid Kovačević stated that they felt insecure and that money and valuables were seized from the civilians.

291. According to the witness, the seizure of valuables started as early as during their first stop in Kozarac.

292. The seizure continued also during the road towards Kneževo, and therefore valuables were taken away on four occasions in the vehicle where he was.

293. The averments of witness Ferid Kovačević are almost identical with the averments of witness Hasan Elkaz. To wit, when the two testimonies are compared, every dilemma is removed about the person who in fact seized the items. Thus, witness Ferid Kovačević stated that they handed over money and other items to a person in civilian clothes, while witness Hasan Elkaz clarified that they handed over the money to the civilian-passenger of the convoy whom someone had given a plastic

bag and said that he should collect the items from the civilians. Same as Ferid Kovačević, witness Hasan Elkaz stated that the belongings were taken away on several occasions.

294. Furthermore, witness KO-7 and witness Šefik Šanta confirmed, just like the aforementioned witnesses, that money and other valuables from the passengers were seized as the convoy proceeded.

295. Witness Šefik Šanta clarified that he heard the escort talking to the driver and saying that a child should be singled out, given a plastic bag so that he can collect jewelry, valuables and wristwatches from the passengers of the convoy.

296. Therefore, considering the averments of the aforementioned witnesses and giving them credence for their consistency, the Panel found beyond any reasonable doubt that money, jewelry, wristwatches and other valuables were seized from the persons on the convoy on 21 August 1992.

(b) Was the looting common and widespread in the convoy on 21 August 1992

297. In order to claim that the joint criminal enterprise aimed at transferring civilians from the Prijedor municipality also encompassed the seizure of belongings (looting) it was necessary to prove not only that the items were seized but that such seizure was an integral part of a common and widespread phenomenon according to a predetermined plan.

298. In addition to the aforementioned accounts, the following witnesses testified about the seizure of belongings: witness B, Jusuf Žerić, Vlado Beben, KS-2, Hakija Elezović, Husein Jakupović, Berislav Herceg, and witness KO-12.

299. All the aforementioned witnesses confirmed that the seizure of belongings was done in the same manner.

300. One of the escorts would single out one of the passengers (witness B and Hakija Elezović clearly stated that Suad Kadirić and a young man named Samir were singled out from their vehicle), give him a plastic bag and order him to collect money, jewelry, wristwatches and other valuables.

301. Bearing in mind that almost all witnesses who were transported in the convoy stated that they were forced to give money and other valuables, and considering that the conduct followed a similar or almost the same pattern, a clear conclusion is reached that it was a widespread and well-coordinated action.

302. Furthermore, in order to get a proper picture of the events, the focus should be placed again on the testimony of witness A and witness Jusuf Žerić and the vehicles that set off from Trnopolje;

these witnesses confirmed that money and jewelry were also seized from the persons who had been incarcerated in various camps before they were brought to the Trnopolje camp (they did not set off from their homes).

303. Therefore, the people who had not been at their homes for a long time and did not have basic living requirements (clothes and the like) were requested to hand over money and jewelry, that is, items that they certainly did not possess.

304. The conclusion that the looting was a common and planned phenomenon is confirmed by witness Vlado Beban and witness KS-2, who were drivers in the convoy dated 21 August 1992 and also participated in several other convoys.

305. They pointed out that it was a frequent occurrence that the police from Prijedor seized money and other items from the persons transported on convoys.

306. Furthermore, witnesses Damir Ivanković, Ljubiša Četić, Gordan Đurić, K-3, K-1, KA-1 especially confirmed that money and valuables were seized. They had direct knowledge about the duties of the Intervention Platoon (escorting convoys practically on a regular basis) and were familiar with the procedures applied when escorting convoys.

307. All of these witnesses were consistent in saying that, while escorting convoys, it was common to seize money and other valuables from the persons on convoys.

308. Some of them stated that those were unpleasant experiences (Gordan Đurić). However, the majority of escorts threatened the passengers that they would kill them or otherwise harm them when seizing their money and other valuables.

309. Without analyzing if they felt comfortable on the said occasion, the Panel deemed it important to establish that the defendants agreed, that is, shared a common purpose of forcible transfer and seizure of belongings, and that they undertook certain activities aimed at the execution of the joint plan.

310. Finally, the fact that the seizure of belongings was done only because the superiors ordered them to do so and that the escorts allegedly were against such practice becomes irrelevant considering that some money ended up with the Intervention Platoon members (escorts) and drivers, although the majority of looted belongings ended up with the officials of the Prijedor Public Security Station, as clearly and unambiguously confirmed by witnesses Ljubiša Četić (pointed out that he got some gold and money from witness K-1), witness Damir Ivanković (stated that on one

occasion they received DM 100.00 each) and Luka Gnjatović (stated that on one occasion a police officer gave drivers DM 100.00 each, colleague Vitomir Lakić intervened as there were two of them in the driver's cab and so they received an additional DM 100.00).

311. Therefore, considering all the aforementioned evidence that the Panel credited, and bearing in mind that it was convincing, consistent and makes one logical and consistent whole when interrelated with other pieces of evidence, the Panel concluded beyond any reasonable doubt that the looting of passengers of the convoy on 21 August 1992 was a widespread phenomenon which, regardless of the fact that it was initiated by the superiors of Prijedor Public Security Station, was an integral part of the joint criminal enterprise plan.

(c) Did the Defendants share the intent to loot the civilians and did they participate in the looting

312. The preceding parts of the Verdict gave a detailed description of analysis of the issue and role of the *Intervention Platoon* in the events in Prijedor. They provide a detailed description of tasks and duties carried out by this unit.

313. Escorting convoys was one of the tasks, and in most cases, according to the accounts of numerous witnesses (Gordan Đurić, witness KA-1, witness K-3, witness K-1, Ljubiša Četić and Damir Ivanković), members of the *Intervention Platoon* were given working tasks by Miroslav Paraš or Pero Čivčić, the persons who were their immediate superiors.

314. All these witnesses confirmed that the two aforementioned persons (Miroslav Paraš and Petar Čivčić) designated the persons who would carry out tasks. Regarding the escort of convoys, a sufficient number of persons was designated so that every vehicle is escorted by two persons.

315. However, with regard to the convoy on 21 August 1992, focus should again be placed on the averments of numerous witnesses, principally Damir Ivanković and Ljubiša Četić, who confirmed that the relevant convoy was the largest one and that practically all members of the *Intervention Platoon* (1st squad commanded by Petar Čivčić) participated in the escort. Miljan Zubanović is the only member of the *Intervention Platoon* who was not in the escort of the said convoy, as consistently confirmed by all witnesses.

316. Further, considering the averments of all witnesses, members of the *Intervention Platoon* as well as persons transported in the convoy, the Panel reached a conclusion that the belongings were seized in the course of convoy trip from Prijedor towards Mt. Vlašić, mainly when the convoy pulled over (took a break).

317. Such seizure would definitely not be possible without the consent and participation of the escorts. To wit, as stated before, considering the fact that the convoy dated 21 August 1992 (confirmed by almost all witnesses) was one of the largest convoys, that the Intervention Platoon (1st squad) had around twenty members and that the convoy consisted of at least sixteen vehicles, an obvious conclusion is reached that there was only one member of the Intervention Platoon in most of the vehicles.

318. If the aforementioned fact is viewed in correlation with the fact that the escorts' basic task was that the situation in the vehicle be fair and to prevent any surprising events, a conclusion is reached that the seizure of belongings could not have been done without the knowledge and consent of the escorts.

319. When such conclusion is put into context of the averments of numerous witnesses that the order for the seizure of belongings came from the top tier of the Prijedor Public Security Station and that the Intervention Platoon members and drivers received their share of the seized belongings, the only possible conclusion is that the looting of passengers was predetermined and well-planned and carried out exactly by the escorts of certain vehicles; the looting was committed by way of singling out one of the passengers and ordering him to collect the money and jewelry or possibly they enabled other persons (the Intervention Platoon members) to loot the passengers.

320. This, considering the routine that the Intervention Platoon members participated in the escort of convoys and that the escort implied the seizure of money, jewelry, wristwatches and other valuables from the passengers in convoys, and also considering that the money collected in such manner was eventually divided amongst the escorts and drivers, a clear conclusion is reached that it was an organized/planned action and that all escorts of certain vehicles had a significant role in the implementation of the looting action.

321. The relation of the Defendants should therefore be viewed in the context of previous averments, that is, in the context of the general conclusion that the Intervention Platoon members (escorts) were a well-played team who were experienced in the looting of convoy passengers. In other words, all those who participated in the escort of the convoy on 21 August 1992 knew that the lootings would take place but despite that decided to participate in the escort.

322. Finally, the averments of witness KO-8, witness B, Sadik Suhonjić and Munib Sivac should be taken into account as they confirmed not only that money and valuables were seized in their vehicles but stated that in their vehicles it was done by none other than Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić.

323. Witnesses Sadik Suhonjić and Witness B consistently confirmed that the passengers in their vehicle were looted by Defendant Željko Stojnić. More precisely, both witnesses confirmed that Suad Kadirić was singled out, that Željko Stojnić placed a pistol against his head and told him that he had to collect money from the passengers and that Suad Kadirić acted upon Stojnić's order.

324. The seizure of money repeated on several occasions and finally Defendant Željko Stojnić threatened that he was going to throw a child in a ditch if they did not collect more money, as confirmed by Witness B and Sadik Suhonjić.

325. Witness Munib Sivac confirmed that Milorad Škrbić participated in the seizure of money and other items from the passengers in the convoy. He stated that he set off in the part of the convoy from Trnopolje and that the seizure of items took place in his bus. In his statement made during the investigation, the witness said that a rather young and thin man of dark complexion was the escort in his vehicle, while at the main trial he added that the escort and the man who seized the money on his vehicle could be Milorad Škrbić.

326. The averments of witness Munib Sivac should be interpreted in the context of the testimony of Defendant Milorad Škrbić who also confirmed that he was an escort of the convoy on 21 August 1992 and most importantly that he was an escort in one bus that set off from Trnopolje.

327. This fact was confirmed by witness KO-18.

328. Therefore, bearing in mind the averments of witness Munib Sivac and the averment of Defendant Milorad Škrbić, the Panel concluded that just like all other escorts Defendant Milorad Škrbić also seized money and other valuables from the people in the vehicle that he escorted.

329. Witness KO-8 confirmed that Defendant Zoran Babić too participated in the looting of civilians in the convoy, that is, he was one of the persons who looted them.

330. Responding to the questions related to the stops that the convoy made, witness KO-8 stated the convoy made several stops and that the lootings happened on those occasions.

331. He said that the lootings were done by the Intervention Platoon members, and when asked if he recalls the persons who looted the passengers on his truck, the witness stated that the driver came first and said that they should collect the money and later on when the convoy made a stop Defendant Zoran Babić said that someone would get killed if they did not fill the plastic bag.

332. Finally, with regard to Defendant Dušan Janković and his participation in the looting, it is necessary to stress once again that in the convoy on 21 August 1992 he was the most senior officer

by rank and function from amongst all members of both regular and reserve police forces from Prijedor and that the looting was done exactly upon the order of the top tier of the Prijedor Public Security Station.

333. Therefore, bearing in mind the fact that it was a common and widespread phenomenon (looting), that the collected money and valuables were divided amongst the police officers and drivers, and that the largest share belonged to the officials of the Prijedor Police, it is clear that Defendant Dušan Janković was aware of the looting and that he, bearing in mind his duty and function in the convoy, gave at least a tacit consent to the looting, and that, given that the seizure was done upon the order of the superiors, he was aware and by his passive conduct wanted to participate in the plan to loot the civilians from Prijedor.

(d) Did Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić significantly contribute to the looting

334. After the Panel established that Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić shared the intent to contribute by their actions to the joint criminal enterprise which included the forcible transfer of civilians (by the convoy on 21 August 1992) and their looting, it was necessary to establish whether their actions objectively reached such a level that it can be concluded that they significantly contributed to the execution of the criminal plan.

335. Bearing in mind that in the preceding analysis of the subjective relation of the Defendants towards the looting a conclusion was reached beyond any reasonable doubt that Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić directly participated in the looting by way of ordering one of the civilians on the vehicle that they escorted respectively to take a plastic bag and collect the money, jewelry, watches and other valuables, a question is raised as to whether they objectively significantly contributed to the looting.

336. Bearing in mind the fact that the Defendants are direct perpetrators, and that some of them (Defendant Željko Stojnić) especially stood out by their threats to the civilians (that they would kill someone or throw out a child), a clear conclusion is reached that Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić significantly contributed to the looting of civilians in the convoy.

337. On the other hand, with regard to Defendant Dušan Janković, the Prosecution did not present sufficient evidence to prove that he directly participated in the looting. What is more, an analysis of adduced evidence leads to the conclusion that Defendant Dušan Janković did not directly commit any of the criminal offences charged against him.

338. However, with regard to Defendant Dušan Janković the focus should be placed principally on his function and role in the convoy. He was the most senior officer of the Police in the convoy and he was practically the second-ranking man in charge of the Public Security Station in Prijedor, and since he was escorting the convoy it is impossible that he did not observe the looting.

339. According to the majority of witnesses, three most important officials in the Public Security Station in Prijedor were Defendant Dušan Janković, Simo Drljača (Chief of the Public Security Station in Prijedor) and Milutin Čađo (apparently commander of the reserve police force in Prijedor).

340. Therefore, bearing in mind that Simo Drljača and Milutin Čađo did not participate in the escort of the convoy (unlike Defendant Dušan Janković) and considering that Defendant Dušan Janković was in the police car at the head of the convoy (as confirmed by a large number of witnesses), a clear conclusion is reached that Defendant Dušan Janković is the most responsible for everything that happened in the convoy, looting included.

341. It should be emphasized that many witnesses confirmed that the looting of passengers on the convoy was committed upon the order of superiors and that the looting was a common phenomenon, so a conclusion is reached beyond any reasonable doubt that Defendant Dušan Janković at least consented to such order and practice.

342. Considering that, as previously mentioned, looting was a common practice (confirmed by almost all witnesses who were members of the *Intervention Platoon*) and that Defendant Dušan Janković did not do anything to prevent such a practice (as was his duty of a superior), it is clear that by his passive conduct he at least significantly contributed to the lootings of civilians in the convoy.

3. Conclusion

343. Therefore, bearing in mind all the aforementioned conclusions regarding the critical facts, giving credence to the aforementioned witnesses' testimony due to their credibility, consistency and congruity, the Panel concluded beyond any reasonable doubt that Defendants Zoran Babić, Milorad Škrbić, Željko Stojnić and Dušan Janković, each in his own way, significantly contributed to the realization of the common purpose which encompassed the forcible transfer and looting of civilians (either as direct perpetrators or an official with his tacit agreement) in the convoy on 21 August 1992, and found them guilty of persecution as Crimes against Humanity (persecution by looting).

C. KILLINGS

1. Introduction

344. Analyzing the adduced pieces of evidence in the context of the charges for killings, the Panel reviewed several important issues: (1) did the killing of civilians in the convoy happen; (2) was the killing committed in the manner described in the Indictment; (3) did the Defendants knowingly and willfully participate in the killings (did they want to participate in the joint criminal enterprise which encompassed not only forcible transfer and looting but killings as well; (4) did Defendants Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić significantly contribute to the killings.

2. Evaluation of evidence

(a) Did the killing of civilians in the convoy happen on 21 August 1992

345. The Prosecution had the onus to prove primarily the fact that the killings of civilians in the convoy indeed happened.

346. This fact was confirmed by a large number of witnesses and ample documentary evidence.

347. First of all, there is the testimony of Prosecution witness Boško Peulić (Korićanske stijene falls in the area of responsibility of the brigade that he commanded) who confirmed that on 21 August 1992 he was in a meeting outside of the command post in Kneževo and that upon his return the duty officer informed him that the people from the convoy had been killed in his area of responsibility.

348. Having been informed of the killings, the witness sent an extraordinary operative report to the 1st Krajina Corps Command.

349. These averments of witness Boško Peulić are corroborated by Prosecution exhibit T-2 (Extraordinary Operative Report No. 21/08 dated 21 August 1992) which clearly shows that the commander of the 22nd Light Infantry Brigade, Boško Peulić, informed the 1st Krajina Corps Command about the killing of the people in the convoy.

350. Many other witnesses confirmed that the killing of people from the convoy on 21 August 1992 happened, such as Čedo Vukotić, Drago Slavnić, Dragomir Marković a.k.a. Mureći, Jevto Janković, Milan Komljenović, Milivoje Pavičić, Nebojša Pantić, Nenad Krejić, Ostoja Barišić, Radovan Đukarić, Ranko Mijić, Slobodan Jovičić and Živorad Pelengić.

351. These witnesses were members of the 22nd Light Infantry Brigade or persons who came to Korićanske stijene site in their various capacities. Those persons were mainly representatives of authorities from Kneževo and crime technicians from the Banja Luka Security Services Centre. They all confirmed that they arrived at Korićanske stijene in late August 1992 or early September that year, and that they had the opportunity to see two piles of dead bodies that were scattered around in the Ilomska River canyon.

352. Thus, witness Milivoje Pavičić described that he visited Korićanske stijene on several occasions. He confirmed that on one occasion he went to the field mission with the Investigative Judge Jevto Janković and Prosecutor Nebojša Pantić and he made a video footage on that occasion. According to witness Milivoje Pavičić, in addition to Jevto Janković and Nebojša Pantić, Branko Buhovac, Zdenko Tešanović and Srđan Oljača were present during the on-site investigation. Their presence was also confirmed by witness Jevto Janković.

353. The averments of witnesses Jevto Janković and Boško Peulić, Nenad Kerjić and Milan Komljenović are entirely consistent with Prosecution exhibit T-3A (*Milan Komljenović's notebook with the notes from the meeting dated 30 August 1992*), confirming that a meeting was convened on 30 August 1992 in the Security Services Center Banja Luka with regard to the killings of civilians at Korićanske stijene; the meeting was chaired by Colonel Subotić and Đuro Bulić on behalf of the Security Services Center; among other things, a conclusion was reached at the meeting that an on-site investigation should be conducted and bodies identified.

354. The aforementioned facts are *inter alia* corroborated by Prosecution exhibits T-161 (*Combat report of the 1st Krajina Corps Command No. 44-1/314 dated 22 August 1992 sent to the Main Staff of the Army of Republika Srpska*), T-162 (*Regular combat report of the 1st Krajina Corps Command No. 44-1/315 dated 22 August 1992 sent to the Main Staff of the Army of Republika Srpska*), T-163 (*Letter of the Security Services Center Banja Luka No. 11-1/02-2-345 dated 11 September 1992 sent to the Public Security Station Prijedor – Chief*), T-164 (*Letter of the Security Services Center Banja Luka No. 11-1/02-2-345 dated 1 September 1992 to the Public Security Station in Prijedor – Chief, conveying the order of Minister of Internal Affairs Mićo Stanišić*) and T-165 (*Dispatch note of the Public Security Station Prijedor No. 11-12-2267 dated 14 September 1992, response to T-164*) which entail that a group of police officers from Prijedor and Sanski Most singled out and killed between 100 and 150 Muslims from the convoy that travelled towards Travnik on 21 August 1992.

355. Therefore, considering that all the aforementioned pieces of evidence are congruent and complement each other, the Panel concluded beyond any reasonable doubt that in the afternoon

hours (16.30 hrs) on 21 August 1992 a convoy was proceeding in the direction of Skender Vakuf-Mt. Vlašić -Travnik, stopped in the area of Korićanske stijene where 100-150 refugees were singled out, killed and thrown into the Ilomska River canyon¹¹.

(b) Did the killing take place in the same manner as described in the Indictment

356. Numerous witnesses were examined in the course of the proceedings; they confirmed that the convoy set off on 21 August 1992 from Tukovi (Prijedor) and Trnopolje camp in the direction of Travnik (Mt. Vlašić) made several stops, and the last stop was made at the Ilomska River on Mt. Vlašić.

357. This fact was *inter alia* confirmed by witnesses Bekir Mujagić, Berislav Herceg, Erna Kadirić, Ferid Kovačević, Hakija Elezović, Hasan Elkaz, Husein Jakupović, Jusuf Žerić, K-3, KO-5, KO-7, KO-18, KS-1, KS-2, Luka Gnjatović, Vitomir Lakić, Munib Sivac, Sadik Suhonjić, A, B, Vitomir Lakić and Vlado Beben, who consistently stated that the last stop lasted longer than the others.

358. Some of the witnesses confirmed that during that stop they heard some noise and commotion, while others stated that they saw people lined up, that is, that Dado Mrđa lined them up (principally confirmed by witnesses KS-1 and KS-2).

359. During the last stop some people were singled out from the convoy (principally those who were in the buses that set off from Trnopolje) and it was *inter alia* confirmed by witnesses Husein Jakupović, Jusuf Žerić, KO-7, KO-8, KS-1, KS-2, KO-18, Luka Gnjatović, Munib Sivac, Witness A, Vitomir Lakić, Vlado Beben, Bekir Mujagić, Ferid Kovačević, Hakija Elezović, Damir Ivanković, Gordan Đurić and Željko Stojnić.

360. Those witnesses consistently confirmed from their own points of view that during the last stop men were separated from women and children.

361. Thus, witnesses Jusuf Žerić, Munib Sivac, Bekir Mujagić and Hakija Elezović confirmed that they were, or were supposed to be, singled out together with other men, but they survived with the assistance of drivers or *soldiers* from the escort who hid them in the vehicles or told them to get back into the vehicle.

362. Munib Sivac is one of those who managed to avoid being singled out, and he gave a telling account on how a guard let them alight from the bus to take some fresh air and when they were

¹¹ Extraordinary Operative Report No. 21/08 dated 21 August 1992.

about to get back in the vehicle one of the escorts came and ordered everyone, save for the elderly and ill, alight from the vehicle.

363. Munib Sivac and his sons were amongst the men who got off. After they were lined up, the witness was ordered to go back to the trailer truck (not to the bus that he was in prior to that); the witness found some space in a third truck while his sons remained there lined up. They were later killed, as confirmed by the Prosecution exhibits T-212 and T-212A (DNA reports).

364. Prosecution witnesses KS-1, KS-2, Luka Gnjatović, Vitomir Lakić and Vlado Beben, who were drivers in the convoy on 21 August 1992, consistently confirmed that during the last stop men were singled out, principally the men from the buses that had set off from Trnopolje.

365. Among others, witnesses KO-7 and Ferid Kovačević (saw the people lined up from the vehicle) and Damir Ivanković, Gordan Đurić, K-3 and Ljubiša Četić confirmed that the separation took place during the last stop.

366. After the men were singled out, they were boarded on two buses. Witness KS-2 was driving the first bus (the bus that was closer to Travnik) while witness KS-1 drove the second bus (the bus that was closer to Kneževo).

367. Witnesses KS-2 and Gordan Đurić confirmed that the bus driven by KS-2 set off first and that Defendant Željko Stojnić was on that bus and that the bus pulled over some fifteen minutes later above a ravine.

368. After the bus pulled over, witness KS-2 set off towards a curve and saw the escorts taking men in pairs out of his bus (first bus) and killing them. This fact was confirmed by witness KO-18 who pointed out that the men were taken out of the bus as soon as it pulled over.

369. Witness KO-18 described that the men were taken out in pairs or in groups of three, and after that the shooting was heard and the same pattern was followed until his turn came.

370. When he felt the barrel on his back, the witness was told to get out. He got out along with two other civilians. He saw five men in blue uniforms (*plavci*) standing there. Three out of those five were standing near the ravine. They headed towards them, and when they ended up standing in front of them with their backs turned to them the witness heard curses and felt a bullet in his back. He was shot in his shoulder area but he managed to survive as he was fortunate to fall on fir-trees.

371. Witnesses Damir Ivanković and Ljubiša Četić were the escorts of the bus driven by witness KS-1, and also on that bus were injured parties Husein Jakupović, witness A and witness KO-15.

372. All these witnesses were consistent even to the minute details. Witness Husein Jakupović, among others, was entirely consistent with witness Munib Sivac. Both witnesses confirmed that after the break they started boarding the bus but were ordered to get out. Witness Munib Sivac transferred to a truck while witness Husein Jakupović, after the line-up, boarded one of the two stationary buses (he boarded the second one).

373. All the aforementioned witnesses confirmed that they travelled for some fifteen minutes and after that they stopped; all civilians were taken out of the trucks and lined up. The escorts flanked them all that time.

374. They were then ordered to turn and come closer to the edge of the ravine, and kneel down as if they were praying to God. The shooting started after they kneeled down. The lined-up civilians were shot at by escorts-members of the Intervention Platoon, among them, convicted Damir Ivanković, convicted Ljubiša Četić, Defendant Zoran Babić and Defendant Milorad Škrbić (as confirmed by witnesses Damir Ivanković and Ljubiša Četić).

375. According to those witnesses, after the civilians fell down into the abyss and upon the order of Dado Mrđa, the convicted Damir Ivanković went down into the abyss to finish off the civilians who remained alive.

376. Finally, with regard to Defendant Željko Stojnić who participated in the killing of the men from the first bus, witness K-3 confirmed that when he was on his way back, Defendant Željko Stojnić entered his vehicle (200-300 meters before the site where the killing took place) and said: "What have we done, we will all end up in Tunjice!"¹² When this testimony is correlated with the testimonies of witnesses Gordan Đurić and KO-18 into one logical and consistent whole, a clear conclusion is reached that Defendant Željko Stojnić participated in the killing by shooting at the men from the first bus.

377. In reaching the said conclusion, the Panel also had in mind the averments of witnesses B, Jusuf Žerić, Vlado Beben, Sadik Suhonjić, Erna Kadirić who consistently confirmed that Defendant Željko Stojnić participated in the escort of the convoy and that, after the last stop, Defendant Željko Stojnić did not get back into the vehicle he had escorted.

378. Finally, the Panel grounded the conclusion about the criminal responsibility of Defendant Željko Stojnić on the testimony of witnesses Husein Jakupović, A, Gordan Đurić, Damir Ivanković, Ljubiša Četić, KS-1, KS-2. All the aforementioned witnesses confirmed that all men who escorted

the buses from the point of separation to Korićanske stijene participated in the killing, except for Gordan Đurić who was ordered to stand guard during the killing.

379. Therefore, considering all adduced pieces of evidence, the Panel concluded beyond any reasonable doubt that Defendant Željko Stojnić participated in the escort of the first bus from the point of separation to Korićanske stijene, that he was amongst the police officers who were standing near the first bus after they had reached the said site and that all escorts participated in the killing (as confirmed by witness KO-18), and, finally, that after the killing of the people from the first bus had been completed he boarded the vehicle of witness K-3 and stated: “What have we done, we will all end up in Tunjice!”

380. With regard to the criminal responsibility of Defendants Milorad Škrbić and Zoran Babić, the focus should be once again on the testimony of witnesses Munib Sivac, Gordan Đurić, Ljubiša Četić, witness KA-1, witness KO-8 who consistently confirmed that Defendants Milorad Škrbić and Zoran Babić participated in the escort of the convoy, that they were seen during the last stop when the men were singled out from the convoy.

381. Their testimonies are consistent with and logically complement the testimony of witnesses Damir Ivanković, KO-15, KS-1, KS-2, Gordan Đurić, Husein Jakupović, A and KO-15, all of whom consistently confirmed that after the separation the convoy proceeded towards Smetovi while two buses with the men reached the site at Korićanske stijene.

382. All the aforementioned witnesses confirmed that, after the second bus pulled over, all men were ordered to get out. After they got out, they were lined up in two rows and ordered to come closer to the edge of the abyss, and kneel down.

383. Thereafter, the shooting started. There was no order to shoot¹³, they all simply started shooting.

384. Finally, witnesses Damir Ivanković and Ljubiša Četić confirmed that Paraš, Mrđa, Zečević, Bulić, Ivanković, Četić, Defendants Zoran Babić and Milorad Škrbić were shooting at the lined-up men.

385. The averments of these two witnesses are consistent with the averments of witnesses Husein Jakupović, A and KO-15 who confirmed that the killing was done in the described manner, that is,

¹² Tunjice- Correctional Institution in Banja Luka.

¹³ As confirmed by witness Ljubiša Četić.

that the members of the Intervention Platoon surrounded the lined-up men exactly in the manner described by Prosecution witness Damir Ivanković.

386. Therefore, by giving credence to the said witnesses who are consistent, congruous, convincing and reliable, the Panel concluded beyond any reasonable doubt that Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić participated in the killing of at least 150 separated men by shooting rifles at the lined-up men.

387. When deciding about the criminal responsibility and degree of Defendant Dušan Janković's guilt, the Panel was mindful of his role and function.

388. It will be recalled that based on ample evidence the Panel concluded that Defendant Dušan Janković, by his rank (Senior Police Inspector Class 1¹⁴) and by his function (Commander of the Police Station Prijedor), was the most senior officer escorting the convoy. Bearing in mind the fact that Simo Drljača (Dušan Janković's superior in the Public Security Station Prijedor) was not escorting the convoy, Janković surely controlled the movement of the convoy and issued orders to the escorts (members of the *Intervention Platoon*).

389. Testimony of witnesses K-3, Šefik Šanta, Edin Mujadžić and KA-1 should be analyzed in this context as they consistently confirmed that Defendant Dušan Janković participated in the escort of the convoy.

390. This fact is entirely consistent with and logically complements the averments of witnesses K-1, Damir Ivanković, Ranko Mijić, Luka Gnjatović, Vitimir Lakić, Miljan Zubanović and Velimir Vrabčić, and finally Ljubiša Četić who stated that Defendant Dušan Janković participated in the escort of the convoy on 21 August 1992, that he was Deputy to Simo Drljača – Chief of the Public Security Station, and that the separation followed the conversation that Defendant Dušan Janković had with Paraš¹⁵ and Mrđa, and that after the rest of the convoy had left the men were loaded on two buses and were escorted to Korićanske stijene, the site of execution.

¹⁴ The rank of *Senior Police Inspector Class 1* was the second highest police rank at the pertinent time. The rank of *Chief Police Inspector* was higher than the rank of *Senior Police Inspector Class 1* while other ranks were lower such as Senior Police Inspector, Independent Inspector, Police Inspector Class 1, and finally Police Inspector as the lowest rank. These ranks are the ranks that required a university degree. There were other ranks for the persons with secondary school degree and college degree.

See: Official Gazette of the Socialist Republic of Bosnia and Herzegovina No. 14 dated 26 April 1986, Decree on the Uniform, Titles and Insignia in the Police.

¹⁵ Numerous pieces of evidence confirm that Paraš was a commander of the *Intervention Company*, that is, *Intervention Platoon* which consisted of two squads.

391. Finally, the testimony of witnesses Damir Ivanković, K-3 and Vitomir Lakić consistently confirmed that Defendant Dušan Janković was seen on the way back to Kneževo which is a final element in the whole picture that pertains to Defendant Dušan Janković and his criminal responsibility.

392. Therefore, considering all the aforementioned evidence, analyzed and properly credited, the Panel concluded that Dušan Janković, during the conversation with Paraš¹⁶ and Mrđa (at the separation site), issued the order for separation and execution of the men separated from the convoy, that is, that he is responsible for the committed killings.

(c) Did the Defendants knowingly and willfully participate in the killings (did they want to participate in the JCE that included the killings)

393. When determining the criminal responsibility of the Defendants for their participation in the joint criminal enterprise which foresees the expulsion of non-Serb civilians from the municipality of Prijedor in the convoy on 21 August 1992 by way of forcible transfer, looting and killing, it is necessary to establish whether the Defendants undertook certain activities aimed at realization of one of the planned criminal offences.

394. In this specific case, in addition to the forcible transfer, seizure of property (looting), it was necessary to establish whether the joint criminal enterprise included the criminal offence of killing and whether Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić participated therein.

395. Relevant to the time when the arrangement was made to kill the people from the convoy are the statements of witnesses Vlado Beben, Nedžad Bašić, Bekir Mujagić, Husein Jakupović, KO-5, K-3, Edin Mujadžić, Ljubiša Četić, KA-1, KO-18, Damir Ivanković, Hakiija Elezović, Munib Sivac and Jusuf Žerić.

396. These witnesses (as will be elaborated later) described how and when they learned that the execution of people from the convoy was about to take place, that is, that something bad would happen.

397. Attention should be drawn primarily to the testimony of witnesses K-1 and KA-1 who were completely consistent when testifying at the main trial. These witnesses learned as early as upon

¹⁶ Ibid.

their arrival at Tukovi that all sorts of things could happen¹⁷, that is, that the execution of people from the convoy was about to take place¹⁸.

398. Their testimony appears to be especially convincing due to the fact that they were related to the convoy on 21 August 1992 in the same way.

399. The testimony of these witnesses are complementary to the testimony of witness Edin Mujadžić who stated that as soon as he saw a yellow van in Tukovi he knew something bad would happen. He explained that the yellow van was a notorious van, a bad omen.

400. In addition to the fact that follows from the testimony of the said witnesses (it was known in Tukovi that the execution of people from the convoy was about to take place), we need to reflect upon the testimony of witnesses Vlado Beben, Nedžad Bašić, Bekir Mujagić, Husein Jakupović and KO-18.

401. All the aforementioned witnesses are related to the Trnopolje camp and they are mutually totally consistent.

402. Witness Vlado Beben, who was a driver in the convoy on 21 August 1992 and who came to Trnopolje, stated that as early as in Trnopolje he felt that something was wrong.

403. This inference drawn by Vlado Beben is completely consistent with the testimony of witnesses Nedžad Bašić, Bekir Mujagić and Husein Jakupović. They all confirmed that before the convoy set off from Trnopolje they were suggested not to join the convoy. Božo Stamenić, a guard in the Trnopolje camp, suggested to the witness Nedžad Bašić not to go with the convoy by saying the following: "Get lost, I don't want to see you!"

404. Witness Bekir Mujagić confirmed that his friend Goran Nišović, a guard in the Trnopolje camp, said that he should get out of the vehicle as there would be other convoys.

405. Finally, witness Husein Jakupović confirmed the averments of the three aforementioned witnesses by stating that one of the guards, who was his brother's neighbor, took him, his brothers and his sister's son out of the vehicle saying that that convoy was not for them.

406. Witness Husein Jakupović nevertheless decided to join the convoy, but luckily he managed to survive the execution at Korićanske stijene.

¹⁷ Confirmed by witness KA-1.

¹⁸ Confirmed by witness K-1.

407. The averments of all the aforementioned witnesses are completely consistent with the averments of witness KO-18 who stated that as early as in Trnopolje he heard that *plavci*¹⁹ made some comments such as: “We will do now as we agreed.”

408. Finally, in addition to the said witnesses and especially in the context of the statement by witness KO-18, we should revisit the testimony of Melisa Bajrić who confirmed that a day or two days before that Dragoljub Gligić²⁰ suggested to her to convey to her brother and father that they should not get on the convoy on 21 August 1992 as all sorts of things were forthcoming and that *all of that was pre-arranged*.

409. Therefore, bearing in mind all the aforementioned pieces of evidence, the Panel concluded that even before the convoy set off a plan existed to execute a certain number of people. However, while establishing the criminal responsibility of Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, the Panel had to establish exactly when they became part of the predefined plan.

410. Considering the *in dubio pro reo* principle, the Panel concluded that perhaps not all Defendants knew of the execution plan before they set off, but they became aware of it and became a part of that plan no later than at the time of separation.

411. The Panel based this conclusion principally on the statements of witness K-3, Ljubiša Četić, Hakija Elezović, Bekir Mujagić and Munib Sivac.

412. When analyzing whether it had to be clear to all escorts (including the Defendants) that the men were singled out in order to be killed, the Panel principally considered the consistent statements of witnesses Munib Sivac and Hakija Elezović.

413. While giving account of how he avoided execution, witness Munib Sivac stated that he was singled out and lined up but one soldier told him to get out of the line and go back to one of the vehicles in the convoy.

414. Witness Hakija Elezović fully corroborated the averments of witness Munib Sivac, clarifying that he found it suspicious when one of the soldiers told Munib Sivac to get out of the line and so he decided to try to get on one of the vehicles in the convoy, and one of the soldiers in the escort helped him do that.

¹⁹ *Plavci* – escorts, that is, members of the Intervention Platoon.

²⁰ Dragoljub Gligić was a commander of one of the two squads of the Intervention Platoon.

415. While giving account of how he avoided execution, witness Jusuf Žerić stated that driver Vlado Beben returned him and one Mujkanović to the vehicle and thus they avoided the execution.

416. Witness Bekir Mujagić had a similar experience. He said that he found shelter under a bench, covered with a blanket, and thus avoided the separation.

417. Therefore, the testimony of these witnesses clearly show that certain passengers in the convoy and certain drivers from whose buses people were taken out were aware of the fact that the men were not singled out in order to be exchanged.

418. Finally, the Panel recalls the consistent statements of witnesses Ljubiša Četić and K-3, which make a logical whole together with the testimony of witness K-1.

419. When the separation started during the last stop it was clear that the people were singled out to be killed, as confirmed by witness K-3. Witness Ljubiša Četić stated that on that occasion witness K-1 confirmed to him that the execution was about to take place, which is completely logical and convincing because witness K-1 confirmed that as early as before the convoy set off from Tukovi it was known that the execution of the men from convoy was forthcoming.

420. Therefore, bearing in mind the averments of all the aforementioned witnesses which make a logical whole, the Panel concluded beyond any reasonable doubt that certain escorts had known of the execution even before the convoy set off from Tukovi, and that when the separation started near the Ilonska River it became obvious that the people were separated for the execution, and finally that all escorts including Defendants Zoran Babić, Milorad Škrbić, Dušan Janković (the separation started upon his order²¹) and Željko Stojnić knew that the people were singled out in order to be killed.

421. Having been singled out, the men boarded two buses (as confirmed by numerous witnesses, elaborated above) and after it became clear that the people were taken to be executed by firing squad, Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić participated in the escort of the buses that took the men from the separation point at the Ilomska River to the site at Korićanske stijene.

422. After the civilians were brought to Korićanske stijene, they were killed, in which Zoran Babić, Milorad Škrbić and Željko Stojnić personally participated (as elaborated above).

²¹ As confirmed by witness Ljubiša Četić.

423. According to witness KO-18, the execution of civilians from the first bus that was closer to Travnik (Željko Stojnić participated) lasted much longer because the men were taken out in smaller groups (2 to 3 men).

424. Therefore, considering the fact that Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić participated in the escort of the men from the separation point, and participated in the killing by shooting at the lined-up men, and bearing in mind that the killing lasted rather long (two groups of 70 to 80 men) clearly leads to the conclusion that the Defendants shared the intent and goal of joint criminal enterprise to kill the separated men, and thus included the criminal offence of murder.

425. Finally, with regard to Defendant Dušan Janković, bearing in mind the fact that he issued the order for separation and execution of the men (as elaborated above), a clear conclusion is reached that he shared the intent to commit the criminal offence of murder, which was encompassed by the joint criminal enterprise plan.

(d) Did Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić significantly contributed to the killings

426. Considering the aforementioned conclusions that at least 150 men were killed at Korićanske stijene, and that Defendants Zoran Babić, Milorad Škrbić, and Željko Stojnić shot at the lined-up men with the intent of participating in the criminal offence of murder, and that Defendant Dušan Janković issued the order for separation and execution, in establishing criminal responsibility for participation in the joint criminal enterprise it was necessary to establish whether the acts of the Defendants objectively provided a significant contribution to the implementation of the JCE purpose.

427. According to the JCE doctrine, the members of the JCE have the status of perpetrators from the legal point of view, while from the terminology point of view the persons who carry out the *actus reus* of the crime that was designed by the JCE plan are designated as principal perpetrators.

428. Whether a person who is marked as a principal perpetrator will be considered part of the JCE depends on the person's intent, that is, of whether he carried out the *actus reus* of the crime with the aim to contribute to the common JCE plan.²²

²² Prosecutor vs. Radoslav Brđanin, Appeals Judgment, 3 April 2007, para. 410.

429. Therefore, considering the fact that the Defendants (Zoran Babić, Milorad Škrbić and Željko Stojnić) killed the singled-out men and thus shared the *mens rea* to contribute to the common plan that included the criminal offence of murder (as explained above), a conclusion is obvious that by carrying out the *actus reus* of the crime charged against them they significantly contributed to the execution of the common plan.

430. Finally, with regard to Defendant Dušan Janković, we should primarily refer to the previous conclusion of the Panel that after Defendant Dušan Janković (in the chain of command, the most senior and the most responsible person in the convoy) had had a conversation with subordinates Dado Mrđa and Miroslav Paraš, the separation of men started after which they were taken to Korićanske stijene and killed, that is, that Defendant Dušan Janković on that occasion ordered that the implementation of the plan get started, obviously the plan that existed much before that (see the part with the analysis as to when the Defendants became part of the plan to commit murders), a clear conclusion is reached that this person played a critical role in the killing of at least 150 men from the convoy. In other words, Defendant Dušan Janković, by issuing orders, significantly contributed to the plan for the execution of people from the convoy.

3. Conclusion

431. Therefore, bearing in mind the aforementioned conclusions relative to the critical facts, the Panel concluded beyond any reasonable doubt that Defendants Zoran Babić, Milorad Škrbić, Željko Stojnić and Dušan Janković, each in his own way, significantly contributed to the implementation of the common purpose which, in addition to the forcible transfer and looting of passengers, also included the criminal offence of murder, and found them guilty of the criminal offence of murder as an underlying act of the criminal offence of Crimes against Humanity.

D. PERSECUTION

1. Introduction

432. The Defendants are charged not only with the commission of the criminal offences charged, but with the commission on discriminatory grounds due to their affiliation with a certain political, racial, national, ethnic, cultural, religious or sexual group.

2. Analysis

(a) Tasks carried out by the Intervention Platoon

433. Tasks carried out by the Intervention Platoon were analyzed in the forcible transfer section of the Verdict.

434. In that context, the focus should be once again placed on the documentary evidence tendered during the proceedings.

435. Prosecution exhibit T-178 (Report on the work of the Public Security Station Prijedor for the last nine months in 1992) confirms that the strategic goals (T- 174 – Decision on the Strategic Goals of the Serb People in Bosnia and Herzegovina) of the Serb people in Bosnia and Herzegovina were actually implemented, in exactly the same manner as defined in the Instruction for the Organization and Activities of the Organs of the Serb People in Bosnia and Herzegovina in Extraordinary Circumstances (Prosecution exhibit T-173).

436. The aforementioned Report (Prosecution exhibit T-178) puts an emphasis on the fact that in the night of 29/30 April 1992 around 400 police members gathered at Čirkin Polje and at around 04.00 hrs physically took control of all vital facilities in the town (Prijedor).

437. Furthermore, the exhibit entails (on page 4) that “187 police employees were engaged to provide security to the centers²³ until 21 August 1992. Those reception centers save for Trnopolje were disbanded on 21 August 1992 and as of that date there was no more need to secure them. However, the collection center Trnopolje remained in place until November, holding women, children but also able-bodied Muslim men including those who had spent long time in Omarska and Keraterm due to their direct or indirect participation in armed rebellion. As several convoys were organized to transfer those persons in the direction of Skender Vakuf, Bugojno, Karlovac and Gradiška, the police employees participated in escorting and securing the convoys.” In other words, the Prijedor Police not only participated in the takeover of power but played a critical role in the implementation of the first strategic goal (establish state borders separating the Serb people from the other two ethnic communities). The said quote leads to the conclusion that the persons (Muslims) from Trnopolje were transferred from Prijedor in convoys that drove to different directions and actually meant that Muslims cannot continue living in their homes in Prijedor.

438. It follows from the previous quote that the police officers of the Public Security Station Prijedor participated in securing the said *collection centers* and finally in escorting the convoys that transferred the Muslims.

439. Therefore, the aforementioned exhibit clearly confirms that a large number of Prijedor Public Security Station members participated in the incarceration and forcible transfer of Muslims from the municipality of Prijedor.

²³ This pertains to Keraterm, Trnopolje and Omarska, see page 4.

440. Fitting into the context of all events that happened in Prijedor between the spring and fall of 1992 is the Order of the Crisis Staff of the Prijedor Municipality dated 17 June 1992 (Prosecution exhibit T-231) tasking the Public Security Station in Prijedor and Regional Command in Prijedor to establish a joint Intervention Platoon.

441. That Platoon later served for urgent-intervention tasks that the regular police were not able to attend to, those tasks including searches of facilities and seizure of weapons (confirmed by witnesses Damir Ivanković, Ljubiša Četić, Gordan Đurić, K-1, KA-1, K-3 and KO-12) as well as escorting convoys.

442. If those activities are correlated with the facts under number 22, 27, 28, 29, 31, 38, and 39 of the Decision on Established facts No. X-KR-08/549 dated 29 June 2009, a clear conclusion is reached that those intervention tasks pertained to non-Serbs; this was explicitly confirmed by Damir Ivanković who stated that the tasks of the Intervention Platoon included the escorting of Muslims to Omarska and Keraterm camps and also transfer of Muslims and Croats from Prijedor in the direction of Doboj.

(b) Did the Defendants share the discriminatory intent

443. The analysis of the Intervention Platoon's duties and tasks led to the conclusion that they were directed against the non-Serb population, more precisely, the Intervention Platoon members searched facilities owned by non-Serbs, escorted convoys and forcibly transferred Muslims and Croats from the municipality of Prijedor.

444. Bearing in mind the aforementioned, and the fact that the Defendants were members of the Intervention Platoon from the very beginning (its establishment), which was confirmed by the Defendants themselves among others, and considering that Defendant Dušan Janković was involved in the activities that preceded the establishment of the Public Security Station Prijedor as confirmed by Prosecution exhibit T-225 (Bulletin of the Public Security Station Prijedor, page 13), a clear conclusion is reached that all Defendants were aware of the fact that the circumstances of the relevant time in the municipality of Prijedor that forced a large number of civilians to depart (principally Muslims and Croats), as well as the looting and killing of people from the convoy on 21 August 1992, maintained the trend of intolerance and tensions along the ethnic lines that prevailed in Prijedor during 1992 (facts under number 15 and 22).

445. Finally, the testimony of witnesses Vlado Beben, KO-18, A, K-3 confirmed that the convoy on 21 August 1992 and each criminal offence committed therein were a result of intolerance and affiliation to a political, racial, national, ethnic, cultural, religious or sexual group. Witness KO-18

stated that the escorts cursed their Turkish mother after the execution; after the execution witness A heard the escorts asking if anyone stayed alive and cursing their Turkish mother; witness K-3 stated that the convoy consisted of mainly non-Serb population and that a large number of them was killed and that Draško Krndija bragged that it was such an adventure for him.

446. The said conclusion is corroborated by the Prosecution exhibit T-163 (*Letter of the Security Services Center Banja Luka No. 11-1/02-2-345 dated 11 September 1992 sent to the Public Security Station Prijedor – Chief*) which clearly refers to the killing of 150 persons of Muslim ethnicity. Therefore, this letter confirms that the ethnic background of the victims was their main distinguishing characteristic.

3. Conclusion

447. Considering all the Panel's findings regarding the convoy dated 21 August 1992, the events in Prijedor between the spring and fall of 1992, and the fact that Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić as members of the Intervention Platoon and Dušan Janković as the Police Station of Prijedor Commander, were knowing participants and shared the discriminatory intent (in view of the period of time during which they carried out discriminatory actions) in the tasks they carried out, especially in the forcible transfer of civilians in the 21 August 1992 convoy, the looting of civilians and the killing of at least 150 persons-men from the 21 August 1992 convoy.

E. GENERAL REQUIREMENTS OF THE CRIMINAL OFFENCE OF CRIMES AGAINST HUMANITY

1. Introduction

448. The preceding section provided an analysis of the responsibility of Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić for the criminal offence alleged in the Indictment. However, the decision as to the criminal responsibility of the Defendants required the following determinations: (1) were the acts alleged against the Defendants committed within a widespread and systematic attack; (2) were the Defendants aware of the existence of the attack; (3) did the acts alleged against the Defendants constitute part of that attack from the objective point of view.

2. Analysis

(a) Widespread and systematic attack

449. In the course of the proceedings, the defence counsel for the defendants focused on the circumstances and facts that would lead to the conclusion that their clients did not participate in the commission of the offence alleged against them.

450. However, regardless of the defence strategy, the Panel was under obligation to establish whether there was a widespread or systematic attack against any civilian population at the relevant period of time in the municipality of Prijedor (late April – late September 1992).

451. Ample evidence, both subjective and objective (including the facts of which the Court took judicial notice of by the Decision No. X-KR-08/549 dated 29 June 2009), confirms that there was a widespread and systematic attack against civilians in the municipality of Prijedor.

452. The facts that the Court took judicial notice of (the Decision No. X-KR-08/549 dated 29 June 2009) best confirm the character of the attack against civilians in the Prijedor municipality.

453. In the very beginning office holders, principally Muslims, were replaced. After that dismissals from work posts followed, until the situation culminated.

454. Searches and lootings of houses started, houses and religious facilities were demolished, freedom of movement restricted. Finally, the destruction of everything that belongs to *Balijas* was called for²⁴.

455. After the attack on Hambarine and the attacks that followed in the wide region of Brdo area, non-Serb civilians were captured, incarcerated and deported.

456. Finally, the majority of non-Serb residents of the Prijedor municipality became targets of those events.

457. The said conclusions were corroborated by ample documentary evidence (principally the evidence that refers to the establishment and closure of *collection centers*) and witnesses who confirmed how they ended up in one of the collection centers by a set of circumstances or were forced to leave the municipality of Prijedor and move to other towns in Bosnia and Herzegovina (forcible transfer) or go to a different country (deportation).

458. Therefore, bearing in mind the fact that the intensity of the attack directed against non-Serb civilians increased as the time passed by, that is, considering that it started with job dismissals and ended up with the destruction of religious facilities and houses, and further noting that the majority of non-Serb population in the municipality of Prijedor was affected by it, a clear conclusion is reached that in the relevant time there was a widespread and systematic attack against the non-Serb civilian population in the municipality of Prijedor.

²⁴ Fact No. 2.

(b) Were the Defendants aware of the existence of the attack

459. After the Panel established the existence of a widespread and systematic attack against the civilian population in the municipality of Prijedor at the relevant time, it was necessary to establish the awareness of the attack on the part of Defendants.

460. As previously explained, the Intervention Platoon was established exactly with the goal to organize a unit within the Public Security Station Prijedor which will be capable to attend to the tasks beyond the scope of regular police tasks.

461. More precisely, what was required was a unit to carry out searches of various facilities, escort the convoys towards some of the *collection centers* and escort convoys to Travnik, Bugojno and other towns, and to the Republic of Croatia, and, as Witness Damir Ivanković stated, transfer Muslims and Croats out of Prijedor.

462. Following such events, the Crisis Staff of the Prijedor municipality reached a decision to establish a joint Intervention Platoon within the Public Security Station Prijedor.

463. The task to establish a joint Intervention Platoon was given to the Public Security Station Prijedor, headed by Simo Drljača, while the order itself was signed to Dušan Janković who, apparently, successfully carried out the assigned task. It ensues from Prosecution exhibit T-233 (*Letter of the Public Security Station Prijedor No. 11-12Y-24 dated 1 July 1992 informing the Crisis Staff of the Municipal Assembly Prijedor that inter alia the Public Security Station Prijedor established a joint Intervention Platoon*) that the Order of the Crisis Staff of Prijedor municipality was executed and that a joint *Intervention Platoon* was established.

464. Therefore, bearing in mind the circumstances that led to the establishment of the *Intervention Platoon*, the purpose thereof, and the fact that Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić were members of and Defendant Dušan Janković a founder of the Intervention Platoon, a clear conclusion is reached that the said Defendants were aware of the existence of a widespread and systematic attack targeted principally against the Muslim and Croat population of the municipality of Prijedor.

(c) Did the acts alleged against the Defendants constitute part of the attack and were the Defendants aware of it

465. In the context of the facts about the requirements for the criminal offence of Crimes against Humanity in violation of Article 172 of the CC of BiH, the last analyzed issue was whether the

Defendants knew that their acts represent or may represent part of a widespread or systematic attack against the civilian population in the municipality of Prijedor²⁵.

466. With regard to the *nexus* between the acts charged against the Defendants and the attack on the civilian population, attention should be drawn back to the reasoning that provides an analysis of the transfer of civilians by convoys (in general terms) and the issue of whether it was forcible or voluntary.

467. Analyzing the circumstances and reasons that were critical for the people in deciding to join the convoy, the Panel concluded that the people, principally Muslims and Croats, were directly or indirectly forced to leave Prijedor.

468. More precisely, the key reason for which the majority of the people decided to leave Prijedor was a fear from incarceration in some of the collection centers or a wish to leave those centers (some of them even signed documents stating that they renounced claims to all the property that they left behind just to obtain a permit to get out of the collection centers on condition that they leave Prijedor). Furthermore, the residents lived in fear of the existing propaganda and the fact that individuals or even entire families were killed.

469. This context draws attention back to the tasks of the Intervention Platoon which, among others, included rounding up and escorting people to the collection centers, as well as arrests, searches and transfers. Therefore, the Intervention Platoon's main task was to participate in the acts that amount to the acts of attack against civilian population. The convoy on 21 August 1992 (and all criminal offences related to the convoy) constitutes just one element of the attack.

470. In other words, the attack directed against the civilian population was a daily routine for the Intervention Platoon. Consequently, a clear conclusion is reached that Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić were aware that there was an attack and that their acts related to the convoy on 21 August 1992 constitute part of that attack.

3. Conclusion

471. Bearing in mind the above analysis, the Panel concluded beyond any reasonable doubt that there was a widespread and systematic attack directed against the non-Serb civilian population at the relevant time (late April – late September 1992), in the Prijedor municipality, that the acts of the

²⁵ *Prosecutor vs. Dragoljub Kunarac*, Appellate Judgement, 12 June 2002, para. 102: ... Accused must have had the intent to commit the underlying offence or offences with which he is charged, and that he must have known “that there is an attack on the civilian population and that his acts comprise part of that attack, or at least [that he took] the risk that his acts were part of the attack.”

Defendants related to the convoy on 21 August 1992 represented part of that attack and that the Defendants were aware of the fact that their acts constitute part of the attack, therefore the Panel is satisfied that the general requirements of Crimes against Humanity under Article 172 of the CC of BiH have been met.

F. FINAL CONSIDERATIONS RELATED TO OTHER PARTICIPANTS IN THE JOINT CRIMINAL ENTERPRISE

1. Introduction

472. The preceding section of the Verdict analyzes the participation of Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić in the joint criminal enterprise, the purpose of which was the expulsion of non-Serb civilian population (principally Muslims and Croats) from the territory of Prijedor municipality by the convoy organized on 21 August 1992; this joint criminal enterprise also included the criminal offence of transfer, looting and killing.

473. However, the aforementioned Defendants were not the only participants in the joint criminal enterprise, the purpose of which was to perpetrate the aforementioned criminal offences. The Prosecution alleged and the Panel accepted as proven beyond any reasonable doubt that the participants in the said joint criminal enterprise were military and civilian authorities from Prijedor, including Damir Ivanković, Gordan Đurić, Ljubiša Četić, Simo Drljača (Chief of the Public Security Station in Prijedor), Milomir Stakić (President of the Crisis Staff in Prijedor) and Slobodan Kuruzović (Trnopolje camp warden).

474. The following paragraphs will provide an analysis of the aforementioned persons' participation in the joint criminal enterprise, the purpose of which was the forcible transfer, looting and killing of people from the convoy on 21 August 1992.

2. Analysis

475. This Verdict completes the first-instance proceedings against Defendants Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić.

476. The original Indictment of the Prosecutor's Office of BiH No. KT-RZ-48/06 dated 8 January 2009 also included Defendants (now convicted) Damir Ivanković, Gordan Đurić and Ljubiša Četić.

477. In the course of the proceedings, Defendants Damir Ivanković, Gordan Đurić and Ljubiša Četić concluded with the Prosecution plea agreements related to the crimes committed against the civilians from the convoy dated 21 August 1992.

478. Those Verdicts became final and binding and so Defendants Damir Ivanković, Gordan Đurić and Ljubiša Četić now have the status of persons finally convicted of Crimes against Humanity under Article 172 of the CC of BiH committed against the civilians from the convoy dated 21 August 1992, more precisely they stand convicted of persecution, *inter alia*, in the form of killing and forcible transfer.

479. The initial Indictment did not specifically charge them with persecution in the form of looting and therefore they have not been convicted of looting.

480. Furthermore, Milimir Stakić, as President of the Prijedor Crisis Staff at the relevant time, among other things, signed an order to establish a joint Intervention Platoon within the Public Security Station Prijedor (Prosecution exhibit T-245 (Order of the Crisis Staff of Prijedor Municipality No. 02-111-215/92 dated 17 June 1992)).

481. Following the completion of the proceedings before the ICTY, Milimir Stakić as President of the Prijedor Crisis Staff and a representative of the civilian authorities in Prijedor, was found guilty of participation in the joint criminal enterprise which *inter alia* included the killing of around 200 people at Korićanske stijene on 21 August 1992.

482. Furthermore, with regard to Slobodan Kuruzović, the testimony of witnesses Sadik Suhonjić, KO-15 and KO-18 should be called to attention, as they consistently confirmed that Slobodan Kuruzović was the Trnopolje camp warden. The preceding findings of the Panel should be also considered that some civilians who set off from the Trnopolje camp in the convoy on 21 August 1992 confirmed that the guards warned them not to go by that convoy.

483. Finally, witnesses Bekir Mujagić, Edin Mujadžić and Hasan Elkaz consistently confirmed that the Trnopolje guards wore military and not police uniforms and that on 21 August 1992 Slobodan Kuruzović was present when the people boarded the vehicle in Tukovi, and that he was wearing a military camouflage uniform on that occasion.

484. Therefore, the said witnesses confirmed that Slobodan Kuruzović was a representative of the Prijedor military authorities, which is indirectly corroborated by the Prosecution exhibit T-178 (Report on the work of the Public Security Station Prijedor for the last nine months in 1992) which clearly shows that Omarska and Keraterm camps were disbanded after 21 August 1992 (Trnopolje camp remained in place), and as of that date members of the Prijedor Public Security Station were engaged only in escorting convoys of civilians. Thus, as of 21 August 1992, members of the Prijedor Public Security Station did not participate in securing any of the three camps (Omarska, Keraterm and Trnopolje), while, according to the said witnesses' accounts, Trnopolje camp was

secured by members of the Army. Trnopolje camp warden was Slobodan Kuruzović who was, thus, a representative of the military authorities in Prijedor.

485. Therefore, bearing in mind the fact that the guards in Trnopolje were aware of the plan to kill the people from the convoy and that consequently, bearing in mind his active role (on 21 August 1992, he was present when the people boarded vehicles in Tukovi), Slobodan Kuruzović must have known that the people would be killed but, despite that fact, as the most responsible person in Trnopolje camp, he allowed the people to set off from Trnopolje into a certain death. This leads to a clear conclusion that he shared the intent to commit a crime against the people in the convoy (including the forcible transfer, looting and killing) and he significantly contributed to those crimes.

486. Finally, it needs to be established whether Simo Drljača, together with the aforementioned persons, principally Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, was a participant in the JCE to commit, with a discriminatory intent, forcible transfer, looting and killing of the people from the convoy on 21 August 1992.

487. According to the above analysis, the tasks of the Intervention Platoon included *inter alia* the forcible transfer of the non-Serb population from the municipality of Prijedor.

488. The Crisis Staff of Prijedor municipality issued the Order to Establish the Intervention Platoon, while the Public Security Station Prijedor, headed by Simo Drljača, was in charge implementing that Order.

489. Furthermore, after the people from the convoy were killed, Simo Drljača (the fact confirmed by numerous witnesses) stated that he saw nothing disputable about the conduct of Intervention Platoon members, and at one of the meetings he even commended them (the Public Security Station Prijedor and authorities in Prijedor) for their part of the job done (as confirmed by witness Boško Peulić).

490. Finally, there was no evidence at all to suggest that Simo Drljača, as a superior, took any action to sanction the conduct of his subordinates, members of the Intervention Platoon. On the contrary, the Prosecution exhibit T-164 (*Letter of the Security Services Center Banja Luka No. 11-1/02-2-345 dated 1 September 1992 to the Public Security Station in Prijedor - Chief, which conveys the order of Minister of Internal Affairs Mićo Stanišić*), T-165 (*Dispatch note of the Public Security Station Prijedor No. 11-12-2267 dated 14 September 1992, response to T-164*), T-166 (*Dispatch note by the Security Services Center Banja Luka No. 11-1/02-2-370 dated 7 October 1992, follow-up on T-165*) and T-167 (*Dispatch note by the Public Security Station Prijedor No. 11-12-3344*

dated 13 October 1992, response to T-166) confirms a lack of Simo Drljača's cooperation with the Security Services Center Banja Luka regarding the punishment of perpetrators of the killing.

491. Thus, bearing in mind the averments of witnesses K-1 and KA-1 who confirmed that there was a plan to kill the people from the convoy even before the convoy set off on 21 August 1992, and considering all the aforementioned, a clear conclusion is reached that Simo Drljača was a member of the joint criminal enterprise, the purpose of which was to expel the non-Serb population (principally Muslims and Croats) from the territory of Prijedor municipality in the convoy on 21 August 1992 by way of forcible transfer, looting and killing.

3. Conclusion

492. Considering the aforementioned analysis of evidence, the Panel concluded beyond any reasonable doubt that in addition to Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, the convicted Damir Ivanković, Gordan Đurić, Ljubiša Četić, Milimir Stakić as well as Simo Drljača (Chief of the Public Security Station Prijedor) and Slobodan Kuruzović (the Trnopolje camp warden and representative of the military authorities in Prijedor) also participated in the joint criminal enterprise, the purpose of which was to expel the non-Serb civilian population (principally Muslims and Croats) from the territory of Prijedor municipality in the convoy on 21 August 1992 by the commission of criminal offences of forcible transfer, looting and killing.

G. FINAL CONSIDERATIONS REGARDING THE CRIMINAL RESPONSIBILITY OF DEFENDANTS ZORAN BABIĆ, MILORAD ŠKRBIĆ, DUŠAN JANKOVIĆ AND ŽELJKO STOJNIĆ

1. Introduction

493. The section of the Verdict that analyzed particular legal matters relevant to the proceedings also discussed the issue of application of the JCE concept and the facts that need to be proved when reaching a decision about criminal responsibility.

494. It was concluded that the following needs to be proven: (1) plurality of persons; (2) the existence of a common plan, design or purpose that amounts to or involves the commission of a crime which need not have been previously arranged or explicitly formulated but may materialize extemporaneously; and (3) the participation of the accused in the common plan involving the perpetration of a specific criminal act or otherwise aiding or contributing to the implementation of the common plan or purpose.

2. Analysis

495. In the analysis of the acts of Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, the Panel concluded that each of the Defendants participated in the joint criminal enterprise and became part therein in respect of crime of murder no later than at the point of separation of the men from the convoy on 21 August 1992 during the break that was taken near the Ilomska River.

496. Therefore, considering the said finding, a clear conclusion is reached that the first criterion mentioned in the introduction to this section (plurality of persons) has been met.

497. The Prosecution confirmed and the Panel accepted as proven that in addition to the Defendants, also participating in the joint criminal enterprise were Milomir Stakić, Slobodan Kuruzović and Simo Drljača as representatives of military and civilian authorities in Prijedor.

498. Therefore, pursuant to the aforementioned, the Panel concluded beyond any reasonable doubt that the first requirement (plurality of persons) has been met.

499. In the preceding sections of the Verdict, the Panel analyzed the issue of the common plan, design or purpose and concluded that there was a plan to expel the non-Serb civilian population from the municipality of Prijedor. With respect to the convoy on 21 August 1992, it started from Tukovi (while another part of the convoy started from the Trnopolje camp) and included and implied the commission of crimes of forcible transfer, looting and killing.

500. There is evidence to suggest that the said plan to forcibly transfer, loot and kill people in the convoy on 21 August 1992 was made a day or two before the convoy set off (as confirmed by witness Melisa Bajrić); however, in this specific case the Panel found it relevant to establish the moment as of which the Defendants joined the plan, especially in the context of particular crimes.

501. Considering the fact that the transfer of population from Prijedor was a widespread phenomenon due to the poor security situation in Prijedor, the security issue being the responsibility of the Prijedor Police, primarily the Intervention Platoon, the Panel concluded that, as of the moment they joined the escort of the convoy, the Defendants became members of the joint criminal enterprise, the purpose of which was *inter alia* to forcibly transfer the civilian population (principally Muslims and Croats) from the municipality of Prijedor with a discriminatory intent.

502. Furthermore, considering the fact that escorting convoys of civilians was as a rule accompanied by the looting of civilians (as elaborated above), the Panel concluded that as of the moment they joined the escort of the convoy on 21 August 1992, the Defendants became members

of the joint criminal enterprise, the purpose of which was to forcibly transfer the non-Serb population (principally Muslims and Croats) from the municipality of Prijedor with a discriminatory intent in the form of crimes of forcible transfer and looting.

503. Finally, special attention was paid to the criminal offence of murder.

504. As stated above, the Panel did not focus on the time as of which the plan existed to separate and execute a certain number of civilians from the convoy on 21 August 1992, but carefully analyzed the issue of the moment as of which the Defendants became part of that plan.

505. Considering the testimony of a large number of witnesses who consistently confirmed that a milestone moment related to the destiny of men from the convoy was the stop they made at the Ilomska River, as that was the moment when it became obvious that the execution of separated men was planned (confirmed by a large number of witnesses – as previously explained), the Panel concluded that no later than that moment the Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić became members of the joint criminal enterprise, the purpose of which was to forcibly transfer non-Serb population (principally Muslims and Croats) from the municipality of Prijedor with a discriminatory intent in the form of crimes of forcible transfer, looting and killing.

506. Finally, while analyzing the relevant acts and conduct, the Panel established that the Defendants Zoran Babić, Milorad Škrbić and Zoran Babić (sic) loaded the people in the vehicles, escorted vehicles, seized money, jewelry, wristwatches and other valuables and finally separated, escorted and executed the men, and thereby, as direct perpetrators of the offences planned in the joint criminal enterprise, significantly participated in the implementation of the joint criminal enterprise, the purpose of which was to forcibly transfer non-Serb population by the convoy on 21 August 1992 (principally Muslims and Croats) from the municipality of Prijedor with a discriminatory intent in the form of crimes of forcible transfer, looting and killing.

507. Finally, with regard to Defendant Dušan Janković, bearing in mind that by rank and by function he was the most senior person in the convoy on 21 August 1992, the Panel concluded that by leading the entire operation and issuing orders he contributed to the implementation of the joint criminal enterprise, the purpose of which was to forcibly transfer non-Serb population by the convoy on 21 August 1992 (principally Muslims and Croats) from the municipality of Prijedor with a discriminatory intent in the form of crimes of forcible transfer, looting and killing.

3. Conclusion

508. Bearing in mind all the aforementioned conclusions, and considering all pieces of evidence, the Panel concluded beyond any reasonable doubt that the Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić together with Milomir Stakić, Slobodan Kuruzović, Simo Drljača, Damir Ivanković, Gordan Đurić and Ljubiša Četić were members of the joint criminal enterprise, the purpose of which was to forcibly transfer non-Serb population (principally Muslims and Croats) from the municipality of Prijedor, by the convoy that set off from Tukovi-Prijedor (another part of the convoy set off from the Trnopolje camp) on 21 August 1992, with a discriminatory intent in the form of crimes of forcible transfer, looting and killing, and found them guilty of Crimes against Humanity in violation of Article 172(1)h) as read with a), d) and h), all in conjunction with Article 180(1) of the CC of BiH.

IX. FACTUAL FINDINGS OF THE PANEL (ACQUITTAL) - DEFENDANT MILORAD RADAKOVIĆ

1. Introduction

509. The Prosecution charged Defendant Milorad Radaković same as other Defendants in this case with participation in the joint criminal enterprise the purpose of which was to expel the non-Serb civilian population from the municipality of Prijedor by the convoy on 21 August 1992 with a discriminatory intent in the form of killings, unlawful detention, forcible transfer, looting and other inhumane acts committed with the intention to inflict great suffering or physical and mental injuries or deterioration of health.

510. This section of the Verdict will analyze the participation of Defendant Milorad Radaković in the joint criminal enterprise the purpose of which was persecution in the form of killings, looting and forcible transfer, while a separate section of the Verdict will provide a rationale for not accepting Prosecution's thesis that pertains to persecution in the form of unlawful detention and inhumane acts committed with the intention to inflict great suffering or serious physical or mental injury or deterioration of health.

511. While deciding on the criminal responsibility of the Defendant Milorad Radaković, the Panel reviewed the following: (1) was Defendant Milorad Radaković a member of the Intervention Platoon and what was his role in the Intervention Platoon; (2) did Defendant Milorad Radaković share the intent for the perpetration of joint criminal enterprise purpose and (3) did Defendant Milorad Radaković significantly contributed to the implementation of joint criminal enterprise purpose.

2. Evaluation of evidence

(a) Was Defendant Milorad Radaković a member of the *Intervention Platoon* and what was his role in the *Intervention Platoon*

512. In the course of the proceedings, the Prosecution submitted that defendant Milorad Radaković participated in the perpetration of *actus reus* of the crime charged against him, while the Defence submitted that it was correct that Defendant Milorad Radaković was present in the convoy on 21 August 1992 but with the purpose of securing and providing medical aid to the Intervention Platoon members.

513. A rather large number of witnesses, mainly members of the Intervention Platoon, gave accounts of Defendant Milorad Radaković's status.

514. Witnesses Damir Ivanković, Gordan Đurić, Ljubiša Četić and K-3 consistently stated that they considered Defendant Milorad Radaković their colleague and member of the Intervention Platoon.

515. However, the Defence submitted that Defendant Milorad Radaković was not a member of the Intervention Platoon in principle, but had a specific status as being assigned to the reserve police forces but was still registered with the Battalion Medical Corps.

516. According to Defendant Milorad Radaković, Miroslav Paraš helped him to get that status by arranging for his transfer to the position of medic in the Public Security Station Prijedor.

517. Defendant Milorad Radaković clarified that he was assigned to duty together with members of the 1st squad of the Intervention Platoon (that is the 1st Platoon of the Intervention Company), together, as he puts it, with rather young men, mainly from Tukovi.

518. The stated facts are corroborated by the Prosecution exhibits T-103 (*a list of the Intervention Platoons*) and T-130 (*a photocopy of military card file*) that were also tendered as the Defence exhibits O2-1 and O2-3.

519. The said exhibits show that Defendant Milorad Radaković's status in the Intervention Platoon was somewhat different from the status of Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić, and that according to MOS (military occupational specialty) he was a medic.

520. Finally, besides Defendant Milorad Radaković himself, Prosecution witness K-1 also confirmed that Radaković had the status of a medic within the Intervention Platoon. K-1 explained that Defendant Milorad Radaković indeed was a member of the Intervention Platoon but was rather a medical corps member.

521. Thus, bearing in mind the aforementioned evidence, the Panel concluded that Defendant Milorad Radaković was a duty officer together with members of the 1st squad of the Intervention Platoon but he had the status of a medic in the Platoon.

(b) Did Defendant Milorad Radaković share the intent to implement the purposes of the joint criminal enterprise

522. When analyzing the *mens rea* of other Defendants in this case, the Panel primarily considered their own averments, conduct and other circumstances related to the tasks they carried out.

523. When compared to Defendants Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, there is no evidence to suggest that Defendant Milorad Radaković participated in the combat tasks or that he took actions with a discriminatory intent.

524. When compared to Defendants Zoran Babić, Milorad Škrbić and Željko Stojnić, there is no evidence to suggest that Defendant Milorad Radaković participated in the looting of passengers or that he actively participated in the rounding-up (forcible transfer) of civilians.

525. Thus, the fact that some witnesses saw, that is, confirmed the presence of Defendant Milorad Radaković in the escort of the convoy does not itself imply his *mens rea* and does not provide sufficient data on his tasks in the escort of convoy.

526. In other words, unlike other Defendants who were members of the Intervention Platoon (save for Dušan Janković) and who must have had the *mens rea* that carries criminal responsibility due to their tasks and acts they carried out while escorting the convoy on 21 August 1992 (looting, rounding-up, boarding of civilians into vehicles and their killing), Defendant Milorad Radaković, without taking any of the said actions, participated in the convoy as a person who had to administer aid to the Intervention Platoon members in case they are injured.

527. Therefore, bearing in mind those reasons, and considering the fact that the Prosecution have not adduced sufficient evidence to sufficiently discredit the defence thesis and confirm the criminal responsibility of Defendant Milorad Radaković, the Panel concluded that it was not proven that Defendant Milorad Radaković shared the intent of the joint criminal enterprise.

528. In other words, bearing in mind that Defendant Milorad Radaković's status and tasks are completely different from the status and tasks of other members of the Intervention Platoon who carried out operative tasks under the basic scope of duties of the Platoon, most frequently combat tasks, the Panel have not found beyond any reasonable doubt that Defendant Milorad Radaković shared the joint criminal enterprise plan.

(c) Did Defendant Milorad Radaković significantly contribute to the implementation of the joint criminal enterprise purposes

529. The previous Section of the Verdict analyzed the issue of *mens rea* of Defendant Milorad Radaković, primarily in the context of tasks and duties that he performed in the Intervention Platoon (in general terms) but also in relation to the convoy on 21 August 1992.

530. The conclusion has been reached that on that occasion Defendant Milorad Radaković did not participate in the looting and rounding-up of civilians, but that he was in charge of medical care of the Intervention Platoon members in case they are injured.

531. However, the critical event Defendant Milorad Radaković is charged with is the killing of men from the convoy in as much as he handed over the rounds that were later used for the killing.

532. Prosecution witnesses, Damir Ivanković and K-1, as well as Defence witnesses, Željko Stojnić and Defendant Milorad Radaković himself, gave their accounts of the said circumstance.

533. The Prosecution witnesses claimed that Defendant Milorad Radaković handed over the rounds in a plastic bag.

534. However, witness K-1 stated that he took over a plastic bag with the rounds from Defendant Milorad Radaković and handed it over to Miroslav Paraš, while witness Damir Ivanković claimed that Defendant Milorad Radaković handed over a plastic bag with the rounds to Defendant Željko Stojnić, who denied it.

535. Anyhow, with regard to the handover, it should be noted that it is possible that those were rounds placed in an *ordinary* plastic bag which Milorad Radaković apparently passed on, but none of the examined witnesses could confirm these circumstances with certainty and none of them said that it was none other than Milorad Radaković who passed on the rounds.

536. Furthermore, it should be noted that there has been no evidence to suggest that those rounds, even if they were indeed handed over in a bag by Defendant Milorad Radaković, were actually used in the execution of people. What is more, there has been not a single evidence to that effect. Finally, Damir Ivanković and witness K-3 do not mention that they saw a bag with the rounds in any other context at any other place, which is yet another piece of evidence that the Panel was not in a position to establish with certainty the contents of the plastic bag. This fact is especially significant if considered in relation to the fact that Miroslav Paraš and Damir Ivanković were in close vicinity during the execution of the men from the second bus, and that on that occasion Damir Ivanković did not see Miroslav Paraš holding a bag with rounds.

537. Therefore, all the aforementioned confirms that the Prosecution did not adduce evidence to entail beyond any reasonable doubt that Defendant Milorad Radaković significantly contributed to the persecution of non-Serb population in the form of killing or that he shared the intent to participate in the joint criminal enterprise, the purpose of which was to expel the non-Serb civilian population from the municipality of Prijedor by the convoy on 21 August 1992, by the criminal offence of murder, forcible transfer and looting.

538. Finally, with regard to the averments of witness Damir Ivanković that Defendant Milorad Radaković knew that he was handing over the rounds for the purpose of killing, it should be noted that it was only a conclusion reached by the said witness and not an interpretation of the facts that he personally observed.

539. Therefore, without disputing the credibility of witness Damir Ivanković with regard to the facts that he personally observed, the Panel is not satisfied with his opinion about the knowledge and consciousness of Defendant Milorad Radaković pertaining to the handover of the plastic bag and his interpretation that that bag contained the rounds used for the execution of the men.

540. Furthermore, it should be noted in this context that the separation, transportation and execution happened over a rather short period of time, yet there still was enough time for witness Damir Ivanković to notice if Željko Stojnić (to whom the Defendant allegedly handed over the bag) took the rounds out of the bag and used them. Witness Damir Ivanković did not specify those facts. His averment that the plastic bag contained the rounds without his observing it is not sufficient for this Panel to find Defendant Milorad Radaković guilty.

541. Further, the origin of the rounds remains unclear, primarily due to the fact that none of the witnesses confirmed that Defendant Milorad Radaković possessed a bag with rounds in it, but seemingly he did exactly what witness K-1 did – passed on the bag that happened to be with him, but the Panel could not establish the contents of the bag.

3. Conclusion

542. Bearing in mind all the aforementioned reasons, the Panel concluded that the Prosecution failed to prove beyond any reasonable doubt that Defendant Milorad Radaković undertook actions that would amount to significant contribution to the implementation of joint criminal enterprise plan/purpose or that he shared the intent to implement the purpose thereof.

543. In other words, the Prosecution failed to prove that (1) Defendant Milorad Radaković was a participant in the joint criminal enterprise, the purpose of which was to expel the non-Serb population (principally Muslims and Croats) from the territory of Prijedor municipality in the convoy on 21 August 1992 by the commission of criminal offence of murder, forcible transfer and looting or (2) participated in the commission of any criminal offence linked to the 21 August 1992 convoy and therefore, pursuant to Article 284(3) of the CPC of BiH, reached the verdict acquitting Defendant Milorad Radaković of all charges.

X. EVALUATION OF THE DEFENSE EVIDENCE

A. ZORAN BABIĆ

1. Introduction

544. During the proceedings the Defense for the accused Zoran Babić was based on the argument that on 21 August 1992 the accused Zoran Babić did not escort the convoy but was only present when the people boarded the vehicles in Tukovi.

544. When the accused Zoran Babić testified, he explained why he did not join the escorts, namely he was a BRDM²⁶ crew member and it was not customary for BRDM crew to escort the convoys.

2. Evaluation of evidence

546. During the proceedings the Defense examined a great number of witnesses, while particular attention should be paid to the statements provided by witness O-4 and Marinko Ljepoja.

547. Witness O-4 who was examined as a witness for the Defense for the accused Ljubiša Četić (who concluded an Agreement on the admission of guilt and was found guilty of the criminal offence of Crimes against Humanity under Article 172 of the CC of BiH) responded to the questions put by the Defense for the first accused Zoran Babić by stating that on 21 August 1992 he saw the accused Zoran Babić in Tukovi and added he (Zoran) had a dog. Moreover, on that same day, at around 18:00 hours in Prijedor, he saw the accused Zoran Babić passing him by in a car.

548. The claims of the witness O-4 completely contradict claims of the accused Zoran Babić because, according to him, he was supposed to be on duty near the BRDM and not driving a car around Prijedor.

²⁶ Reconnaissance armored vehicle

549. Other witnesses who testified about the participation of the accused Zoran Babić in the escort of the convoy on 21 August 1992 (Marinko Ljepoja, Đuro Radinović, Ljubiša Četić, Boško Stupar, Milovan Đurđević, Milorad Škrbić and others) confirmed that the accused Zoran Babić was in Tukovi on 21 August 1992 but that they did not see him during the convoy movement. Witness Marinko Ljepoja added he saw the accused on 21 August 1992 leaving Tukovi in a white van.

550. Contrary to the referenced Defense evidence which indirectly confirm the accused Zoran Babić did not partake in the escort of the convoy and with, conditionally speaking, a logical explanation of the accused Zoran Babić that the BRDM crew did not participate in the convoy escort, the Court concluded that a large number of witnesses confirmed that precisely on 21 August 1992 they saw the accused Zoran Babić not only in Tukovi (which the Defense did not dispute) but also at several other locations as well as at the execution site (as confirmed by the witness KO-15).

551. All witnesses proposed by the Prosecution are logical and consistent. Thus, witness B, Sadik Suhonjić and others, confirmed the accused Zoran Babić was in Tukovi, while witness K-3 confirmed that Petar Čivčić (Commander of the 1st Intervention Platoon) assigned the accused Babić to escort the convoy.

552. The statements of the aforementioned witnesses corroborate and support statements of the witness KS-1 and Gordan Đurić. Witness KS-1 stated he heard someone calling out Zoran Babić by his nickname Bakin at the separation site, while Gordan Đurić said he saw the accused Babić at that very spot.

553. Finally, witnesses Damir Ivanković and KO-15 concurred that they saw the accused Babić at the execution site at Korićanske stijene, while witness Damir Ivanković added he saw the accused Babić shooting at the lined up men.

3. Conclusion

554. Taking into consideration all the above referenced evidence, not only of the Prosecution but also of the Defense, statement of the witness K-3 in particular as he knew the accused Babić very well, as well as other circumstances related to organizing and escorting the convoy of 21 August 1992, the Court gave full credence to that statement as it, together with other statements of the said Prosecution witnesses, constitutes a logical whole. The Court was not in the position to give credence to statements of witness O-4 and the accused Zoran Babić.

555. The Court bore in mind that the accused Babić must have had a powerful motive to give a statement that would exclude his criminal responsibility.

556. On the other hand, witness O-4, who was not convincing, stated that he directly communicated with the witness K-2 although he could not remember whether witness K-2 was in the vehicle alone or whether someone else was with him. He did however confirm that he saw the accused Babić in the afternoon hours on the same day in Prijedor.

557. Since the witness O-4 and the accused Babić were not convincing enough or reliable due to the aforementioned reasons (and oppose all other evidence as well as each other), the Court could not give credence to them for which reason the argument of the Defense for the first accused Zoran Babić was not accepted.

B. MILORAD ŠKRBIĆ

1. Introduction

558. During the proceedings the Defense for the accused Milorad Škrbić was based on the argument that on 21 August 1992 the accused Milorad Škrbić did escort the convoy but did not reach the separation site because he stayed to guard the bus that broke down on the road between Kneževo and Smetovi.

559. Only on the following day did the men in the bus escorted by the accused Milorad Škrbić reach Smetovi.

560. On the other hand, the Prosecution did not dispute that the accused Milorad Škrbić guarded the civilians in the bus that broke down. However, the Prosecutor claimed that the accused began guarding the civilians only after he partook in the killings.

2. Evaluation of evidence

561. A great number of Prosecution and Defense witnesses have been examined in terms of the participation of the accused Milorad Škrbić in the escort of convoy on 21 August 1992.

562. Particular attention should be paid to the statement of the Defense witness O-3 who is the only witness who clearly claimed the accused Škrbić escorted his bus before it broke down.

563. The said witness stated that when they stopped near Banja Luka the accused Škrbić joined them and they proceeded onwards until the bus broke down.

564. There are many inherent inconsistencies and discrepancies in the statement of the witness O-3, particularly if compared to the statements of other witnesses.

565. Witness O-3 was the only witness who stated there had been three police officers acting as escort in each vehicle, while all other witnesses underlined there had been two members of the escort in the vehicles at the most.

566. Furthermore, witness O-3 said that police officers forced men to board vehicles in Tukovi and that they had 80 cm long batons; moreover, according to this witness, they pushed people inside like *cattle*.

567. No one else confirmed these allegations.

568. Witness O-3 stated that the escorts wore stockings over their heads, but despite that he recalled the accused Škrbić acted as an escort in his vehicle from Banja Luka.

569. The question raises how the witness could have seen Milorad Škrbić if the members of the escort wore stockings on their heads. There is another illogical assertion in relation to all these circumstances – witness O-3 emphasized the escort members robbed them along the way, but he could not say whether the accused Škrbić participated in the robbing because he does not know who robbed them.

570. It seems rather illogical that the witness O-3 did not look at men who robbed them.

571. Finally, witness O-3 stated they did not change the bus when it broke down during the ride.

572. All the stated facts and assertions of the witness O-3 totally contradict statements of all other witnesses.

573. It should be primarily highlighted that the Defense evidence is contradictory in itself. The accused Milorad Škrbić, by stating that he escorted the bus only after Kneževo, essentially refuted claims of the witness O-3 who stated the accused Škrbić joined the escort near Banja Luka.

574. Moreover, the accused Škrbić noted how he, after he went to escort the bus that broke down, continued on his way but that they then had to change the second bus too as it also broke down. These facts contradict allegations of the witness O-3.

575. Finally, witness O-3 said there was looting in his vehicle throughout the ride – from Tukovi to Smetovi, while the accused Škrbić claimed there was no looting while he was in the vehicle as escort.

576. As for the other Defense witnesses, it needs to be pointed out they do not contradict Prosecution evidence. Other witnesses stated the accused Milorad Škrbić escorted their bus, but

could not clearly state when Milorad Škrbić came to their bus (this particularly refers to witnesses Velid Blažević and Enes Džaferagić). Thus, witness Enes Džaferagić noted he was not certain when the accused Škrbić arrived, while witness Velid Blažević noted the accused Škrbić arrived somewhere at dusk.

3. Conclusion

577. Considering all the above noted inconsistencies and discrepancies, particularly in terms of the statement of witness O-3 and the accused Milorad Škrbić whose motive to testify in his favor is beyond question, as well as the fact that other Defense evidence does not contradict the averment of the Prosecution, not only in terms of other presented evidence but also in terms of the allegations under the Indictment, the Court could not give credence to the argument of the Defense for the third accused Milorad Škrbić.

C. DUŠAN JANKOVIĆ

1. Introduction

578. The Defense for the accused Dušan Janković focused on proving two facts.

579. The first argument of the Defense for the accused Dušan Janković pertained to proving the accused was not a member of the senior staff within the Public Security Station Prijedor, but that he was in charge of materiel and equipment.

580. The second argument pertained to the fact that Dušan Janković did not participate in the escort of convoy on 21 August 1992 but that he was in the village of Sreflije (Dubica municipality), attending a celebration at Milan Kukić's.

2. Evaluation of evidence

(a) The accused Dušan Janković's position within the Public Security Station Prijedor

(i) Introduction

581. The key difference between the Defense and Prosecution arguments in relation to the accused Dušan Janković was related to his position within the Public Security Station Prijedor and, accordingly, his role and function in escorting the convoy on 21 August 1992.

582. The Defense claimed that the accused Janković was a commander of the Police Station Prijedor in the period from 19 August 1991 to 20 September 1991 and that during the relevant time period (April – September 1992) he was in charge of materiel and equipment, and was thus effectively demoted.

583. In the opinion of the Defense, the reason for his demotion was that allegedly the accused Janković was a part of older personnel and did not share the views of the SDS.

584. On the other hand, the Prosecution stated the accused Janković, during the relevant time, held the position of the Police Station Prijedor commander and that he issued orders and led the convoy on 21 August 1992.

(ii) Evaluation of evidence

585. In relation to the position of the accused Dušan Janković, the Defense examined a number of witnesses, including Vaso Škondrić (who confirmed that with the mobilization of the reserve component of the police force and activation of the reserve police stations the peace time police stations were disbanded, including the Police Station Prijedor), Milutin Čađo (confirmed he held the position of the commander of the reserve police station Prijedor 1, and that with the mobilization the Police Station Prijedor ceased to exist, that Radovan Kečan was appointed to the position of the commander of the Reserve Police Station Prijedor 1 according to the wartime plans and that the accused Dušan Janković was in charge of materiel and equipment), Radovan Kečan (confirmed that the Police Station Prijedor stopped existing with the mobilization and that he was appointed by the Republic Secretariat of Interior to the position of the Reserve Police Station Prijedor Commander), Bogoljub Kos (confirmed that during the relevant time period the Police Station Prijedor 1 commander was Milutin Čađo), Milan Gavrilović (confirmed that after the mobilization the Police Station Prijedor was disbanded and that the reserve police Station Prijedor started operating, that Radovan Kečan was commander of the Reserve Police Station Prijedor, followed by Milutin Čađo), Slobodan Brdar (confirmed that the Police Station Prijedor was disbanded and that Milutin Čađo held the position of the Reserve Police Station Prijedor commander), Radovan Rajlić (confirmed Milutin Čađo was the commander of the General Police Station in Prijedor) and Đuro Prpoš (confirmed that after the Reserve Police Station became active the Police Station Prijedor was closed down, that once the reserve police stations were activated the commander of the Reserve Police Station Prijedor was Radovan Kečan and after the take-over of power he was replaced by Milutin Čađo).

586. In addition to the aforementioned witnesses, the Defense tendered ample documentary evidence which allegedly shows that the Police Station Prijedor stopped working once the reserve component was mobilized.

587. The Court cautiously evaluated the statements of a great number of witnesses and concluded they cannot be credited. This position is based on several circumstances, including quite

frequent uncertainties related to differences between the Public Security Station Prijedor, Police Station Prijedor, Reserve Police Station Prijedor and Police Station for Traffic Safety.

588. A great number of witnesses quite frequently in their testimony were not certain in the usage of the aforementioned terms, creating an impression that the witnesses were mixing them up. The witness Radovan Kečan (the alleged commander of the Reserve Police Station Prijedor 1) particularly stood out in this.

589. The fact that the key witness to prove consistency of the Defense argument, namely that on 20 September 1991 there was mobilization of the reserve component and that the Police Station Prijedor stopped working, himself mixed up the key terms undermines the credibility of the entire defense of the accused Dušan Janković.

590. Furthermore, the fact that the previously named witnesses were longstanding colleagues, even subordinates of the accused Dušan Janković, greatly brings into question their honest intention to assist in establishing the truth about the incidents in Prijedor in 1992 (in particular about the convoy of 21 August 1992), and shedding light on the facts related to the responsibility of the accused Janković.

591. Disregarding the mentioned circumstances pertaining to the relations with the accused Janković even if all statements of the previously named witnesses (which, truth be told, are mostly concurrent, truthful and authentic) were taken into account, it would be absolutely impossible to explain the context and the nature of the Prosecution exhibit T-109 (*List of authorized employees*).

592. In terms of the referenced exhibit several key facts should be underlined. The first pertains to the letterhead of the relevant document.

593. The document refers to the Public Security Station – Police Station Prijedor. Therefore, if the Defense witness statements were considered as accurate, namely, that on 20 September 1991 the Police Station Prijedor stopped working, than it would be a document of a non-existing organ.

594. Moreover, the referenced document clearly indicates that it was submitted to the RS Ministry of Interior, Security Services Center Banja Luka, as a response to the Dispatch notes of 16 July 1992 and 31 July 1992. If the Defense argument was accepted it would signify the Security Services Center Banja Luka was communicating with a non-existing organ, which is most unlikely, considering the fact that the Police Station Prijedor was only one of the organizational units headed by the RS Ministry of Interior and the Security Services Center Banja Luka.

595. Furthermore, in addition to the argument of the Defense that a *non-existing organ* was submitting information and composing documents (which could, although with great difficulty, be explained as an error in the letterhead), the same non-existing organ had its employees and authorized officials for whom issuance of official IDs was requested from the RS Ministry of Interior and the Security Services Center Banja Luka.

596. In other words, if the Court decided to credit the statements of the Defense witnesses it should be clarified how the non-existing organ (Police Station Prijedor) could communicate with the higher organizational units within the RS Ministry of Interior and how it had authorized officials within its composition.

597. It is clear that any reasonable trier of facts would have great difficulty in accepting the Defense argument that the Prijedor Police Station stopped working a little less than a year before and that the Reserve Police Station Prijedor 1 was established instead.

598. That the Prosecution exhibit T-109 (*List of authorized employees*) is trustworthy is corroborated by the Prosecution exhibit T-110 (*List of Public Security Station Prijedor employees in August 1992*) naming which employees work in which organizational unit within the Public Security Station Prijedor.

599. Thus, the referenced document clearly states there exist Prijedor Police Station (according to the Defense the *non-existing organ*), Branch Police Station Kozarac, Branch Police Station Ljubija, Branch Police Station Omarska, Police Station for Traffic Safety Prijedor, Communications Department and Anti-Sabotage, Crime Service and Section for Legal and Administrative Affairs.

600. Exhibits T-109 and T-110 are logically followed up by the Prosecution exhibit T-111 (*List of members of the reserve police component for August 1992*).

601. The referenced exhibit confirms that not only was a difference made between members of the reserve and regular police force but that actually those were two completely differentiated structures. Therefore, unlike Exhibit T-110 which made reference to the police station and branch police stations, Exhibit T-111 refers to the reserve Police Station Prijedor – Centar, Reserve Police Station Prijedor – Pećani and Reserve Police Station Prijedor – Raškovac.

602. The same structure of the reserve police component can be seen in the Prosecution exhibit T-112 (*List of members of the reserve component of the police force for September 1992*).

603. Moreover, exhibits T-109, T-110 and T-111 not only confirm that during the relevant time period the Police Station Prijedor did exist and had its employees, but that they received salaries, since there was a signature affixed to each name signifying that the said individual received the salary for August 1992.

604. Finally, Exhibit T-110 contains the signature of the accused Dušan Janković signifying that he, according to the Defense, received salary as an employee of the *non-existing* organ (Police Station Prijedor).

605. That the above referenced interpretation of the Prosecution exhibits T-109, T-110 and T-111 is correct is additionally confirmed by the Prosecution Exhibit T-240 (*Dispatch note of the Public Security Station Prijedor number 11-12-2-2042 dated 5 June 1992 sent to the Security Services Center Banja Luka as a response to the Dispatch note number 11-1-01-51 dated 4 June 1992*) which clearly and unequivocally shows there was one General Police Station in Prijedor with three branch offices (Omarska, Ljubija and Kozarac) and that the position of the commander within the referenced station was occupied.

606. This information is fully concurrent with the Prosecution exhibit T-109 (*List of authorized employees*) which shows the accused Dušan Janković was not only a member of the Police Station Prijedor but a commander of the Police Station Prijedor (under number 10) and that issuance of official ID was requested for him.

607. Furthermore, the Prosecution exhibit T-139 (*Decision of the SR BiH Ministry of Interior number 11-120-1/1376 dated 17 June 1992*) proves that during the relevant time period the Prijedor Police Station did exist, function, coordinate activities and cooperate with other organizational units within the SR BiH Ministry of Interior and that it had its senior staff. The same exhibit confirms the accused Dušan Janković was temporarily assigned to perform duties of the commander of the Police Station Prijedor as of 1 April 1992.

608. If credence were given to the Defense argument, it could not be explained why the accused Janković was assigned to a *non-existing* position within a *non-existing* organ.

609. The Defense explanation that the referenced decision was rendered so that rights under work obligations could be exercised and that it was only a formal assignment to the position the accused Janković had been assigned to before the mobilization, becomes completely illogical if it is viewed in the context of the Prosecution exhibit T-140 (*Personal questionnaire for the accused Dušan Janković dated 29 December 1992*).

610. The referenced exhibit not only shows that the accused Janković was a commander of, according to the Defense, a *non-existing* organ as of 1 April 1992, but that at the time when the Police Station Prijedor *did not exist* and when the accused Janković allegedly was in charge of materiel and equipment, he was even promoted.

611. Exhibit T-140 clearly shows that at the time when the accused Janković allegedly *fell into disfavor with* the civilian authorities in Prijedor and when he occupied the *non-existing* position of a commander in the *non-existing* Police Station Prijedor, that is, when he was demoted and was in charge of materiel and equipment, he was promoted to the rank of Senior Inspector 1st Class²⁷, practically a second highest rank within the entire SR BiH Ministry of Interior.

612. Furthermore, Prosecution exhibit T-145 (*personal questionnaire of the RS Ministry of Interior for the accused Dušan Janković dated 15 October 1994*) confirms that all data referenced in the Prosecution exhibit T-140 are accurate. Exhibit T-145 clearly shows that the accused Dušan Janković was assigned to the position of the police station commander within the Public Security Station Prijedor of the Serb Ministry of Interior as of 1 April 1992.

613. Therefore, if we went back to the Defense argument pertaining to the Prosecution exhibit T-139, namely that the decision under which the accused Janković was assigned to the position of a commander within the Prijedor Police Station was rendered only to ensure his continued years of service, it remains unclear why the same data (that the accused Dušan Janković was commander of the Police Station Prijedor) was referenced in the personal questionnaires, specifically in the part pertaining to engagement and career movement within the Serb Ministry of Interior /hereinafter: MUP/.

614. The Court is of the position that all this documentary evidence cannot be refuted by a few witnesses, colleagues of the accused Janković, or by an indirect interpretation of Article 261 of the 1984 Law on All-Peoples' Defense of BiH prescribing that the reserve police component be staffed by individuals who are peacetime employees of police, reservists and volunteers.

615. Accordingly, taking into account all the referenced evidence, the Court could not credit the evidence provided by the Defense for the accused Dušan Janković or their argument that during the relevant time he was in charge of materiel and equipment.

²⁷ Columns under 74 and 75 show that the accused Dušan Janković as of 1 June 1992 held the rank of senior police inspector 1st class.

616. The Court is of the position that, bearing in mind the presented evidence, the accused Dušan Janković was a commander of the Police Station Prijedor during that relevant time and was one of the first three men within the Public Security Station Prijedor.

617. Considering everything said above, the main senior staff of the Prijedor Public Security Station comprised Simo Drljača (Chief of the Prijedor Public Security Station), Dušan Janković (commander of the Police Station Prijedor) and Milutin Čađo (apparently commander of the Reserve Police Station Prijedor 1).

618. That this interpretation of the senior staff structure within the Public Security Station Prijedor /hereinafter: the PSS/ is accurate and that the accused Dušan Janković was considered Simo Drljača's deputy was confirmed by numerous witnesses including Damir Ivanković, Ranko Mijić, witness K-3, Luka Gnjatović, witness KA-1, Miljan Zubanović (who underlined the accused Janković was second only to Simo Drljača and superior to Milutin Čađo) and Velimir Vrabičić.

619. Therefore, all the above named witnesses, in addition to the proffered documentary evidence, confirmed the accused Janković was commander in the Prijedor Police Station and second only to Chief of the PSS Prijedor (his deputy) Simo Drljača.

620. Furthermore, documentary evidence of the Prosecution T-225 (*Bulletin of the Public Security Center Prijedor, page 13*) confirms the accused Janković was the closest associate of the Chief of the PSS Prijedor Simo Drljača. In the said document Simo Drljača underlined that in the takeover of power and organization of the Public Security Center Prijedor his closest associates were Dušan Janković and Milutin Čađo²⁸.

621. Exhibit T-225 confirms that the accused Dušan Janković notably had an important role in the organization and functioning of the PSS Prijedor. Page 5 of the document states that the accused Janković was the first chief of the Serb wartime police stations²⁹.

622. As previously concluded, the accused Janković was the Police Station Prijedor commander and obviously a man second only to Simo Drljača, Chief of the PSS Prijedor, later Public Security Center Prijedor. Starting with 15 April 1993 he became assistant chief of the Prijedor PSS (Prosecution exhibit T-143 – *Decision of the RS MUP no. 09-6492 dated 27 December 1993*) and later on (as of 25 May 1994), after the transformation and new systematization when the Prijedor

²⁸ “With my work- and wartime-colleagues, primarily Dušan Janković and Milutin Čađo, I started organizing the Public Security Center Prijedor.”

²⁹ The referenced text explicitly underlines that the accused Dušan Janković was the chief of the wartime police stations and not reserve police stations.

PSS outgrew into the Prijedor Public Security Center, he became assistant chief of the Prijedor Public Security Center (Prosecution exhibit T-144 – *Decision of the RS MUP, no. 09-6731 dated 27 May 1994*).

623. The previously referenced career movement of the accused Dušan Janković is also registered in the Prosecution exhibit T-145 (*Personal questionnaire of the RS MUP for the accused Dušan Janković dated 15 October 1994*) and adds additional value to Exhibit T-145.

624. Finally, Prosecution exhibit T-175 (*Order of the PSS Prijedor number 11-12-20 dated 31 May 1992*, pertaining to the establishment of the *temporary collection center Omarska* (Omarska camp) and interrogation of individuals imprisoned in the camp) proves the accused Dušan Janković was a man whom Simo Drljača, chief of the PSS Prijedor (later on Security Services Center Prijedor), trusted immensely, and entrusted with the most important tasks. In the document at hand Dušan Janković was designated as the individual who would supervise the execution of the referenced order by the Prijedor PSS (to establish the Omarska camp and interrogate prisoners). Moreover, Prosecution exhibit T-245 (*Order of the Crisis Staff of the Prijedor municipality number 02-111-215/92 dated 17 June 1992*), under which the accused Dušan Janković was sent (meaning he was in charge of the execution) the Order to establish an Intervention Platoon, corroborates the same fact.

625. Therefore, we can only reach a clear and proven beyond any reasonable doubt conclusion that the accused Dušan Janković was a commander of the Police Station Prijedor and a person whom chief of the PSS/Public Security Center Simo Drljača greatly trusted.

626. Finally, in terms of the Defense evidence and argument that the police station was disbanded, that is, transformed into the reserve police station, it should be noted that the Defense for the accused Dušan Janković tried to relate Dispatch note number 331 dated 26 September 1991 and Dispatch note number 11-12-2177 dated 5 August 1992 (O4-54).

627. This fact also reflects instrumental illogicalities of the defense argument. The Defense for the accused Dušan Janković tried to relate Dispatch note number 331 dated 26 September 1991 and Dispatch note number 11-12-2177 dated 5 August 1992 which, as can be seen, date from two completely different time periods (first Dispatch note from 1991 and second from 1992) which is completely illogical if we bear in mind that tasks and assignments of the highest state importance request urgency in acting.

628. Furthermore, the first Dispatch note was sent by the R BiH MUP while the second one (allegedly a response to the first Dispatch note) was sent by the Prijedor PSS, Security Services Center Banja Luka.

629. Finally, these two Dispatch notes (despite the fact that the Dispatch note number 11-12-2177 dated 5 August 1992 is a response to the Dispatch note number 11-1/07-55 dated 30 July 1992 and not to the Dispatch note number 331 dated 26 September 1991 as the Defense claimed), in addition to the fact that they are dated from two completely different time periods and are of different contents, pertain to two totally different issues.

(iii) Conclusion

630. Therefore, considering all the listed reasons and arguments, the Court could not credit the Defense witnesses but concluded that the accused Janković, during the relevant time, held the position of a commander of the Police Station Prijedor and was the closest associate of the chief of the PSS Prijedor Simo Drljača and that members of the PSS Prijedor considered him Drljača's deputy.

(b) Did the accused Dušan Janković partake in the escort of the convoy on 21 August 1992

(i) Introduction

631. The second key difference between the arguments of the Defense and the Prosecution in terms of the accused Dušan Janković pertained to the fact that he was not in Prijedor or escorting the convoy on 21 August 1992.

632. The Defense claimed the accused Janković was at Milan Kukić's place, in the village of Sreflije (Dubica municipality) attending a celebration on 21 August 1992.

(ii) Evaluation of evidence

633. In order to prove the accused Dušan Janković was in Sreflije village on 21 August 1992, the Defense examined witnesses Dragica Delić, Mirko Zlojutro and Milan Kukić.

634. Witness Dragica Delić was brief in her testimony and she confirmed her brother, Milan Kukić, celebrates 21 August because he had an accident as a child on that day.

635. According to her, Milan Kukić was celebrating 21 August on that 1992 as well, and the guests included Vaso Krneta, Mirko Dimić and the accused Dušan Janković and his son.

636. Witness Milan Kukić confirmed that on 21 August 1992 the accused Dušan Janković attended his celebration together with his son Mladen (he came at around 10:00 and left at around 16:00). This fact was also confirmed by the witness Mirko Zlojutro.

637. In relation to those three witnesses, it should be primarily noted that they left an impression of general insecurity.

638. Milan Kukić, the host of the alleged gathering, was particularly insecure. In the introductory part of his testimony this witness indirectly stated how he spoke with the accused Janković when he celebrated the Transfiguration (usually celebrated on 19 August) but added that on 19 August 1992 there was no Transfiguration gathering because of the war.

639. Furthermore, bearing in mind that the accused Dušan Janković was among the closest friends and neighbors who came to Milan Kukić's memorial service (there were a dozen of them on 21 August 1992), it is incomprehensible how Milan Kukić on several occasions underlined he did not know which duties the accused Janković performed.

640. This claim is unacceptable, particularly in view of the fact that the witness did not even try to provide an answer to the referenced question.

641. Moreover, finding it would be quite useful to receive information on the position the accused Janković occupied from the persons/witnesses who at the relevant time were not employees of the Prijedor PSS and subordinated to the accused Janković, the Presiding Judge put the question on the position occupied by the accused.

642. Initially, the witness refused to provide an answer (which additionally undermines his credibility) only to say, when the Presiding Judge insisted, that the accused Dušan Janković was a commander of the police station.

643. This claim completely contradicts the argument of the Defense for the accused Dušan Janković.

644. Finally, in terms of the general impression left by the witness Milan Kukić, it should be noted that when testifying he showed signs of inebriation.

645. Furthermore, and as already underlined, in addition to the general impression of insecurity of the witness Dragica Delić (witness Milan Kukić's sister), it should be noted that this witness practically did not provide any explanation on how long and how well she has known the accused Dušan Janković.

646. If the claim that the accused Dušan Janković regularly attended the memorial service at Milan Kukić's every year would be taken as truthful, then the witness Dragica Delić would have had to say that she has known the accused Dušan Janković well, and not just "so-so", as she said.

647. Finally, in relation to the witness Mirko Zlojutro, the Court took into account his insecurity (typical for all witnesses on whom the accused Janković based his alibi) and notes that he did not even know the occasion why he was allegedly at Milan Kukić's on 21 August 1992. When speaking where he allegedly was on 21 August 1992, he stated the following: "Mićo celebrated something on 21 August and the grandmother said he had had some sort of an accident on that day and that was what he was celebrating...".

648. Therefore, the fact itself that the witness mentioned *celebrated something* and *some sort of an accident* sufficiently speaks of the reliability of his testimony.

649. In other words, the witness claimed he was present there but it was not clear to him what the event or the occasion was.

(iii) Conclusion

650. Starting with the previously analyzed reasons due to which the Court established the testimony of the aforementioned witnesses who allegedly corroborate the alibi of the accused Dušan Janković is not convincing and that on the contrary there are many witnesses whose testimony is quite convincing and who confirmed that on 21 August 1992 the accused Janković was in Tukovi and partook in the escort of the convoy (which is impossible if he was in Sreflije on 21 August 1992 in the period from 9:00 to 17:00), including Damir Ivanković, witness K-3, Šefik Šanta, Luka Gnjatović, Vitomir Lakić, Edin Mujadžić, Ljubiša Četić and witness KA-1, the Court could not credit the witnesses and the Defense argument that the accused Dušan Janković was attending a celebration at Milan Kukić's place in Sreflije on 21 August 1992.

(c) Defense's procedural objections to the use of documentary evidence

651. During the proceedings the Defense for the accused Dušan Janković objected to the use of documentary evidence analyzed in the part of the text pertaining to the position of the accused Janković within the Prijedor PSS, underlining it is irrelevant to the proceedings.

652. Furthermore, the Defense objected to the authenticity of exhibits T-109 (*List of authorized employees*), T-110 (*List of Prijedor PSS employees in August 1992*) and T-111 (*List of reserve police members for August 1992*) stating they do not contain signatures, stamps or dates.

653. The Court considered the raised objections and in that regard concluded the refuted documents are important for several reasons (previously highlighted) and that the allegations that some of the documents were not signed or stamped are not correct.

3. Conclusion

654. Starting with all arguments expressed by the Defense for the accused Dušan Janković, namely that the accused was demoted during the relevant period and assigned to perform low-grade tasks related to materiel and equipment within the Prijedor PSS, and that on 21 August 1992 he attended a celebration at Milan Kukić's in Sreflije, as well as the evidence allegedly corroborating them, the Court concluded those arguments could not be credited and the Defense did not make the Court reasonably doubt the arguments or the evidence of the Prosecution.

655. Contrary to the Defense's allegations, the Court concluded, primarily on the basis of the statements provided by witness K-1 (who confirmed the accused Janković was Simo Drljača's deputy), Ranko Mijić (confirmed the accused Janković was Simo Drljača's deputy as well as that the Intervention Platoon could not have been engaged without Simo Drljača's orders), Luka Gnjatović (confirmed the accused Janković was Simo Drljača's deputy and was leading the convoy), witness KA-1 (confirmed the accused Janković was second only to Simo Drljača), Velimir Vrbičić (confirmed Simo Drljača, the accused Janković and Milutin Čađo comprised senior staff of the PSS Prijedor, and that on one occasion the accused Dušan Janković personally issued an order to him as a member of the Intervention Platoon) and Miljan Zubanović (confirmed the accused Dušan Janković was Simo Drljača's deputy and superior to Milutin Čađo), that the accused Dušan Janković was the highest ranking police officer in the convoy of 21 August 1992 and that it was he who commanded and was in charge of the convoy movement, as well as all other events related to the convoy of 21 August 1992, including forcible transfer, looting and murders.

D. ŽELJKO STOJNIĆ

1. Introduction

656. During the proceedings, the accused Željko Stojnić argued his defense by stating that on 21 August 1992 the accused Željko Stojnić was escorting the convoy, but that he continued with the convoy towards Smetovi from the location where the separation took place, as well as that he participated in the looting upon the order of Miroslav Paraš.

2. Evaluation of evidence

657. During the proceedings the Defense for the accused Željko Stojnić examined several witnesses who confirmed they saw the accused Stojnić in Tukovi and afterwards, during the convoy movement.

658. The only witness who confirmed possible presence of the accused Željko Stojnić at Smetovi was Elvir Hadžimuratović.

659. In relation to this witness and possible confirmation of the argument of the Defense for the accused Željko Stojnić, it should be noted that the witness noted he *might have* seen the accused Stojnić at Smetovi. In other words, when responding to the question by the Defense Counsel for the accused Željko Stojnić, attorney Zlatko Knežević, witness Elvir Hadžimuratović stated the following: "... I *think* I saw him (Željko Stojnić) in a group of soldiers but I was so afraid that I simply took my sister by the hand, put my bag on my shoulder and moved away as soon as possible ..."

660. Therefore, the only witness confirming the argument of the Defense for the accused Stojnić is not certain he saw the accused at Smetovi. Finally, it should be added that the accused Željko Stojnić, when testifying in his defense, said that he went towards Smetovi with the rest of the convoy from the separation site.

661. Furthermore, it should be noted that contrary to the Defense evidence (statement of the witness Elvir Hadžimuratović and the statement of the accused Željko Stojnić) there are numerous Prosecution witnesses, who, unlike witness Elvir Hadžimuratović who stated he believes he saw the accused Stojnić at Smetovi, noted they were certain the accused Željko Stojnić was in the bus with the separated men that moved towards Korićanske stijene, that is, that the accused stated that everyone (including him) would end up in Tunjice. Moreover, in terms of looting the passengers, the Defense offered as evidence only the testimony of the accused Željko Stojnić who noted he did the looting upon the order of Miroslav Paraš.

662. Without dealing with the alleged *order* of his superior officer, while establishing the criminal responsibility of the accused Željko Stojnić in relation to the looting, the Court bore in mind the eagerness with which he executed the alleged order of Miroslav Paraš, that is, the fact that he threatened he would throw a child into the ditch if the passengers did not gather enough money and other valuables (the fact confirmed by Witness B and Sadik Suhonjić).

663. It was finally concluded that the conduct of the accused Željko Stojnić cannot be exculpated by any specific order, particularly considering that the looting of passengers, as detailed above, was a regular occurrence in the convoys transporting non-Serb civilians in 1992, for which the accused Željko Stojnić knew and was aware of even before the convoy left Prijedor on 21 August 1992.

3. Conclusion

664. Considering that the Defense offered only the statement of one witness and the accused Željko Stojnić (while witness Elvir Hadžimuratović only thinks he saw the accused Stojnić at Smetovi) and since the Defense argued that the zealous looting of the passengers the accused Stojnić carried out upon the order of Miroslav Paraš, the Court could not credit the Defense argument, for which reason it could not bring into doubt Prosecution evidence in terms of the criminal responsibility of the accused Željko Stojnić in relation to forcible transfer, looting and murder.

E. PROSECUTION EVIDENCE RELATED TO THE ACCUSED MILORAD RADAKOVIĆ

1. Introduction

665. During the proceedings, the Prosecution claimed the accused Milorad Radaković, together with the other accused (save Dušan Janković), participated as a direct perpetrator in the murder of men in the convoy of 21 August 1992.

666. Following completion of the evidentiary procedure, the Prosecution filed the Amended Indictment under which the accused Milorad Radaković is charged that he, with the intention of contributing to the execution of men separated from the convoy, handed over ammunition for automatic rifle to the escorts in the convoy.

2. Evaluation of evidence

667. The above referenced argument of the Prosecution – that the accused Milorad Radaković handed over ammunition for automatic rifle to the escorts in the convoy, was confirmed by witness K-1 and Damir Ivanković.

668. As emphasized above, the Court credited the statements of the referenced witnesses, but could not establish on the basis of which evidence the Prosecution claimed the accused Radaković, with the intention to contribute to the killing of the separated men, handed over ammunition to one of the escorts or that the handed-over ammunition was actually used for that purpose.

669. Therefore, apart from the handing over of a nylon bag with ammunition (according to the referenced witnesses), the Prosecution did not present any evidence that would confirm the accused Milorad Radaković acted with the intention to contribute to the killing, or that the handed-over ammunition was indeed used for that purpose.

670. The Prosecution only offered opinion of the witness Damir Ivanković that the accused Radaković knew for which purpose the ammunition would be used.

671. In his testimony, witness Damir Ivanković did not mention facts on which he based his conclusion on the awareness of the accused, nor did he confirm that he saw the bag with ammunition the accused Milorad Radaković handed over most likely to Miroslav Paraš at Korićanske stijene (where the witness was together with Miroslav Paraš).

672. Finally, in terms of forcible transfer and looting, it should be noted that the Prosecution did not offer any evidence that could confirm the accused Milorad Radaković participated in the looting of passengers in the convoy of 21 August 1992 nor did it offer any evidence that the accused Milorad Radaković did not join members of the Intervention Platoon in the capacity of a medic to escort the convoy on 21 August 1992.

3. Conclusion

673. Following a detailed analysis of presented evidence, and considering the above stated arguments, the Court concluded the Prosecution failed to present sufficient evidence during the proceedings based on which the Court could conclude beyond any reasonable doubt that the accused Milorad Radaković was criminally responsible for the forcible transfer, looting and murder of men in the convoy of 21 August 1992.

XI. DISCREPANCIES BETWEEN THE INDICTMENT AND VERDICT AND CIVILIAN STATUS OF VICTIMS

A. NUMBER AND CIVILIAN STATUS OF VICTIMS

674. The civilian status of the victims or the number of those killed have never been disputed during the proceedings.

675. However, bearing in mind that it is one of the elements of crimes against humanity (whether the victims were objects of protection in accordance with Article 172 of the CC of BiH), that is, a very important fact when deciding on the sanction and establishing the truth, the Court was obliged to analyze the character and number of victims.

676. Several pieces of evidence were adduced during the proceedings in relation to the number and the status of victims, and nearly all witnesses provided their estimates as to the number and status of victims.

677. Accordingly, Exhibit T-2 (*Interim operations report number 21/08 dated 21 August 1992*) shows that the victims were civilians. The referenced report notes: “carried out genocide over the civilians by killing them using various methods... “.

678. Furthermore, Prosecution exhibits T-161 (*Combat report of the Command of the 1st Krajina Corps number 44-1/314 dated 22 August 1992 sent to the Main Staff of the Republika Srpska Army*) and T-162 (*Regular combat report of the Command of the 1st Krajina Corps number 44-1/315 dated 22 August 1992 sent to the Main Staff of the Republika Srpska Army*) also show the victims who were separated from the convoy transporting refugees were civilians.

679. Finally, witnesses Dragomir Marković, Boško Peulić, Živorad Pelengić, Milivoje Pavičić, Nenad Krejić, Ostoja Barišić, Slobodan Udovičić, Ljubiša Četić and Damir Ivanković are among the witnesses who confirmed that a part of the convoy set off from Tukovi while another part set off from the Trnopolje camp and that the passengers in the convoy were civilians.

680. Considering all the above referenced reasons and presented evidence, the Court concluded that the individuals who were killed on 21 August 1992 at Korićanske stijene were civilians.

681. Furthermore, in relation to the number of those killed, it should be pointed out there was evidence confirming that the number of the victims ranged from one to two hundred.

682. Accordingly, Prosecution exhibits T-161 (*Combat report of the Command of the 1st Krajina Corps number 44-1/314 dated 22 August 1992 sent to the Main Staff of the Republika Srpska Army*) and T-162 (*Regular combat report of the Command of the 1st Krajina Corps number 44-1/315 dated 22 August 1992 sent to the Main Staff of the Republika Srpska Army*) show that around one hundred men were killed.

683. Contrary to the referenced evidence, witnesses Čedo Vukotić, Milan Komljenović and Slobodan Udovičić confirmed there was information that around two hundred men were killed.

684. Finally, Prosecution exhibits T-2 (*Interim operations report number 21/08 dated 21 August 1992*), T-168 (*Criminal report of the Security Services Center Banja Luka number 11-1/02-230-dated 8 September 1992 sent to the Basic Public Prosecutor’s Office Banja Luka*), T-163 (*Official letter of the Security Services Center Banja Luka number 11-1/02-2-345 dated 11 September 1992 sent to the Prijedor PSS - Chief*), T-164 (*Official letter of the Security Services Center Banja Luka number 11-1/02-2-345 dated 1 September 1992 sent to the Prijedor PSS - Chief*) forwarding the order of the Minister of Interior Mićo Stanišić), as well as witnesses Dragomir Marković, Boško Peulić and Nenad Krejić, confirmed, among others, there was around 150 killed men. Witness

Dragomir Marković noted he counted more than 140 bodies but that he could not count all of them as they were piled up.

685. Witness Dragomir Marković's statement is confirmed by Prosecution exhibit T-168 (*Criminal report of the Security Services Center Banja Luka number 11-1/02-230- dated 8 September 1992 sent to the Basic Public Prosecutor's Office Banja Luka*) from which it follows that 140 bodies had been counted up to that point.

686. Therefore, bearing in mind there is evidence that around 200 individuals were killed at Korićanske stijene, and that ample documentary evidence and witness statements showed around 150 men were killed at Korićanske stijene, the Court concluded that on 21 August 1992 at least 150 men were killed at the said location.

687. Finally, in terms of the identity of some individuals (identity of all the victims has not been established), and finding that such approach would be more orderly, attached to the Verdict is the Addendum with a list of evidence establishing the identity of the victims. It should be noted that when DNA reports were tendered, expert witnesses Miroslav Rakočević, Sabiha Silajdžić-Brkić, Ana Bilić, Nerin Sarajlić and Ewa Klonowska provided their expert testimony.

688. Starting with the previously analyzed evidence, the Court found that on 21 August 1992 not less than 150 civilian men were separated near the Ilomska River from the convoy moving from Banja Luka towards Vlašić, and killed.

B. LOCATION OF THE KILLING AND NEXUS

689. The Defense for the now convicted Ljubiša Četić *inter alia* proposed to examine witness Želimir Knežević who on the basis of the map marked Zenica 1 said that the murder took place at a micro location that can be categorized as the foot of the Runjavica mountain, not far from Marići stijene and above the Ilomska River.

690. Bearing in mind this statement of Želimir Knežević, but also the fact that the referenced location is known as Korićanske stijene and that, generally speaking, the location itself where the murder was committed and which was visited by the Prosecution, Defense Counsel and Panel members on 2 June 2009 is not disputable, as well as that the term Korićanske stijene is used in documentary evidence, the Court accepted that the location at which the murder was carried out should be marked as Korićanske stijene, in other words, as referenced under the Indictment.

691. Furthermore, the Defense for the accused Željko Stojnić raised the issue of the existence of nexus between a widespread and systematic attack directed against the civilian population in the

territory of Prijedor and murder of men in the convoy which took place at Korićanske stijene some 150 km away.

692. Bearing in mind the great distance, the Defense contested the existence of a nexus.

693. When considering the referenced Defense objection, the Court bore in mind several important facts.

694. The men who were killed at Korićanske stijene were from Prijedor and the surrounding area.

695. Those men decided to leave Prijedor precisely because of the existence of a widespread and systematic attack directed against the civilian population.

696. Furthermore, the men who were separated were killed and the looting was carried out precisely during the movement of the convoy, that is, while people were fleeing Prijedor.

697. Finally, all criminal offences related to the convoy were carried out by members of the Intervention Platoon, that is, a unit with the seat in Prijedor and which was operating in Prijedor.

698. Therefore, bearing in mind that (1) the victims were from Prijedor, (2) they were murdered while attempting to flee Prijedor, (3) the murder was carried out by a unit with the seat in Prijedor, that is, the unit escorting the convoy with the refugees, and (4) the unit that practically participated in the attack against civilians from the territory of Prijedor, the Court concluded there is a nexus between the widespread and systematic attack directed against the civilian population of the Prijedor municipality and the offences charged against the accused and related to the convoy of 21 August 1992.

C. CHARGES OF UNLAWFUL IMPRISONMENT

699. The Indictment against Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić includes alleged unlawful imprisonment.

700. More precisely, the Prosecution is of the position that the fact the civilians could not leave the vehicles during the convoy movement contains elements of unlawful imprisonment.

701. It is important to note, in relation to the alleged unlawful imprisonment, that according to the witnesses the convoy set off from Tukovi on 21 August 1992, at 10:00 at the earliest, and that it reached its destination (Smetovi) in late afternoon hours (at around 19:00).

702. Therefore, the vehicles travelled for approximately 9 hours.

703. Moreover, considering the convoy consisted of a great number of people and vehicles (around 16 vehicles and around 1,200 people) it is quite logical no stops would be made or people allowed to leave the vehicles as they wished. On the contrary, stops would be made occasionally and the passengers would have opportunity to rest and refresh themselves.

704. This was what happened also with the convoy of 21 August 1992.

705. Occasional stops were made during which passengers could rest and refresh themselves, although it needs to be pointed out that a great number of passengers was frightened and did not dare leave the vehicles.

706. Therefore, there was no policy that implied deprivation of liberty; the convoy was organized in accordance with the conditions prevailing at the time and in the only manner possible.

707. Furthermore, it should be noted that the passengers who were in the convoy on 21 August 1992 were aware of the fact that stops would not be made during the convoy movement on the basis of individual requests of passengers, but that stops would be made occasionally during which all passengers would have the opportunity to rest and refresh themselves.

708. Accordingly, the Court did not determine that these acts of the accused constituted elements of unlawful imprisonment.

709. Additionally, the Prosecution not only failed to prove the existence of unlawful imprisonment, but it also failed to prove there was intention within the joint criminal enterprise to unlawfully imprison men during the convoy movement.

710. Finally, it should be taken into account that the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić were found guilty of forcible transfer, and that within that context it is quite logical that the injured parties were not provided with the opportunity to leave the vehicles they were being transferred in.

711. Not going into exceptions, and bearing in mind that stops were made occasionally (as confirmed by many witnesses), as well as that the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić were found guilty of forcible transfer, and the length of the convoy ride (around 9 hours), the Court did not establish that the Prosecution (if it was even possible) managed to prove the unlawful imprisonment of civilians in the convoy of 21 August 1992, nor that it was included in the JCE. Accordingly, the Court did not find Zoran Babić, Milorad Radaković, Milorad

Škrbić, Dušan Janković and Željko Stojnić guilty of the criminal offence under Article 172, paragraph 1, sub-paragraph e) of the CC of BiH.

D. CHARGES OF OTHER INHUMANE ACTS COMMITTED WITH THE INTENTION TO INFLICT GREAT SUFFERING AND SERIOUS INJURIES TO BODY OR TO PHYSICAL OR MENTAL HEALTH

712. In addition to charges of persecution by way of murder, looting, forcible transfer and unlawful imprisonment, Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Babić and Željko Stojnić are also charged under the Indictment with other inhumane acts perpetrated with the intention to inflict great suffering and serious injuries to body or to physical or mental health under Article 172, paragraph 1, sub-paragraph k) of the CC of BiH.

713. According to the Indictment, elements of the aforementioned offence are reflected in the confinement of civilians, including children, in vehicles, in hot weather, under the canvas cover, without enough room, air, water, food or possibility to relieve themselves.

714. Under certain circumstances, confinement in the aforementioned circumstances can be qualified as other inhumane acts under Article 172, paragraph 1, sub-paragraph k) of the CC of BiH. However, it should be primarily taken into consideration how long the civilians travelled in the described circumstances.

715. As stated previously, the convoy travelled for approximately 9 hours, which is the time-frame during which the civilians were exposed to the said circumstances.

716. Furthermore, in terms of the number of people crammed in the vehicles, we need to refer to statements of some witnesses (like witness KO-5) who confirmed that a number of men who had set off from Trnopolje eventually moved into the vehicles that had set off from Tukovi. Moreover, drivers and escorts allowed people to leave the vehicles during the stops so they could drink some water and some drivers even brought water into the vehicles.

717. Therefore, in terms of movement and conditions in the convoy, the fact remains that the conditions were poor, that people were transported in vehicles that were not intended for the transport of people (trucks), that they did not have enough air inside, that the vehicles were overcrowded and that they did not have enough food. However, as already noted, it needs to be taken into account that this was a convoy and that it travelled for approximately nine hours.

718. Under such conditions it was not to be expected that any meals would be provided or water supplied. Stops were made so that the civilians, although in poor conditions, could rest, refresh and relieve themselves.

719. Accordingly, there is evidence confirming the civilians traveled in poor conditions but only for a relatively short period of time (9 hours) so it cannot be concluded that their gravity and intensity satisfied the essential elements of the criminal offence under Article 172, paragraph 1, sub-paragraph k) of the CC of BiH.

720. Moreover, all circumstances point to the conclusion that the poor conditions of the transport were a result of bad organization and that it was not a planned endeavor devised within the joint criminal enterprise, resulting in great suffering and serious injuries to body or to physical or mental health.

721. Finally, in relation to the trauma and fear to which they were exposed, children in particular (“...*He even took a male civilian out of a vehicle, pressed a pistol against his head and threatened to kill him and toss a small child into the ravine if he did not gather as much valuables from the civilians on the convoy as possible, thereby inflicting great suffering and serious injuries to body or to physical or mental health of the civilians ...*”³⁰), it should be noted those were the acts of individuals made for the purposes of looting which, per se, refutes the argument of the Prosecution that the conditions were created deliberately to result in great suffering and serious injuries to body or to physical or mental health.

722. Therefore, bearing in mind the fact that the described acts did not satisfy the essential elements of the criminal offence under Article 172, paragraph 1, sub-paragraph k) of the CC BiH, and that there was no evidence that the commission of the referenced offence was included in the joint criminal enterprise plan, the Court found that the accused Zoran Babić, Milorad Radaković, Milorad Škrbić, Dušan Janković and Željko Stojnić are not guilty of the commission of the said offence.

³⁰ Description under the Indictment, page 4.

XII. METING OUT THE PUNISHMENT

A. THE SANCTION HAS TO BE COMMENSURATE WITH THE GRAVITY OF THE OFFENCES OF WHICH ZORAN BABIĆ, MILORAD ŠKRBIĆ, DUŠAN JANKOVIĆ AND ŽELJKO STOJNIĆ HAVE BEEN FOUND GUILTY

1. Social condemnation of the prohibited conduct of the accused

723. When meting out the sanctions for war crimes, the imposed punishment has to reflect social condemnation and must take into account that the committed crimes are codified in international law. Thus, the imposed sanction has to have two components with regard to the social condemnation.

724. The first component includes social values generally recognized in Bosnia and Herzegovina and a legal tradition which has developed in this region for years.

725. The second component is reflected in the fact that the offences are so grave and brutal that they resulted in a global definition of the set of prohibited conduct.

726. Therefore, when meting out the punishment, it has to be taken into account that the entire International Community advocates the punishment of such behavior, so that the imposed sanction has to incorporate not only fundamental local values, but also those promoted globally.

2. Intention to deter the perpetrators and others from committing criminal offences in the future

727. War crimes are by their nature complex criminal offences, particularly because we now have a situation that war crimes cases are prosecuted years after the cessation of the hostilities.

728. In an ideal world, perpetrators of war crimes would be prosecuted immediately after the commission of the offence, preferably before the cessation of the hostilities.

729. Unfortunately, this particular case involves the perpetrators who have been prosecuted only after the cessation of the hostilities.

730. The Panel has taken into account that the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić were law-abiding citizens before the perpetration of the offences relevant to this case and that they had no prior convictions.

731. Also, taking into account the conduct of the accused when they perpetrated the criminal offence, the Panel has found that the imposed sanctions will eventually deter third parties from committing criminal offences.

3. Raising public awareness about the grave consequences of criminal offences and the necessity to punish the perpetrators

732. The main characteristic of war crimes is reflected in the fact that there was a presumption or atmosphere of impunity at the time of their perpetration.

733. For these reasons it often happens that certain offences are repeatedly perpetrated over a fairly long period.

734. However, when meting out a sentence in cases of such nature, it is particularly important to show that revenge and retribution are entirely contrary to international law, that is, that the *tu quoque* argumentation is completely unacceptable.

735. Consequently, when meting out the sanction for the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, the Panel has given special weight to the fact that, when committing the offences they are charged with, they were not guided by the mentioned principle, quite the opposite, they agreed with the entire system of prohibited conduct, that is, perpetration of the crime.

4. Degree of liability

736. Once the JCE doctrine has been accepted, the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić are considered as perpetrators in line with the applicable law.

737. Nevertheless, in order to make the necessary and fair distinction, the term direct perpetrator was introduced to denote an individual who physically committed a crime.

738. In this specific case, the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić directly perpetrated the offence of which they have been found guilty.

739. Therefore, active participation of the accused, bearing in mind that they executed over 150 civilian men upon the order, sufficiently contributed to the maintaining and functioning of the established criminal system, so that their contribution has been found considerable and they have been found guilty.

740. Therefore, the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić have been found guilty of the criminal offence they are charged with, and the Panel is satisfied that the degree of their liability is such so as to require a severe punishment.

5. Motivation and circumstances surrounding the perpetration of the offence

741. During the entire proceedings the Defense attempted to sustain the argument that the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić found themselves in the situation to escort the convoy, that some of them acted upon orders and participated in the execution while others maintained their defense in that they did not escort the convoy at all which they did not manage to prove in the least.

742. The Court established beyond a reasonable doubt that in the case at hand the accused are greatly responsible for the committed criminal offence on the ground that they acted with direct intent, in other words, that the accused were aware that with their acts they were committing the criminal offence and wanted its perpetration.

743. Although the criminal offence against the values protected by international law carries the punishment of long-term imprisonment, in the case at hand the Court imposed its sentence bearing in mind the gravity of the consequences.

744. The Court took into account the following elements when meting out a punishment:

745. When deciding on the severity of punishment the Court primarily considered protection of the community from the guilty accused, which is a significant factor when establishing the appropriate punishment.

746. The protection policy depends on the nature of the criminal offence and conduct of the accused. The protection of society often implies long-term imprisonment in order to protect the society from the hostile, destructive conduct of the guilty accused.

747. This factor is important and relevant when the guilty accused is considered a danger for society.

748. In addition to the fact that by imposing an appropriate punishment the accused should be deterred from even thinking of participating in such crimes again, while meting out the punishment the Court bore in mind the individuals who could find themselves in similar situations in the future and who also need to be deterred from involvement in such criminal offences.

749. Although the consequences of these criminal offences are incalculable and irreversible, the Court is of the position that this punishment will raise the awareness of the consequences and punishment of such crimes, that is, justified punishment of the perpetrators.

6. Personal situation of the accused and their behavior during the proceedings

750. While meting out the punishment for the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, the Court took into account personal situation of the accused and their conduct during the proceedings.

751. Thus, the Court considered the health of the accused Zoran Babić reflected in the fact that he is a

752. As for the accused Milorad Škrbić, while meting out the punishment the Court bore in mind the fact that he, following the execution of separated men, had spent the night guarding and protecting civilians in the bus that broke down.

753. In relation to the accused Dušan Janković, the Court was mindful of the fact that he, like the other accused, behaved properly, due to which fact the proceedings were completed quite efficiently. Moreover, at the moment when the Verdict was pronounced he was sixty years old so the imposed punishment of long-term imprisonment for him is practically a life sentence.

754. Finally, in terms of the accused Željko Stojnić, the Court considered his proper conduct during the proceedings and the fact that at the time of the commission the accused was a young adult, for which reason, by applying Article 42b, paragraph 3 of the CC of BiH, the punishment of long-term imprisonment cannot be imposed on him.

B. FINDINGS

755. Starting from all the presented, cumulative reasons, the Court concluded there exist circumstances described under Article 48 of the CC of BiH in relation to the accused Zoran Babić, Milorad Škrbić, Dušan Janković and Željko Stojnić, as well as other circumstances affecting the type and severity of punishment. Moreover, the Court particularly evaluated the degree of responsibility, incentives for the commission of the offence, degree of danger or injury to the protected value and the circumstances under which the offence was committed. Additionally, when meting out the punishment the Court considered the lives of the accused, their personal circumstances and their conduct during the proceedings. In other words, the Court took into account both the aggravating and mitigating circumstances for the accused, related to the positions they held within the PSS Prijedor and the Intervention Platoon, as well as the fact they were quite knowledgeable of the situation in Prijedor in 1992, all of which had adversely affected the Panel when imposing the punishment on the accused.

XIII. CLAIMS UNDER PROPERTY LAW AND COSTS OF THE CRIMINAL PROCEEDINGS

756. Given the poor financial circumstances of all the accused, some of whom have their pension as the only regular income, the Court has decided to relieve them of the obligation to pay the costs of the criminal proceedings pursuant to Article 188(4) of the CPC of BiH, otherwise their subsistence would be put in question.

757. When instructing the survivors and families of the victims to undertake civil action, the Court was guided by the fact that the data stemming from the criminal proceedings do not provide a reliable basis for either a complete or partial award as prescribed under Article 198(2) of the CPC of BiH.

Record-taker

/hand signature affixed/

Emil Pinkas

PRESIDING JUDGE

/hand and stamp/

Minka Kreho

LEGAL REMEDY: An Appeal may be filed from this Verdict with the Appellate Division of the Court within 15 (fifteen days) following the receipt of the written copy thereof.

XIV. ADDENDUM 1 (PRESENTED EVIDENCE)

A. PROSECUTION EVIDENCE

1. Witnesses

1. Boško Peulić,
2. Milan Komljenović,
3. Čedo Vukotić,
4. Živorad Pelengić,
5. Radovan Đukarić,
6. Slobodan Udovičić,
7. The accused Zoran Babić,
8. Drago Slavnić,
9. Nenad Krejić,
10. Melisa Bajrić,
11. Witness A,
12. Milivoje Pavičić,
13. Dragomir Marković,
14. Nebojša Pantić,
15. Witness B,
16. Jevto Janković,
17. Jusuf Žerić,
18. Vlado Beben,
19. Witness KS-1,
20. Witness KS-2,
21. Ostoja Barišić,
22. Munib Sivac,
23. Witness K-1,
24. Hakija Elezović,
25. Nedžad Bašić,
26. Sadik Suhonjić,
27. Bekir Mujagić,
28. Husein Jakupović,
29. Berislav Herceg,
30. Witness KO-12,
31. The accused Damir Ivanković,

32. The accused Gordan Đurić,
33. Hasan Elkaz,
34. Ranko Mijić,
35. Witness KO-5,
36. Ferid Kovačević,
37. Enes Džaferagić,
38. Witness K-3,
39. Witness KO-7,
40. Erna Kadirić,
41. Šefik Šanta,
42. Luka Gnjatović,
43. Vitomir Lakić,
44. Witness KO-8,
45. Edin Mujadžić,
46. Witness KO-15,
47. Savo Krejić,
48. Witness KA-1,
49. Miljan Zubanović,
50. Velimir Vrabičić,
51. Said Grabić,
52. Witness KO-18.

2. Expert witnesses

1. Elwira Ewa Klonowska,
2. Nermin Sarajlić,
3. Ana Bilić,
4. Miroslav Rakočević,
5. Sabiha Silajdžić Brkić.

3. Documentary evidence

1. Record on the examination of the witness Boško Peulić, number KT-RZ 48/06 dated 27 March 2008;
2. Interim report; operations number 21/8, Command of the 22nd Light Infantry Brigade dated 21 June 1992;
3. Record on the examination of the witness Milan Komljenović, number: KT-RZ-48/06 dated 27 March 2008;
4. Appointment book;

5. Record on the examination of the witness Čedo Vuković number: KT-RZ-48/06 dated 28 March 2009;
6. Record on the examination of the witness Živorad Pelengić number: KT-RZ-48/06 dated 28 March 2009;
7. Record on the examination of the witness Radovan Đukarić number: KT-RZ-48/06 dated 25 March 2009;
8. Record on the examination of the witness Slobodan Udovičić number: KT-RZ-48/06 dated 28 March 2008;
9. Record on the examination of the witness Zoran Babić number: KT-RZ-48/06 dated 27 April 2006;
10. Record on the examination of the witness Drago Slavnić number: KT-RZ-48/06 dated 3 April 2005;
11. Record on the examination of the witness Nenad Krejić number: KT-RZ-48/06 dated 27 March 2008;
12. Record on the examination of the witness Melisa Bajrić, number: KT-RZ-48/06 dated 18 July 2008;
13. Record on the examination of the witness A, number KT-RZ-48/06 dated 6 April 2006;
14. Record on the examination of the witness Milivoje Pavičić number: KT-RZ-48/06 dated 24 April 2006;
15. Record on the examination of the witness Dragomir Marković number: KT-RZ-48/06 dated 19 May 2008;
16. Record on the examination of the witness Nebojša Pantić number: KT-RZ-48/06 dated 7 May 2008;
17. Record on the examination of the witness B number KT-RZ-48/06 dated 13 March 2008;
18. Record on the examination of the witness Jevto Janković number: KT-RZ-48/06 dated 7 May 2008;
19. Record on the examination of the witness Jusuf Žerić number: KT-RZ-48/06 dated 22 October 2008;
20. Record on the examination of the witness Vlado Beben number: KT-RZ-48/06 dated 4 April 2006;
21. Record on the examination of the witness KS-1 number: KT-RZ-48/06 dated 26 March 2008;
22. Record on the examination of the witness KS-1 number: KT-RZ-48/06 dated 13 August 2008;
23. Record on the examination of the witness KS 2 dated 26 March 2008;

24. Record on the examination of the witness KS 2 dated 13 August 2008;
25. Record on the examination of the witness KS 2 dated 9 July 2008;
26. Record on the examination of the witness Ostoje Barišić number: KT-RZ-48/06 dated 25 March 2008;
27. Record on the examination of the witness Munib Sivac number: KT-RZ-48/06 dated 15 July 2008;
28. Record on the examination of the witness K 1 number: KT-RZ-48/06 dated 26 June 2008;
29. Record on the examination of the witness K 1 number: KT-RZ-48/06 dated 30 October 2008;
30. Record on the examination of the witness Hakija Elezović number: KT-RZ-48/06 dated 6 April 2006;
31. Record on the examination of the witness Nedžad Bašić number: KT-RZ-48/06 dated 26 March 2008;
32. Record on the examination of the witness Sadik Suhonjić number: KT-RZ-48/06 dated 5 April 2006;
33. Record on the examination of the witness Bekir Mujagić number: KT-RZ-48/06 dated 12 March 2008;
34. Record on the examination of the witness Husein Jakupović number: KT-RZ-48/06 dated 12 June 2008;
35. Record on the examination of the witness Berislav Herceg number: KT-RZ-48/06 dated 15 May 2008;
36. Record on the examination of the witness KO-12 number KT-RZ-48/06 dated 17 October 2008;
37. Record on the examination of the witness (accused) Damir Ivanković, number: KT-RZ-48/06 dated 16 June 2009;
38. A, B and C-3 photographs;
39. Record on the examination of the witness Gordan Đurić, number: KTA-RZ-120/07 dated 3 July 2009;
40. Record on the examination of the witness Hasan Elkaz dated 16 October 2008;
41. Record on the examination of the witness Ranko Mijić dated 25 March 2008 and 4 December 2008;
42. Record on the examination of the witness KO-5 dated 16 July 2008;
43. Record on the examination of the witness Ferid Kovačević dated 20 October 2009;
44. Record on the examination of the witness Enes Džaferagić dated 15 August 2009;
45. Record on the examination of the witness K-3 dated 18 December 2009;

46. Record on the examination of the accused Gordan Đurić in the capacity of a witness dated 31 August 2009;
47. Record on the examination of the protected witness KO-7;
48. Record on the examination of the witness Erna Kadirić dated 24 December 2009;
49. Record on the examination of the witness Šefik Šanta dated 17 July 2008;
50. Record on the examination of the witness Luka Gnjatović dated 21 March 2006;
51. Record on the examination of the witness Vitomir Lakić dated 22 March 2006;
52. Record on the examination of the witness KO-8 dated 16 July 2008;
53. Record on the examination of the witness Edin Mujadžić dated 14 July 2008;
54. Death certificate for Enver Arifagić;
55. Death certificate for Rasim Avdić;
56. Death certificate for Šerif Bajrić;
57. Death certificate for Zarif Bašić;
58. Death certificate for Rasim Bašić;
59. Death certificate for Nihad Bešić;
60. Death certificate for Suvad Bešlagić;
61. Death certificate for Besim Čaušević;
62. Death certificate for Hilmija Ćustić;
63. Death certificate for Ismet Ćustić;
64. Death certificate for Admir Dergić;
65. Death certificate for Edin Elezović;
66. Death certificate for Emir Elezović;
67. Death certificate for Hajrudin Elezović;
68. Death certificate for Jasim Fazlić;
69. Death certificate for Mirsad Fazlić;
70. Death certificate for Kemal Garibović;
71. Death certificate for Osman Hasanagić;
72. Death certificate for Ismet Hirkić;
73. Death certificate for Rifet Hirkić;
74. Death certificate for Midhet Hodžić;
75. Death certificate for Ahmet Hodžić;
76. Death certificate for Hajro Ičić;
77. Death certificate for Armin Jakupović;
78. Death certificate for Sakib Kljajić;
79. Death certificate for Himzo Marošlić;

80. Death certificate for Ejub Medić;
81. Death certificate for Asmir Memić;
82. Death certificate for Idriz Muratčehajić;
83. Death certificate for Nihad Memić;
84. Death certificate for Husein Mujkanović;
85. Death certificate for Senad Mujkanović;
86. Death certificate for Mehmed Muratčehajić;
87. Death certificate for Bajazid Saldumović;
88. Death certificate for Nedžad Zulić;
89. Death certificate for Šerif Blažević;
90. Decision of the Prijedor Basic Court declaring death of Šerif Blažević;
91. Record of the Prijedor Basic Court on declaring death of Šerif Blažević;
92. Death certificate for Fadil Blažević;
93. Decision of the Prijedor Basic Court declaring death of Fadil Blažević;
94. Record of the Prijedor Basic Court on declaring death of Fadil Blažević;
95. Death certificate for Almir Fazlić;
96. Decision of the Prijedor Basic Court declaring death of Almir Fazlić;
97. Record of the Prijedor Basic Court on declaring death of Almir Fazlić;
98. Death certificate for Seid Vehabović;
99. Death certificate for Edin Fazlić;
100. Death certificate for Elvin Kauković;
101. Death certificate for Ahmo Krkić in the Ivanković case (to the name of Ahmet);
102. Record on inspection of bodies at Korićanske stijene (T56);
103. Photocopy of photo-documentation depicting remains of bones found at Korićanske stijene;
104. Photocopy of photo-documentation depicting bodily remains found at Korićanske stijene;
105. Photocopy of a photograph;
106. List of Intervention Platoons;
107. List of members of the Prijedor police force,
108. Salary calculation;
109. Report on overtime work of Prijedor PSS members in the English language;
110. List of reserve component members;
111. List of the members of the Reserve Police for July 1992 /employed/;
112. List of the members of the Reserve Police for July 1992 /unemployed/;
113. Objection to the calculation of salary for Miroslav Paraš;

114. List of authorized employees of the Prijedor PSS dated 13 August 1992 (exhibit of the ICTY – certified copy);
115. Photocopy of a list of Prijedor PSS employees certified by the ICTY;
116. List of the unemployed employees of the Prijedor Public Security Station (ICTY exhibit);
117. List of the members of the reserve component of the Prijedor PSS for September 1992 (ICTY exhibit);
118. List of military conscripts of the Prijedor PSS from September (ICTY exhibit);
119. Original Military ID card for Zoran Babić;
120. Certified photocopy of the application to the RS Ministry of Interior vacancy to the name of Zoran Babić;
121. Certified copy of a Certificate issued to the name of Zoran Babić – Ministry of Defense Prijedor;
122. Request for issuance of certificate to the name of Zoran Babić;
123. Certificate for Zoran Babić, sent for field training in the Prijedor PSS;
124. Certificate of completed course issued to Zoran Babić;
125. Certificate on passed professional exam issued to Zoran Babić;
126. Decisions of the Sarajevo Ministry of Interior issued to the name of Zoran Babić, assigned to the Public Security Center Prijedor;
127. Certified photocopy of the personal questionnaire for Zoran Babić;
128. Decision of the Sarajevo Ministry of Interior of RS dated 20 October 1995 on promotion of Zoran Babić;
129. War service recognition certificate issued by the Ministry of Defense Prijedor dated 4 December 2002 to Zoran Babić;
130. Decision of the RS Pension and Disability Insurance Fund - Prijedor branch office, dated 26 March 2004;
131. Decision of the RS Ministry of Interior dated 13 May 2004;
132. Photograph of the JNA soldier, Zoran Babić;
133. Master file and Unit record for Zoran Babić; Decision of the Department for protection of veterans issued to Milorad Radaković dated 12 November 2002;
134. Certified copy of a master file for Milorad Radaković; Certified copy of the master file and unit record for Milorad Škrbić;
135. Original Military ID of Ljubiša Četić;
136. Document issued by Security Station Banja Luka dated 12 February 2004 with the record on exhumation;

137. Copy of photo documentation of the Bihać Ministry of Interior on exhumation of 4 unknown bodies, dated 3 October 2003;
138. Autopsy report for Seid Vehabović;
139. Autopsy report for Edin Fazlić;
140. Record on re-autopsy for Elvin Kauković;
141. Record on re-autopsy for Ahmed Krkić;
142. Decision issued by the Security Services Center dated 17 June 1992 to the name of Dušan Janković;
143. Questionnaire of the home office for Dušan Janković dated 29 December 1992 Prijedor;
144. Decision of the Bijeljina Ministry of Interior issued to the name of Dušan Janković dated 27 October 1993;
145. Decision of the Sarajevo Ministry of Interior RS dated 3 November 1993 to the name of Dušan Janković;
146. Decision of the Sarajevo Ministry of Interior RS dated 27 December 1993 issued to the name of Dušan Janković;
147. Decision of the Sarajevo Ministry of Interior RS dated 27 May 1994 issued to the name of Dušan Janković;
148. Personnel questionnaire of the Ministry of Interior for Dušan Janković dated 15 October 1994 ranking him as the commander of the Ministry of Interior;
149. Personnel questionnaire, Ministry of Interior, Public Security Station Prijedor for Dušan Janković dated 19 October 1995;
150. Decision on rank dated 20 October 1995 related to Dušan Janković;
151. Decision of the Bijeljina RS Ministry of Interior to the name of Dušan Janković dated 24 April 1996;
152. Decision of the RS Ministry of Interior on promoting to higher rank Dušan Janković dated 1997;
153. Certificate of the Ministry of Interior, Public Security Center Prijedor dated 14 April 1997 issued to the name of Dušan Janković;
154. Decree on awarding decorations issued to the name of Dušan Janković (ICTY exhibit);
155. Supplement information regarding the Decree on awarding decorations, dated 26 April 1995 (ICTY exhibit); this exhibit also refers to Dušan Janković;
156. Miloš Obilić's Order;
157. Master file and Unit Record for Dušan Janković;
158. Decision of the RS Ministry of Interior dated 1 September 1990 to the name of Željko Stojnić;

159. Decision of the RS Ministry of Interior Sarajevo dated 1 October 1994 issued to the name of Željko Stojnić;
160. Personnel questionnaire of the Ministry of Interior PSS Prijedor for Željko Stojnić dated 14 September 1995;
161. Proposal for special promotion, Prijedor Ministry of Interior to the name of Željko Stojnić dated 23 October 1995;
162. Decision on special promotion for Željko Stojnić dated 20 October 1995;
163. Master file and Unit Record of the Prijedor PSS for Željko Stojnić;
164. Combat report of the 1st Krajina Corps Command dated 28 February 1998;
165. Regular combat report of the 1st Krajina Corps Command dated 22 August 1992;
166. Dispatch note dated 1 September 1992, Prijedor PSS;
167. Dispatch note of the Public Security Center Banja Luka dated 11 September 1992 (ICTY exhibit);
168. Dispatch note of the Public Security Center Banja Luka dated 14 September 1992 (ICTY exhibit);
169. Dispatch note of the Banja Luka PSS dated 7 October 1992 (ICTY exhibit);
170. Coded dispatch note of the Banja Luka PSS dated 13 October 1992 (ICTY exhibit);
171. Criminal report against the unknown perpetrators, Banja Luka PSS dated 8 September 1992 (ICTY exhibit);
172. Proposal for undertaking investigative actions, Banja Luka, dated 8 September 1992 (ICTY exhibit);
173. Document of the Basic Court Banja Luka dated 24 September 1992 (ICTY exhibit);
174. Request of the Basic Public Prosecutor's Office Banja Luka dated 30 September 2009;
175. Document issued by the 1st Krajina Corps Command dated 16 October 2009 (ICTY exhibit);
176. Instruction on organization and activities of the Serb people dated 19 December 1992 (ICTY exhibit);
177. RS Official Gazette containing Decision on strategic goals of the Serb people dated 9 May 1992;
178. Order of the Prijedor PSS Chief from 1992;
179. Dispatch note of the Banja Luka PSS dated 21 August 1992;
180. Information on the execution of conclusions and decisions of the Executive Board of the Prijedor PSS dated 3 September 1992 (ICTY exhibit);
181. Report on work of the Prijedor PSS from January 1993 (ICTY exhibit);
182. Excerpt from the criminal records of Damir Ivanković dated 4 August 2008;

183. Excerpt from the criminal records dated 15 September 1992;
184. Excerpt from the criminal records of Ljubiša Četić dated 15 October 2008;
185. Excerpt from the criminal records dated 15 October 2008 for Milorad Radaković;
186. Record on the examination of the suspect Zoran Babić dated 28 May 2008;
187. Record on the examination of the suspect Milorad Radaković dated 14 October 2008;
188. Record on the examination of the suspect Milorad Škrbić dated 15 October 2008;
189. Record on the examination of Ljubiša Četić dated 14 October 2008;
190. Record on the examination of the suspect Dušan Janković dated 27 May 2008;
191. Record on the examination of the suspect Željko Stojnić 30 May 2008;
192. Forensic report of the expert witness Sabiha Silajdžić Brkić;
193. Record on exhumation, Cantonal Court Travnik and photo documentation of the Central Bosnia Canton dated 2003 with the sketch of the site from 2003;
194. Photo documentation of the Central Bosnia Canton Ministry of Interior – inspection of bones exhumed from the Visoko cemetery - Korićanske stijene;
195. DNA report for Rasim (Sulejman) Avdić dated 24 November 2003;
196. DNA report for Ahmet (Hamdija) Blažević dated 24 November 2003;
197. DNA report for Mustafa (Edhem) Blažević dated 2 March 2004;
198. DNA report for Zijad (Ibrahim) Čejvan dated 13 November 2003;
199. DNA report for Hajrudin (Salih) Elezović dated 10 November 2003;
200. DNA report for Jasmin (Hajrudin) Elezović dated 3 June 2005;
201. DNA report for Mirsad (Hasan) Gutić dated 8 November 2003;
202. DNA report for Šefik (Husein) Hirkić dated 26 November 2003;
203. DNA report for Zuhdija (Meho) Kadirić dated 14 September 2004;
204. DNA report for Abaz (Omer) Kulašić dated 24 November, 8 November and 8 March 2003;
205. DNA report for Himzo (Ibro) Marošlić dated 6 May, 8 March and 8 December 2003;
206. DNA report for Alija (Bećo) Mehmedagić dated 8 December 2003;
207. DNA report for Himzo (Omer) Mrkalj dated 16 April 2004 and 13 February 2004;
208. DNA report for Mirsad Muratčehajić dated 6 May 2003;
209. DNA report for Merzuk (Ibrahim) Sivac dated 21 January 2003;
210. DNA report for Kasim Sivac dated 18 February 2005;
211. DNA report for Omer Šljivar dated 8 November 2003;
212. DNA report for Sakib Trnjanjin dated 11 February 2005;
213. DNA report for Nedžad Zulić dated 11 December and dated 2 December 2003;
214. DNA report for Emir and Edin (Muharem) Elezović dated 8 November 2003;
215. DNA report for Edin and Nedžad Sivac dated 6 May 2004;

216. Record on the examination of the witness KO-15 and photo album number KT-RZ-48/06 dated 19 December 2008;
217. Record on examination of Ljubiša Četić number KTA-RZ-48/06 dated 9 March 2010;
218. Dispatch note of the Banja Luka Public Security Center Chief Stojan Župljanin 11-1/01-55 dated 18 August 1992 (certified by the ICTY);
219. Dispatch note sent by Stojan Župljanin to all police stations 11-1/02-1-301 dated 31 July 1992 (certified by the ICTY);
220. Dispatch note of the Banja Luka Public Security Center, sent by Stojan Župljanin on 15 May 1992 number 11-1/01-38 (copy with the ICTY certification);
221. Conclusions of the Sarajevo Ministry of Interior sent to the Prijedor Public Security Station number 11-12 dated 11 May 1992;
222. Excerpt from the criminal records of the Prijedor PSS 11-12-120-63-5/92 dated 20 August 1992;
223. Order and Dispatch note of the Minister of the Ministry of Interior on custody measures and instructions on collection centers dated 10 August 1992;
224. Dispatch note of the Public Security Station 11-12-2169 pertaining to engagement of 300 police officers for daily security of collection centers Keraterm and Omarska dated 1 August 1992;
225. Excerpt from the criminal records for Branislav Gavranović dated 24 July 1992;
226. Work report for first six months of 1992;
227. Response to the Dispatch note 11-12-2057 dated 12 June 1992;
228. Bulletin of the Prijedor Public Security Center from November 1994 (copy with the ICTY certification);
229. Dispatch note of the Bosanska Dubica PSS 11-4/01-262/92 dated 19 June 1992 sent to Prijedor PSS (copy with the ICTY certification);
230. Dispatch note number: 11-12-2071 dated 19 June 1992 (copy with the ICTY certification);
231. Dispatch note of the Prijedor PSS 11-12-2089 dated 29 June 1992 (copy with the ICTY certification);
232. Unsigned Rulebook on systematization number 11-12 dated 23 October 1992 (copy with the ICTY certification);
233. Signed Rulebook on internal organization and systematization of the Prijedor PSS number 11-12-117 dated 23 October 1992 (copy with the ICTY certification);
234. Official Gazette 2/92 with order of Dr Milimir Stakić dated 17 June 1992 number 02-11-215/92 on establishing Intervention Platoon (copy with the ICTY certification);

235. Request of the Professional Service of the Prijedor Municipal Assembly number 02-111-236/92-2 dated 30 June 1992 sent to Simo Drljača (copy with the ICTY certification);
236. Information on the implementation of the Crisis Staff conclusions number 11-12Y-24 dated 1 July 1994, signed by Simo Drljača and sent to the Crisis Staff (copy with the ICTY certification);
237. Information on the implementation of the Crisis Staff conclusions number 02-111-236/92-3 dated July 1992 on identical acts carried out by the PSS and that the Order of the Crisis Staff in terms of the Intervention Platoon has been carried out (copy with the ICTY certification);
238. Order of the Prijedor municipality Crisis Staff dated 6 June 1992 on fuel provisioning, signed by Dr. Milomir Stakić, sent to Simo Drljača and Janković, Prpoš and all station commanders (copy with the ICTY certification);
239. Information sent by the shift commander Milan Gavrilović to the Chief of the Prijedor Public Security Center dated 14 June 1992 (copy with the ICTY certification);
240. Statement of the witness KA-1 dated 18 June 2009; Record on the examination of the witness Miljan Zubanović dated 15 September 2009;
241. Record on the examination of the witness Velimir Vrabčić dated 28 August 2009;
242. Response to the Dispatch note number 11-1-01-51 dated 4 June 1992, number 11-12-2-2042 – Response: composition of the Prijedor police station dated 5 June 1992 (ICTY certification);
243. Copy of a list of Prijedor Police Station employees – those who have signed the solemn declaration and those who have not, dated 29 May 1992 – certified by the ICTY;
244. Dispatch note number 11-12-2031 dated 29 May 1992 – certified by the ICTY;
245. Copy of a Dispatch note of the Prijedor PSS 11-12-2304 dated 29 September 1992 (certified by the ICTY);
246. Information no. 11-12-38 dated 4 August 1992 (certified by the ICTY);
247. Copy (in BHS and English) of the Order of the SR BiH Autonomous Region Krajina Crisis Staff number: 02-111-215/92 dated 17 June 1992 (certified by the ICTY);
248. Order of the 1st Krajina Corps Commander number 11-1/01 dated 8 September 1992 (BHS and English version - certified by the ICTY);
249. Dispatch note 11-12-1873 dated 30 April 1992 - Simo Drljača submits a response to the Dispatch note of 29 April 1992 - certified by the ICTY;
250. Report to SR BiH on the work of Security Services Center, July 1992;
251. Report number: 11-169 dated 30 July 1992, composed by Banja Luka Security Services Center Chief Stojan Župljanin – certified by the ICTY;

252. Personal questionnaire signed by Milutin Čađo, certified copy;
253. Record number: 7/02 dated 9 March 2002 composed by Milutin Čađo;
254. Response to the Prosecution request number: 60/10 dated 11 June 2010 from the SDS Archive in the Prijedor area - original;
255. Request of the Prosecutor's Office of BiH sent to the SDS number: KT-RZ-48/06 dated 10 June 2010;
256. Dispatch note of the Banja Luka Security Services Center 11-1/01-69 dated 25 August 1992;
257. Record on examination of Said Grabić number: 17-04/2-2-04-2-1301/08 dated 25 December 2008;
258. Order of the Court of BiH number X-KRN-09/752 dated 16 July 2009;
259. Order of the Cantonal Prosecutor's Office Travnik number KTA 1/09 RZ dated 17 July 2009 – Order executed;
260. Photo documentation composed by the Travnik Ministry of Interior on exhumation carried out at Donji Korićani - Skender Vakuf - Kneževo upon the above referenced orders (T-255 and T-256);
261. Executed order issued on the basis of the Court of BiH order and rendered by the Travnik Prosecutor's Office number KTA-1/09-RZ dated 9 September 2009;
262. Order of the Travnik Cantonal Prosecutor's Office KTA-1/09-RZ dated 22 September 2009;
263. Report on examination of bodies exhumed at Korićanske stijene dated 6 November 2009 attached to which is record on handing over of body parts dated 19 October 2009, 6 October 2009 and 5 October 2009;
264. Addendum to the handover dated 19 October 2009, 154 samples handed over;
265. Addendum to the handover dated 6 October 2009, 44 samples handed over;
266. Addendum to the handover dated 5 October 2009, 170 samples for DNA analysis;
267. Order of the Cantonal Prosecutor's Office Travnik KTA-1/09-RZ 18 August 2010;
268. Order of the Cantonal Prosecutor's Office Travnik KTA-1/09-RZ 17 September 2010;
269. Autopsy report composed upon the Exhumation order number KTA-1/09-RZ for Ferid (Karanfil) Žerić dated 22 September 2010;
- 270.
271. Autopsy report composed upon the Exhumation order number KTA-1/09-RZ for Fikret (Himzo) Blažević dated 22 September 2010;
272. Autopsy report composed upon the Exhumation order number KTA-1/09-RZ for Sead (Adem) Bešić dated 22 September 2010;

273. Autopsy report composed upon the Exhumation order number KTA-1/09-RZ for Enver (Avdo) Arihagić dated 22 September 2010;
274. Autopsy report composed upon the Exhumation order number KTA-1/09-RZ for Osman (Husein) Mehmedagić dated 22 September 2010;
275. Autopsy report composed upon the Exhumation order number KTA-1/09-RZ for Uzeir (Muharem) Kahrmanović dated 22 September 2010;
276. Autopsy report composed upon the Exhumation order number KTA-1/09-RZ for Ekram (Zuvdija) Velić dated 22 September 2010.

B. EVIDENCE OF THE DEFENSE FOR THE ACCUSED ZORAN BABIĆ

1. Witnesses

1. Milovan Đurđević,
2. Savo Krejić,
3. Marinko Ljepoja,
4. Neđo Vračar,
5. The accused Zoran Babić

2. Documentary evidence

1. Discharge papers for Zoran Babić from the Military Hospital dated 17 October 1996 and Discharge papers from the Military Hospital Belgrade dated 30 April 1996;
2. Findings of the specialist for Zoran Babić issued by the Military Hospital on 16 October 2000;
3. Findings of the specialist for Zoran Babić issued by the Military Hospital on 7 May 2001;
4. Discharge papers for Zoran Babić issued by the Prijedor hospital dated 10 September 2007;
5. Findings of the specialist for Zoran Babić issued by the Banja Luka hospital;
6. Discharge papers for Zoran Babić issued by the Banja Luka hospital dated 15 October 2007;
7. Findings and opinion of the medical review board dated 25 December 2003 to the name of Zoran Babić;
8. Decision of the Department for protection of veterans and disabled persons dated 21 February 2005 number: 03-560-24/05, recognizing the status of Zoran Babić as an invalid.

C. EVIDENCE OF THE DEFENSE FOR THE ACCUSED MILORAD RADAKOVIĆ

1. Witnesses

1. Milovan Đurđević,
2. Witness O1,
3. Witness O2,
4. The accused Gordan Đurić,
5. The accused Milorad Radaković,

6. Rajko Maksić.

2. Documentary evidence

1. List of Intervention Platoons (ICTY certification);
2. Official letter of the Ministry of Interior, copy, dated 31 October 2008;
3. Photocopy of a military card for the accused Milorad Radaković with the copy of employment booklet;
4. Dispatch note of the Prijedor PSS dated 14 September 1992, certified by the ICTY;
5. Guarantee for a weapon, 9 mm caliber, hunting carbine and gun license dated 9 February 1992;
6. Death certificate for Slavko Reljić and the original obituary for Slavko Reljić;
7. Official letter of the Third Police Station Sanski Most dated 15 October 2008 stating Milorad Radaković has no convictions;

D. EVIDENCE OF THE DEFENSE FOR THE ACCUSED MILORAD ŠKRBIĆ

1. Witnesses

1. Nenad Stojaković,
2. Radovan Martić,
3. Radenko Stakić,
4. Velid Blažević,
5. Milojko Crnogorac,
6. The accused Milorad Škrbić,
7. Enes Džaferagić.

2. Expert witness

1. Zorica Lazarević.

3. Documentary evidence

1. Death certificate for Lazarka Škrbić dated 4 December 2009;
2. Discharge papers from Prijedor hospital number 3/95 dated 3 February 1995;
3. Findings and opinion of the Military Center – garrison Prijedor number 1664/3755 dated 12 September 1995;
4. Finding and opinion of the Prijedor hospital number 3705 dated 12 September 1995;
5. Findings and opinion of the Military Post 394/395 dated 7 February 1995; Referral to the Military Post 7081 dated 8 August 1994;
6. Findings and opinion of the Military Post 7362 no. 2118/94 dated 10 August 1994;
7. Referral to the Military Post 7362 no. 5522 dated 12 December 1984;
8. Admittance sheet for infirmary treatment in the Prijedor hospital dated 3 December 2009;
9. Admittance sheet for infirmary treatment in the Prijedor hospital dated 20 November 2009;

10. Admittance sheet for infirmary treatment in the Prijedor hospital 30 September 2008;
11. Findings and opinion of Dr Zorica Lazarević.

E. EVIDENCE OF THE DEFENSE FOR THE ACCUSED DUŠAN JANKOVIĆ

1. Witnesses

1. Rajko Maksić,
2. Brane Topić,
3. Đuro Prpoš,
4. Milutin Čađo,
5. Boško Stupar,
6. Lazar Basrak,
7. Bogoljub Kos,
8. Slobodan Vrhovac,
9. Mladen Stakić,
10. Vinko Kos,
11. Slobodan Brdar,
12. Radovan Rajlić,
13. Jovan Vukoje,
14. Slavko Kovačević,
15. Gorjanka Kovačević,
16. Milan Gavrilović,
17. Milan Kukić,
18. Mario Trontelj,
19. Dragica Delić,
20. Radovan Kečan,
21. Mirko Zlojutro,
22. Vaso Škondrić,
23. Vukan Prodan,
24. Živko Kos,
25. Zdravko Torbica,
26. Ratko Radić,
27. Marko Đenadija,
28. Vladimir Šobot.

2. Documentary evidence

1. Rulebook on internal organization of the republic Secretariat of Interior, Prijedor PSS dated 29 January 1992;
2. Dispatch note of the Prijedor PSS dated 26 July 1991;
3. Dispatch note of the Ministry of Interior, Prijedor PSS dated 31 July 1991;
4. Dispatch note of the Prijedor PSS dated 1 August 1991;
5. Copy of the Dispatch note of the Prijedor PSS certified by the ICTY;
6. Dispatch note of the Ministry of Interior dated 19 August 1991 pertaining to appointment of Dušan Janković to head the Prijedor PSS (ICTY certification);
7. Information of the Federation Ministry of Interior number 07-07/1-34-1/243 dated 6 April 2010;
8. Information of the Federation Ministry of Interior number 01 -219 dated 30 April 2010;
9. Decision of the Federation Ministry of Interior on access to information number 01-03-49-1-1138 dated 27 April 2010;
10. Decision of the Republic Secretariat of Interior 99/4-120-1/117 dated 9 January 1991;
11. Decision of the R BiH Ministry of Interior 17 July 1995;
12. Decision of the RS Ministry of Interior, Security Services Center 11-120-1/1376 dated 17 June 1992;
13. Minutes of the 33rd session of the SR BiH Presidency dated 19 September 1991, number 02-011-881/91 – adoption of the decision on mobilization (ICTY certification);
14. Dispatch note of the Prijedor PSS 11-12-4013 dated 20 September 1991 (ICTY certification);
15. Dispatch note of the Prijedor PSS 11-12-4014 dated 20 September 1991 (ICTY certification);
16. Dispatch note of the Prijedor PSS 11-12-4012 dated 20 September 1991 (ICTY certification);
17. Dispatch note of the Banja Luka Security Services Center 11-1/08-269 dated 18 September 1991 (ICTY certification);
18. Information of the SDS, Prijedor Municipal Board 32/10 dated 18 March 2010 - original;
19. Submitting data of the RS Ministry of Interior number 08-1-10/02-KU-104/93 dated 2 December 2009;
20. Submitting data of the District Prosecutor's Office Banja Luka, branch-office Prijedor KTN-87/93 dated 10 December 2009;
21. Decision of the RS Ministry of Interior number 09-6492 dated 27 December 1993;
22. Decision of the RS Ministry of Interior number 09-6731 dated 27 May 1994;

23. Decision of the RS Ministry of Interior, Bijeljina number 09/3-120-1110 dated 24 April 1996;
24. Decision of the RS Ministry of Interior, Bijeljina number 01-01-39/97 dated 19 September 1997;
25. Decision of the RS Ministry of Interior, Bijeljina number 06/3-120-858 dated 8 April 1998;
26. Decision of the RS Ministry of Interior, Banja Luka number 03/1-2-120-10020 dated 31 December 1999;
27. Decision of the RS Ministry of Interior, Banja Luka number 03/1-2-126- 424 dated 3 September 2001;
28. Master file for Dušan Janković;
29. Unit record for Dušan Janković;
30. Dispatch note of the Prijedor PSS number 08-1-10/02-2-23-235/49-36/08 dated 4 August 2008;
31. List of Intervention Platoons;
32. List of members of the police reserve component for July 1992;
33. List of members of the reserve police component for July 1992 – unemployed;
34. List of members of the reserve police component for August – unemployed members of the RS Prijedor Centar;
35. List of members for September 1992 – unemployed;
36. List of members of the reserve police component for November 1992 – unemployed;
37. List of members of the reserve police component for December 1992 – unemployed;
38. Dispatch note of the Prijedor PSS number 11-12-460/92 dated 28 May 1992, ICTY certification;
39. Dispatch note of the Prijedor PSS, operations duty number 11-12-2136 dated 18 July 1992 (ICTY certification);
40. Dispatch note of the Prijedor PSS number 11-12-2138 dated 19 July 1992 (ICTY certification);
41. Dispatch note of the Prijedor PSS number 11-12-2104 dated 5 July 1992 (ICTY certification);
42. Dispatch note of the Banja Luka Security Services Center 11-1-01-OD-439 dated 19 August 1992 (ICTY certification);
43. Dispatch note of the Prijedor PSS number 11-12-2207 dated 20 August 1992 (ICTY certification);
44. Dispatch note of the Command of the 22nd Light Infantry Brigade number 43/4 dated 21 August 1992;

45. Dissemination of the dispatch note of the Banja Luka Security Services Center 11-1/02-2-345 dated 11 September 1992, ICTY certification;
46. Dispatch note of the Prijedor PSS number 11-12-2267 dated 14 September 1992 - (ICTY certification);
47. Dispatch note of the Banja Luka Security Services Center number 11-1/02-2-370 dated 7 October 1992 (ICTY certification);
48. Criminal report, Banja Luka Security Services Center number 11-1/02-230 dated 8 September 1992 (ICTY certification);
49. Proposal of the District Public Prosecutor's Office Banja Luka number KTN-2293/92 dated 14 September 1992 (ICTY certification);
50. Official letter of the investigative Judge of the Banja Luka District Court dated 24 September 1992 (ICTY certification);
51. Request of the District Public Prosecutor's Office Banja Luka number KTN 2293/92 dated 30 September 1992 (ICTY certification);
52. Record on forensic examination of the Korićanske stijene site dated 31 August 1992;
53. Dispatch note of the Banja Luka Security Services Center dated 21 August 1992, number 11-1-01/67 - T-176 (ICTY certification);
54. Report of the Prijedor PSS Chief 11-12-13 dated 3 September 1992;
55. Questionnaire dated 29 December 1992 pertaining to Dušan Janković;
56. Information of the Public Security Station – excerpt from criminal records for Ljubiša Četić, Milorad Radaković and Milorad Škrbić number 08-1-10/02-2-23-235/49-104/08 dated 15 October 2008;
57. Information of the Sarajevo Canton Ministry of Interior number 02/2-3-04-8-2/4263/08 dated 15 October 2008;
58. Dispatch note of the Prijedor PSS number 11-12-97 dated 10 February 1993 (ICTY certification);
59. Dispatch note of the Prijedor PSS – certified by the ICTY;
60. Order on activating reserve police component number: 331 dated 26 September 1991;
61. Dispatch note of the Prijedor PSS dated 5 August 1992;
62. Excerpt from the Law on All-Peoples' Defense;
63. Document of the reserve police component, Omarska station, list, commander of the Police Station Željko Mejakić;
64. Dispatch note of the Prijedor PSS dated 21 August 1992;
65. Dispatch note of the Prijedor PSS dated 21 August 1992 sent to the Banja Luka Security Services Center;

66. Dispatch note sent to all chiefs of Public Security Stations; Dispatch note of the Banja Luka Security Services Center disseminated to all chiefs of Public Security Stations, sent to Marko Đenadija;
67. Dispatch note of the Banja Luka Security Services Center dated 28 May 1992 disseminated to all chiefs of Public Security Stations, sent to Radovan Kečan;
68. Dispatch note of the Banja Luka Security Services Center dated 8 June 1992 disseminated to all chiefs of Public Security Stations;
69. Dispatch note of the Banja Luka Security Services Center dated 29 July 1992, disseminated to all chiefs of Public Security Stations, sent to Marko Đenadija;
70. Dispatch note of the Banja Luka Security Services Center dated 3 August 1992, disseminated to all chiefs of Public Security Stations, sent to Marko Đenadija;
71. Dispatch note of the Banja Luka Security Services Center dated 4 August 1992, to the chief of the Prijedor PSS, sent to Ranko Mijić and Olga Pavić;
72. Dispatch note of the Banja Luka Security Services Center dated 10 August 1992, to the chief of the Prijedor PSS, sent to Đuro Prpoš and Olga Pavić;
73. Dispatch note of the Banja Luka Security Services Center dated 13 August 1992, to the chief of the Prijedor PSS, sent to Đuro Prpoš, Miloš Janković and Olga Pavić;
74. Conclusion of the Prijedor Executive Board dated 17 August 1992, disseminated to Vlado Kondić; SR BiH Ministry of Interior dated 24 August 1992, to all Public Security Stations, sent to Ranko Mijić;
75. Dissemination of the Dispatch note of the Banja Luka Security Services Center dated 27 August 1992 to all chief of Public Security Stations, sent to Ranko Mijić;
76. Dispatch note of the Banja Luka Security Services Center dated 11 September 1992, to the Chief of the Prijedor PSS, sent to Marko Đenadija;
77. Dispatch note of the Banja Luka Security Services Center dated 16 October 1992, to Prijedor PSS, sent to Marko Đenadija;
78. Document dated 4 September 1992, signed by an unknown individual from the Prijedor PSS, Aliens Office;
79. Excerpt from the Rulebook on execution of tasks in the PSS;
80. Order of Alija Delimustafić dated 29 April 1992; Dispatch note of the Prijedor PSS dated 30 April 1992;
81. Interview Simo Drljača gave to *Kozarski vijesnik* on 9 April 1993;
82. Certified copy of the Order of the Prijedor Crisis Staff dated 17 June 1992;
83. Solemn declaration dated 14 May 1992 signed by Senada Jakupović;
84. Report on the work of the Red Cross covering period from May to September 1992;

85. Dispatch note of the Banja Luka Security Services Center dated 8 June 1992, sent to all chiefs of the public security stations;
86. Testimonial dated from 1950, to the name of the accused Dušan Janković's uncle;
87. Testimonial dated from 1950, to the name of the accused's other uncle;
88. Testimonial dated from 1950, to the name of Dušan Janković – the accused's uncle;
89. Testimonial to victims of fascist terror issued to Savan Janković – the accused's grandfather;
90. Testimonial to victims of fascist terror dated from 1950, issued to the accused's uncle;
91. Testimonial to victims of fascist terror issued to Nada Janković – the accused's aunt;

F. EVIDENCE OF THE DEFENSE FOR THE ACCUSED ŽELJKO STOJNIĆ

1. Witnesses

1. Elvir Hadžimuratović,
2. The accused Željko Stojnić

2. Documentary evidence

1. Record on the examination of the witness Elvir Hadžimuratović at the Prosecutor's Office of BiH number KT-RZ-48/06 dated 28 January 2008;
2. Birth certificate for Željko Stojnić.

XV. ADDENDUM 2 (FACTS ESTABLISHED BY THE ICTY PANELS AND TAKEN JUDICIAL NOTICE OF BY THE COURT)

1. Under the 1946 Yugoslav Constitution, the SFRY was divided into six republics – Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia, and Montenegro. The population of Bosnia and Herzegovina, more so than any other republic of the former Yugoslavia, had been multiethnic for centuries, with Serbs, Croats, and Muslims as the largest ethnic groups. (ICTY Kvočka Judgment, para. 9);
2. In 1990, the first multi-party elections were held in each of the republics, resulting in the election of strongly nationalist parties that, in turn, heralded the break-up of the federation. In Bosnia and Herzegovina, these parties were the Muslim Party of Democratic Action (SDA), the Serb Democratic Party (SDS), and the Croat Democratic Union (HDZ). (ICTY Kvočka Judgment, para. 10);
3. On 25 June 1991, Slovenia and Croatia declared their independence from the SFRY. (ICTY Kvočka Judgment, para. 10);
4. In September 1991, several Serb Autonomous Regions in Bosnia and Herzegovina were proclaimed. One of these, the Serb Autonomous Region of Krajina (ARK), consisted of the Banja Luka region and surrounding municipalities; however the Prijedor municipality, in which the SDA held a small majority, did not join the Autonomous Region. (ICTY Kvočka Judgment, para. 11);
5. On 19 December 1991, the Main Board of the SDS issued a document entitled "Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances" ("Variant A and B Instructions"). These instructions provided for the conduct of specified activities in all municipalities in which Serbs lived, and essentially mapped out the take-over of power by Bosnian Serbs in municipalities where they constituted a majority of the population ("Variant A") and where they were in a minority ("Variant B"). The stated purpose of the Variant A and B Instructions was "to carry out the results of the plebiscite at which the Serbian people in Bosnia and Herzegovina decided to live in a single state" and to "increase mobility and readiness for the defence of the interests of the Serbian people". (ICTY Brđanin Judgment, para. 69);
6. The Variant A and B Instructions included, amongst others, the directive that the SDS Municipal Boards should form Crisis Staffs of the Serbian people in their respective municipalities. (ICTY Brđanin Judgment, para. 70);

7. The Republic of Serbian People of Bosnia and Herzegovina (later to become the Republika Srpska) had been declared by the Serbs on 9 January 1992, and was slated to come into force upon formal international recognition of the Republic of Bosnia and Herzegovina. (ICTY Kvočka Judgment, para. 10);
8. It was composed of so-called Serbian autonomous regions and districts, which included the ARK. (ICTY Brđanin Judgment, para. 71);
9. In Bosnia and Herzegovina, a referendum on independence held in February 1992 was opposed by the Bosnian Serbs; an overwhelming majority abstained from voting. Nonetheless, Bosnia and Herzegovina declared independence in March 1992. That independence was recognized by the European Community and the United States of America in April 1992. (ICTY Kvočka Judgment, para. 10);
10. [The opština (municipality) of Prijedor is located in north-western Bosnia and Herzegovina.] (ICTY Tadić Judgment, para. 55);
11. Opština [(municipality)] of Prijedor ... includes the town of Prijedor and the town of Kozarac some 10 kilometres to its east. (ICTY Tadić Judgment, para. 55);
12. Opština Prijedor was significant to the Serbs because of its location as part of the land corridor that linked the Serb-dominated area in the Croatian Krajina to the west with Serbia and Montenegro to the east and south. (ICTY Tadić Judgment, para. 127);
13. Before the take-over opština Prijedor was ethnically a relatively mixed area: in 1991 ... Muslims were the majority in the opština; out of a total population of 112,000, 49,700 (44%) were Muslims and about 40,000 (42.5%) Serbs, with the remainder made up of Croats (5.6%), Yugoslavs (5.7%) and aliens (2.2%). (ICTY Tadić Judgment, para. 128; See also ICTY Stakić Judgment, para. 51);
14. Prior to the outbreak of war the various ethnic groups in the opština lived harmoniously together, with only limited signs of division. (Tadić Judgment, para. 129);
15. Such tension as existed was exacerbated by the use of propaganda and political manoeuvres. (Tadić Judgment, para. 130; See also Brđanin Judgment, paras. 80, 82);
16. The Prijedor Municipal Assembly, for which elections were held in November 1990, comprised a total of 90 seats, with opština Prijedor divided into five electoral units. Each party had a total of 90 candidates on the ballot. In the outcome the SDA won 30 seats, the SDS 28, the HDZ 2 and 30

seats went to other parties: the so-called opposition parties, namely the Social Democratic, the Liberal Alliance, and the Reformist parties. (Tadić Judgment, para. 132; See also Stakić Judgment, para. 49);

17. [A]ccording to the SDA, if the election results were followed it would be entitled to 50 percent of the appointed positions with the SDS and HDZ entitled to the remaining 50 percent. The SDS, however, insisted upon 50 percent of the seats for itself. (Tadić Judgment, para. 132);

18. That agreement was implemented at the Municipal Assembly of Prijedor in January 1991. Velibor Ostojić, then acting Minister for Information in the Government of the Republic of Bosnia and Herzegovina and one of Radovan Karadžić's confidants, was present at that session to help mediate the agreement. (Tadić Judgment, para. 132);

19. Once implemented, difficulties arose between the SDA and the SDS over the allocation of important government posts, although it was agreed that both the Mayor of Prijedor and the Chief of Police would be from the SDA. (Tadić Judgment, para. 133);

20. In Prijedor the SDS surreptitiously established a separate Serbian Assembly at the direction of the Central SDS ... as well as a separate police force and security unit ... This occurred about six-months before the takeover of the town of Prijedor... (Tadić Judgment, para. 134);

21. The SDS wanted to remain with Serbia as part of Yugoslavia, emphasising that all Serbs should remain in one state. Because of this disagreement with the non-Serbs, who wanted to withdraw from the federation, the SDS proposed a division of opština Prijedor. (Tadić Judgment, para. 136).

22. An atmosphere of mistrust, fear, and hatred was fuelled by the political tensions in the municipality from the second half of 1991 until the takeover of power on 30 April 1992. (Stakić Judgment, para. 688.);

23. On 30 April 1992 the SDS conducted a bloodless take-over of the town of Prijedor with the aid of the military and police forces. (Tadić Judgment, para. 137; See also Stakić Judgment, para. 74, and Brđanin Judgment, para. 104);

24. The actual take-over was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings. (Tadić Judgment, para. 137);

25. JNA soldiers, wearing a variety of uniforms, occupied all of the prominent institutions such as the radio station, medical centre and bank. They entered buildings, declared that they had taken

power and announced their decision to rename opština Prijedor "Srpska opština Prijedor". (Tadić Judgment, para. 137);

26. A local Crisis Staff was established ("Prijedor Crisis Staff") which implemented a number of decisions made by the ARK Crisis Staff. (Tadić Judgment, para. 139);

27. ... [C]ontrol was immediately taken of the two local media sources: Radio Prijedor and the newspaper Kozarski Vjesnik... (Tadić Judgment, para. 139);

28. ... and thereafter their principal function became the dissemination of propaganda. (Tadić Judgment, para. 139);

29. ... Serb nationalist propaganda intensified. (Tadić Judgment, para. 93);

30. The "need for the awakening of the Serb people" was stressed and derogatory remarks against non-Serbs increased. (Tadić Judgment, para. 93);

31. Calls were also made at that time for the surrender of weapons which, although addressed to the population at large, were only enforced in respect to Muslims and Croats... (Tadić Judgment, para. 139);

32. At the same time the mobilization of Serbs allowed for the distribution of weapons to the Serb population. (Tadić Judgment, para. 139).

33. On 12 May 1992, the 16th session of the Assembly of the Serbian People in Bosnia and Herzegovina was held in Banja Luka. At the session Radovan Karadžić outlined the six strategic goals of the Bosnian Serb leadership in Bosnia and Herzegovina. ... The first two strategic goals read as follows:

- "The first such goal is separation from the other two national communities – separation of states. Separation from those who are our enemies and who have used every opportunity, especially in this century, to attack us, and who would continue with such practices if we were to continue to stay together in the same state."

"The second strategic goal, it seems to me, is a corridor between Semberija and Krajina. That is something for which we may be forced to sacrifice something here and there, but is of the utmost strategic importance for the Serbian people, because it integrates the Serbian lands, not only of Serbian Bosnia and Herzegovina, but it integrates Serbian Bosnia and Herzegovina with Serbian Krajina and Serbian Krajina with Serbian Bosnia and Herzegovina and Serbia. So, that is a strategic

goal which has been placed high on the priority list, which we have to achieve because Krajina, Bosnian Krajina, Serbian Krajina, or the alliance of Serbian states is not feasible if we fail to secure that corridor, which will integrate us, which will provide us unimpeded flow from one part of our state to another." (Stakić Judgment, paras. 41-42);

34. After the takeover ... SDS leaders assumed positions in the municipal government, and legally elected Muslim and Croat politicians were forcibly removed. Other leading SDS members were installed in strategic positions throughout the municipality. (Stakić Judgment, para. 473; See also Tadić Judgment, para. 150);

35. ... [I]n the days and months after the takeover in Prijedor, many non-Serbs were dismissed from their jobs. Indeed, only an extremely small percentage of Muslims and Croats were able to continue working. (Stakić Judgment, para. 307; See also Stakić Judgment, para. 125, and Tadić Judgment, para. 150);

36. ... Bosnian Muslims who had lived their whole lives in the municipality of Prijedor were expelled from their homes..., their houses were marked for destruction, and in many cases were destroyed along with mosques and Catholic churches. (Stakić Judgment, para. 544; See also Stakić Judgment, paras. 545-546);

37. ... [There was] widespread looting of Muslim homes in the municipality [of Prijedor]. (Stakić Judgment, para. 294);

38. Travel outside of the [Prijedor] opština for non-Serbs was prevented and within the opština severely restricted by means of a curfew and checkpoints. (Tadić Judgment, para. 465; See also Tadić Judgment, para. 150);

39. Daily searches were conducted in almost every apartment inhabited by non-Serbs... (Tadić Judgment, para. 465);

40. ... [M]ost of the non-Serb population in the Municipality of Prijedor was directly affected [by the events that took place]. (Stakić Judgment, para. 627);

41. ... [T]he Serb military forces had the overwhelming power as compared to the modest resistance forces of the non-Serbs. (Stakić Judgment, para. 627);

42. After the take-over of the town of Prijedor and before the attack on Kozarac, continuous references were made by Serbs on the police radio about destroying mosques and everything that

belonged to the "balijas", a derogatory term for Muslims, as well as the need to destroy the "balijas" themselves. (Tadić Judgment, para. 153);

43. ... [T]he attacks on Hambarine, and the ones that followed in the broader Brdo region, coupled with the arrests, detention and deportation of citizens that came next, were primarily directed against the non-Serb civilian population in the Municipality of Prijedor. (Stakić Judgment, para. 627; See also Stakić Judgment, para. 629);

44. ... [T]housands of citizens of Prijedor municipality passed through one or more of the three main detention camps, Omarska, Keraterm and Trnopolje, established in the towns of Omarska, Prijedor and Trnopolje respectively. (Stakić Judgment, para. 630);

45. Non-Serbs in opština Prijedor were subjected to gross abuses... (Tadić Judgment, para. 466);

46. [M]any people were killed during the attacks by the Bosnian Serb army on predominantly Bosnian Muslim villages and towns throughout the Prijedor municipality and several massacres of Muslims took place. (Stakić Judgment, para. 544; See also Stakić Judgment, paras. 545-546, 629);

47. As a result of the increased tensions between the various ethnic communities, checkpoints were established and run by the different groups. (Tadić Judgment, para. 140; See also Stakić Judgment, para. 129);

48. One Muslim checkpoint was located at Hambarine and it was an incident that occurred there on 22 May 1992 that provided a pretext for the attack by Serb forces on that outlying area. (Tadić Judgment, para. 140; See also Stakić Judgment, para. 130);

49. ... [T]he Muslim checkpoint personnel opened fire first. (Stakić Judgment, para. 130; See also Brđanin Judgment, para. 401);

50. Following the incident the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine and the surrounding villages to surrender to the Prijedor authorities the men who had manned the checkpoint as well as all weapons. The ultimatum warned that failure to do so by noon the following day would result in an attack on Hambarine. (Tadić Judgment, para. 140; See also Stakić Judgment, para. 131, and Brđanin Judgment, paras. 104, 401);

51. The Hambarine authorities decided not to comply with the terms of the ultimatum and, following its expiration, Hambarine was attacked. (Tadić Judgment, para. 140; See also Stakić Judgment, para. 132);

52. After several hours of shelling by artillery, armed Serb forces entered the area supported by tanks and other weaponry and after a brief period of intermittent fighting local leaders collected and surrendered most of the weapons. (Tadić Judgment, para. 140; See also Stakić Judgment, para. 132);
53. The TO tried to defend the village, but the residents were forced to flee to other villages or to the Kurevo woods to escape the shelling. (Stakić Judgment, para. 133);
54. By this time many of the inhabitants had already fled to other Muslim or Croat-dominated areas, heading north to other villages or south to a forested area which was also shelled. (Tadić Judgment, para. 141);
55. A number of the residents eventually returned to Hambarine, by then under Serb control, although only temporarily because on 20 July 1992 the last major cleansing in the opština occurred with the removal of approximately 20,000 non-Serbs in Hambarine and nearby Ljubija. (Tadić Judgment, para. 141);
56. ... [D]uring the onslaught on Hambarine, at least three civilians died. (Brđanin Judgment, para. 401);
57. At least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by the Serb armed forces. (Stakić Judgment, para. 291);
58. ... [T]he mosque in Hambarine was shelled during the attack on Hambarine. (Stakić Judgment, para. 297);
59. The area of Kozarac, surrounding Kozarac town, comprises several villages, including Kamičani and Kozaruša, Sušići, Brđani, Babići. (Stakić Judgment, para. 139);
60. After the take-over of Prijedor tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of opština Prijedor. Approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants of Kozarac town, 90 percent were Muslim. (Tadić Judgment, para. 142; See also Kvočka Judgment, para. 13);
61. As a result of this tension ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens. (Tadić Judgment, para. 142);

62. As of 21 May 1992, the Serb inhabitants of Kozarac started to leave the town. (Stakić Judgment, para. 141);
63. On 22 May 1992 telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult. (Tadić Judgment, para. 143);
64. An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognize their subordination to the new authorities in Srpska opština Prijedor, as well as to surrender all weapons. (Tadić Judgment, para. 143; See also Stakić Judgment, para. 141);
65. Following the ultimatum, negotiations took place between the Muslim and the Serb sides which were unsuccessful. (Stakić Judgment, para. 141);
66. ... [T]he Serb army was already positioned around the Kozarac area beforehand, and ... an overwhelming force of around 6,700 Serb soldiers was already prepared to encounter only 1,500-2,000 Muslims without heavy weapons. (Stakić Judgment, para. 157);
67. Around 2 p.m. on 24 May 1992, after the expiration of the ultimatum at noon and an announcement on Radio Prijedor, Kozarac was attacked. The attack began with heavy shelling, followed by the advance of tanks and infantry. After the shelling the Serb infantry entered Kozarac, and began setting houses on fire one after another. (Tadić Judgment, para. 143; See also Stakić Judgment, para. 142);
68. Houses were looted and destroyed on both sides of the road leading to the centre of town [of Kozarac]... [T]he destruction was not the result of war operations, rather, houses were deliberately destroyed after the attack, mostly through arson. (Stakić Judgment, para. 287);
69. After the attack, the houses had been not only destroyed, but leveled to the ground using heavy machinery. (Stakić Judgment, para. 145);
70. Muslim and Croat houses in Kozarac were targeted for destruction, while Serb houses were spared. (Stakić Judgment, para. 288);
71. In the attack on Kozarac care was taken to try to avoid damage to Serb property. ... [U]nlike the mosque, the Serbian Orthodox church survived the attack and subsequent destruction. (Tadić Judgment, para. 144);

72. ... [T]he Mutnik mosque in Kozarac was destroyed by Serbs [in May/June 1992]. (Stakić Judgment, para. 299);

73. The attack continued until 26 May 1992 when it was agreed that the people should leave the territory of Kozarac. (Stakić Judgment, para. 143);

74. During the attack the civilian population had sought shelter in various locations and, as the Serb infantry entered Kozarac, requiring people to leave their shelters, long columns of civilians were formed and taken to locations where they were gathered and separated. (Tadić Judgment, para. 146; See also Stakić Judgment, para. 143);

75. A large number of Muslim citizens of these areas who did not succeed in fleeing in the face of the assaults were rounded up, taken into custody and detained in one of the three camps... (Kvočka Judgment, para. 13);

76. [S]ubject to some exceptions, the men were taken either to the Keraterm or Omarska camps and the women and elderly to the Trnopolje camp. (Tadić Judgment, para. 146);

77. ... [A]t least 80 Bosnian Muslim civilians were killed when Bosnian Serb soldiers and police entered the villages of the Kozarac area. (Brđanin Judgment, para. 403);

78. On 26 May 1992, pursuant to an agreement between the Kozarac police department and the Serbs, the wounded were evacuated from the town in an ambulance. However, before this agreement, no wounded had been allowed out of Kozarac. (Stakić Judgment, para. 146);

79. It was reported that by 28 May 1992 Kozarac was about 50 percent destroyed, with the remaining damage occurring in the period between June and August 1992. (Tadić Judgment, para. 143; See also Stakić Judgment, para. 287);

80. Throughout the opština mosques and other religious institutions were targeted for destruction and the property of Muslims and Croats, worth billions of dinar, was taken. (Tadić Judgment, para. 150);

81. Unlike Hambarine, the non-Serb population was not permitted to return to Kozarac after the attack and, subject to some exceptions, the men were taken either to the Keraterm or Omarska camps and the women and elderly to the Trnopolje camp. (Tadić Judgment, para. 146);

82. Eventually the few Serb inhabitants returned and Serbs displaced from other areas moved into Kozarac. (Tadić Judgment, para. 146);

85. [In June 1992] the mosque in Kamićani was destroyed by Serbs... being set alight. (Stakić Judgment, para. 301);

86. ... [T]he village of Kozaruša, which had a majority Muslim population, was destroyed and... only Serb houses remained, for the most part, untouched. (Stakić Judgment, para. 289);

87. The village of Briševo comprised approximately 120 houses and was inhabited almost exclusively by Croats. (Stakić Judgment, para. 284);

88. On 27 May in the morning hours, Briševo was shelled and as the day progressed the shells were complemented by artillery and infantry fire. The soldiers who participated in the attack wore JNA uniforms with red ribbons tied around their arms or attached to their helmets. 68 houses were partially or completely destroyed by fire during the attack. In addition, the soldiers looted various items from the houses, such as television sets, video recorders, radios and certain items of furniture. (Stakić Judgment, para. 284; See also Brđanin Judgment, para. 411);

89. In the early morning hours of 24 July 1992, Bosnian Serb military launched an attack on Briševo. Mortar shells landed on the houses, and the residents hid in cellars. The shelling continued throughout the day and, on the next day, infantry fire joined the artillery. On the evening of 25 July 1992, Bosnian Serb infantry entered Briševo. The soldiers wore JNA uniforms with red ribbons around their arms or helmets. ... (Brđanin Judgment, para. 412);

90. 77 Croats were killed in the village between 24 and 26 July 1992, including three Croats in a maize field and four others at the edge of the woods near Briševo. (Stakić Judgment, para. 269);

91. ... [O]n 29 July 1992 the Catholic church in Briševo was destroyed. (Stakić Judgment, para. 303);

92. Brdo comprises the villages of Biščani, Rizvanovići, Rakovčani, Hambarine, Čarakovo and Zecovi. (Stakić Judgment, para. 204);

93. Biščani was a village and a local commune comprising the following hamlets: Mrkalji, Hegići, Ravine, Duratovići, Kadići, Alagići and Čemernica. On 20 July 1992, Serb forces attacked this village. (Stakić Judgment, para. 256).

94. ... [A]fter the shelling of the village of Biščani, Serb soldiers looted the Muslim houses while the owners were still inside. ... Muslim houses were found destroyed with traces of fire. (Stakić Judgment, para. 290; See also Stakić Judgment, para. 258);

95. Approximately 30 to 40 people were killed by Serb forces with rifles and heavy weapons ... near a clay pit in the hamlet of Mrkalji. The soldiers were wearing camouflage uniforms and the victims were wearing civilian clothes. (Stakić Judgment, para. 256.)
96. ... [T]he mosque in Bišćani was also destroyed. (Stakić Judgment, para. 302);
97. ... [T]he Muslim village of Čarakovo suffered extensive damage and destruction and ... houses were looted. The village of Čarakovo was attacked by Serb soldiers on 23 July 1992. The soldiers fired mortars and artillery at the fleeing population. (Stakić Judgment, para. 286);
98. Several people were killed. (Stakić Judgment, para. 267; See also Stakić Judgment, paras. 266, 268);
99. At a date ... not state[d] precisely, in June-July 1992, shelling started at night on Rizvanovići village. (Stakić Judgment, para. 831);
100. ... [H]omes were destroyed and personal belongings looted in the attack on Rizvanovići, a predominantly Muslim village... [A]fter the cleansing of Rizvanovići, all the houses were ablaze. ... [V]aluable were looted in the days following the cleansing. (Stakić Judgment, para. 292);
101. Several men from the village of Rizvanovići were taken out by soldiers and have not been seen since. (Stakić Judgment, para. 197);
102. Stari Grad was the oldest part of the town of Prijedor and, before the conflict, its residents were predominantly Muslim. (Stakić Judgment, para. 277);
103. After an unsuccessful attempt to regain control of the town of Prijedor on 30 May 1992 by a small group of poorly armed non-Serbs, non-Serbs in Prijedor were ordered to use sheets of white material to mark their homes and indicate that they surrendered. (Tadić Judgment, para. 151; See also Stakić Judgment, para. 128);
104. Serb soldiers and artillery encircled the old town ("Stari Grad") and inhabitants were forcibly removed from their homes and taken to the camps. (Stakić Judgment, para. 277);
105. Ultimately they were divided into two groups: one which consisted of men aged between 12 to 15 or 60 to 65, and one of women, children and elderly men. Generally the men were taken to the Keraterm and Omarska camps and the women to the Trnopolje camp. (Tadić Judgment, para. 151; See also Kvočka Judgment, paras. 14, 15);

106. Some individuals were arrested later in the summer on the basis of a pre-designated list of intellectuals and prominent members of society. These community leaders were routinely taken to the Prijedor police station and beaten. (Kvočka Judgment, para. 14);

107. ... [T]he Stari Grad section of the town of Prijedor, and in particular those houses and businesses belonging to Muslim residents, suffered extensive damage, looting and destruction. (Stakić Judgment, para. 276);

108. ... [T]wo mosques were already destroyed in May 1992, amongst them, the Čaršijska mosque. (Stakić Judgment, para. 298);

109. ... [T]he Prijedor mosque was destroyed on 28 August 1992 by Serbs. (Stakić Judgment, para. 305);

110. A group of ... [Serbs] entered the yard outside the main mosque in Prijedor and set it alight. (Stakić Judgment, para. 298);

111. ... [T]he Catholic church in Prijedor was blown up in the early hours of 28 August 1992 ... by a group of Serb soldiers and police. (Stakić Judgment, para. 304; See also Brđanin Judgment, para. 652).

112. Throughout the period immediately after the takeover [of Prijedor], Dr. Stakić, in co-operation with the Chief of Police, Simo Drljača, and the most senior military figure in Prijedor, Colonel Vladimir Arsić, worked to strengthen and unify the military forces under Serb control. (Stakić Judgment, para. 479);

113. ... [A] large number of Muslims and Croats fled the territory of the Municipality of Prijedor [between about 30 April 1992 and 30 September 1992]. (Stakić Judgment, para. 322; See also Stakić Judgment, paras. 314, 601; Stakić Appeal Judgment, para. 310, and Brđanin Judgment, para. 159);

114. The exodus of the mainly non-Serb population from Prijedor started as early as 1991 but accelerated considerably in the run-up to the takeover. The mass departure reached a peak in the months after the takeover. Most people travelled on one of the daily convoys of buses and trucks leaving the territory. These convoys would depart from specified areas within the municipality of Prijedor and were also organised on a regular basis from the Trnopolje camp. (Stakić Judgment, para. 692);

115. ... [T]he Serb authorities organised and were responsible for escorting convoys out of Serb-controlled territory. (Stakić Judgment, para. 318).

116. ... [T]he camps were set up in conformity with a decision of the Prijedor civilian authorities... (Stakić Judgment, para. 821; See also Stakić Judgment, paras. 159-161, 477, and Brđanin Judgment, para. 159);

117. ... [T]he Crisis Staff ... determined who should be responsible for the running of those camps. (Stakić Judgment, para. 159);

118. Generally the camps were established and run either at the direction of, or in cooperation with, the Crisis Staffs, the armed forces and the police. (Tadić Judgment, para. 154).

119. ... [T]he security of the local populace was entrusted to the police division of the Public Security Service, which was attached to the Ministry of Interior and was separate from the State Public Security Service. At the regional level, each police division was divided into police stations, which in turn were sub-divided into police station departments. (Kvočka Judgment, para. 334);

120. ... [T]he Omarska police station department grew to the status of a police station in April 1992, before the Prijedor take-over by the Serb authorities... (Kvočka Judgment, para. 338);

123. The camp was in operation from 25 May 1992 until late August 1992 when the prisoners were transferred to Trnopolje and other camps. (Tadić Judgment, para. 155);

124. It was located at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village. (Tadić Judgment, para. 155);

125. Although efforts had already begun to set up the Omarska camp and staff and detainees began arriving around the 27th of May, the Prijedor Chief of Police, Simo Drljača, issued the official order to establish the camp on 31 May 1992. (Kvočka Judgment, para. 17);

126. With the arrival of the first detainees, permanent guard posts were established around the camp, and anti-personnel landmines were set up around the camp. (Stakić Judgment, para. 166).

127. The camp consisted of two large buildings, the hangar and the administrative building, and two smaller buildings, known as the "white house" and the "red house". (Tadić Judgment, para. 155);

133. Omarska held as many as 3,000 prisoners at one time, primarily men, but also had at least 36 to 38 women. (Tadić Judgment, para. 155; See also Brđanin Judgment, para. 840, and Kvočka Judgment, para. 21);

134. With little exception, all were Muslims or Croats. (Tadić Judgment, para. 155; See also Brđanin Judgment, para. 840);

135. The only Serb prisoners sighted by any of the witnesses were said to have been there because they were on the side of the Muslims. (Tadić Judgment, para. 155);

136. Boys as young as 15 were seen in the early days of the camp, as well as some elderly people. (Kvočka Judgment, para. 21);

137. ... [M]entally impaired individuals were also detained at the camp. (Brđanin Judgment, para. 842);

138. Inmates were unofficially grouped into three categories. Category one comprised intellectuals and political leaders from the Bosnian Muslim and Bosnian Croat communities, who were earmarked for elimination. Persons who associated themselves with those from the first category would fall into the second category, and the third category encompassed detainees that were in the view of the Bosnian Serb authorities the least "guilty", and eventually were to be released. (Brđanin Judgment, para. 443; See also Brđanin Judgment, para. 843);

139. However, in practice, people from all three categories were kept detained in the camp. (Brđanin Judgment, para. 443).

142. ... [T]he hygienic conditions and the medical care available in Omarska camp were grossly inadequate. (Kvočka Judgment, para. 67);

145. The detainees at Omarska had one meal a day. (Stakić Judgment, para. 168; See also Kvočka Judgment, para. 51, and Tadić Judgment, para. 160);

147. The quantity of water supplied to the detainees was clearly inadequate. (Kvočka Judgment, para. 57);

148. By contrast, the camp personnel enjoyed proper food. (Brđanin Judgment, para. 932).

149. Prisoners were called out for interrogation, usually some days after their arrival, and would be taken by a guard to the first floor of the administration building; guards would beat and kick them as they went. (Tadić Judgment, para. 163);

160. ... [H]undreds of detainees were killed or disappeared in the Omarska camp between the end of May and the end of August when the camp was finally closed. (Stakić Judgment, para. 220);

161. ... [Keraterm camp] was staffed by employees of the Prijedor SJB [(Public Security Service)] and the Prijedor Military Police. As in Omarska, interrogators also consisted of members of the Banja Luka CSB [(Security Services Center)] and of the Banja Luka Corps. Sikirica was the camp commander. Nenad Banović, aka "Čupo", and Zoran Žigić, were amongst the guards. Damir Došen aka "Kajin" was amongst the shift commanders. (Brđanin Judgment, para. 849);

162. ... [T]he Keraterm factory was set up as a camp on or around 23/24 May 1992. (Stakić Judgment, para. 162; See also Tadić Judgment, para. 168);

163. The Keraterm camp, located on the eastern outskirts of Prijedor, was previously used as a ceramic tile factory. (Tadić Judgment, para. 168).

164. The detainees were mostly Muslims and Croats. (Stakić Judgment, para. 162; See also Kvočka Judgment, para. 111);

168. The Trnopolje camp was located near the Kozarac station, on the Prijedor-Banja Luka railway line. (Tadić Judgment, para. 172);

169. The camp held thousands of prisoners, most of whom were older men and women and children. (Tadić Judgment, para. 172);

170. The 1,600 male detainees were held for approximately two to three months. (Brđanin Judgment, para. 940);

172. Armed soldiers guarded the camp. The commander of the camp was Slobodan Kuruzović. (Tadić Judgment, para. 172);

173. ... and the guards were Bosnian Serb soldiers from Prijedor. (Brđanin Judgment, para. 449);

174. Trnopolje camp was officially closed down at the end of September 1992, but some of the detainees stayed there longer. (Brđanin Judgment, para. 450; See also Brđanin Judgment, para. 940).

175. The camp consisted of a two-storied former school building and what had been a municipal centre and attached theatre, known as the "dom". (Tadić Judgment, para. 173; See also Kvočka Judgment, para. 16);

176. An area of the camp was surrounded by barbed wire. (Tadić Judgment, para. 173);

179. There was almost no water to drink, as only one pump existed for the whole camp. (Tadić Judgment, para. 177);

180. No food was supplied by the camp authorities at Trnopolje. (Tadić Judgment, para. 174).

181. At Trnopolje there was no regular regime of interrogations or beatings, as in the other camps, but beatings and killings did occur. (Tadić Judgment, para. 175; See also Stakić Judgment, para. 225, 242, and Brđanin Judgment, para. 450);

184. Because [the Trnopolje] camp housed the largest number of women and girls, there were more rapes at this camp than at any other. (Tadić Judgment, para. 175);

192. On 21 August 1992, buses started to arrive in the Trnopolje camp and the detainees were told to board them. The buses had been organised by the Serb authorities to transport people out of Prijedor into Muslim-held territory ...

207. ... [M]any people ... were taken to the SUP building in Prijedor and subjected to beatings. ... [T]hey had in common that all of them were non-Serbs...[S]everal beatings were ... committed in ... the SUP building... (Stakić Judgment, paras. 248, 780; See also Stakić Judgment, para. 199);

209. Detainees were beaten with metal objects by members of the intervention squad, composed of men from Prijedor. (Brđanin Judgment, para. 863);

213. All non-Serb men arrested and taken to the SUP were then bussed to either the Omarska camp or the Keraterm camp. (Kvočka Judgment, para. 15);

214. Women, children, and the elderly tended to be taken to the Trnopolje camp. (Kvočka Judgment, para. 15);

216. The JNA barracks in Prijedor, where at least 30 Bosnian Muslim men were detained, were staffed by the Bosnian Serb military. (Brđanin Judgment, para. 864).

XVI. ADDENDUM 3 (IDENTITY OF THE KILLED)

Mujo (Alija) Alić

DNA report for Mujo (Alija) Alić – **case number 9135140** – protocol number 12720/09 dated 17 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-68-MDT, Prosecution exhibit T-270;

Sejad (Rifet) Alić

1. DNA report for Sejad (Rifet) Alić – case number 9135062 – protocol number 12764/09 dated 24 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19 RFM-3, Prosecution exhibit T-270;
2. DNA report for Sejad (Rifet) Alić – case number 9135049 – protocol number 12764/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-68-MDT, Prosecution exhibit T-270;
3. DNA report for Sejad (Rifet) Alić – case number 9135057 - protocol number 12764/09r dated 4 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19 RTB-1, Prosecution exhibit T-270.

Enver (Avdo) Arifagić

1. DNA report for Enver (Avdo) Arifagić – **case number 9135060** – protocol number 12765/09r dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19 LTB-2, Prosecution exhibit T-270;
2. DNA report for Enver (Avdo) Arifagić – **case number 9135064** – protocol number 12765/09r dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19-11 MXT, **Prosecution exhibit T-270;**
3. DNA report for Enver (Avdo) Arifagić – **case number 9135071** - protocol number 12765/09r dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-18 LMT, **Prosecution exhibit T-270;**
4. DNA report for Enver (Avdo) Arifagić – **case number 9135056** – protocol number 12765/09r dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19 RFM-1, **Prosecution exhibit T-270;**
5. DNA report for Enver (Avdo) Arifagić – **case number 9135050** – protocol number 12765/09r dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-17 LIN, **Prosecution exhibit T-270;**
6. DNA report for Enver (Avdo) Arifagić – **case number 9135053** – protocol number 12765/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19 LUL-2, **Prosecution exhibit T-270;**
7. DNA report for Enver (Avdo) Arifagić – **case number 9135068** – protocol number 12765/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19-15 MD, **Prosecution exhibit T-270;**
8. DNA report for Enver (Avdo) Arifagić – **case number 9135055** – protocol number 12765/09r dated 18 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19 RHM-3, **Prosecution exhibit T-270;**
9. DNA report for Enver (Avdo) Arifagić – **case number 9136814** – protocol number 12765/09r dated 15 April 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-16/19 RFM-1, **Prosecution exhibit T-270;**
10. Death certificate number 04-202-1-425/2008 dated 12 August 2008, **Prosecution exhibit T-51;**

Mehmed (Ekrem) Arifagić

1. DNA report for Mehmed (Ekrem) Arifagić – **case number 9135534** – protocol number 12776/09r dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-55-LTB, **Prosecution exhibit T-270;**

2. DNA report for Mehmed (Ekrem) Arifagić – **case number 9135006** – protocol number 12776/09r dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-31-RFM, **Prosecution exhibit T-270**;

Rasim (Sulejman) Avdić

1. DNA report No. 149 for Rasim (Sulejman) Avdić – **case number 9108789** – protocol number 2877/03 dated 24 November 2003 carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-192**;
2. Death certificate number 04-202-1-4583/2008 dated 11 August 2008, **Prosecution exhibit T-52**;

Šerif (Ramo) Bajrić

Death certificate No 04-202-1-4585/2008 dated 11 August 2008, **Prosecution exhibit T-53**;

Zafir (Šerif) Bajrić

Death certificate No 04-202-1-4586/2008 dated 11 August 2008, **Prosecution exhibit T-54**;

Rasim (Muharem) Bašić

Death certificate No 04-202-1-486/2008 dated 12 August 2008, **Prosecution exhibit T-55**;

Nihad (Meho) Bešić

Death certificate No 04-202-1-427/2008 dated 12 August 2008, **Prosecution exhibit T-54**;

Mustafa (Ibrahim) Bešić

1. DNA report for Mustafa (Ibrahim) Bešić – **case number 9135559** – protocol number 12854/10 dated 21 April 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK 03/09-66 A/H-77-rfm, **Prosecution exhibit T-270**;
2. DNA report for Mustafa (Ibrahim) Bešić – **case number 9137933** – protocol number 12854/10 dated 18 August 2010, carried out upon the Order number: KTA-1/09-RZ from the sample 21-LP, **Prosecution exhibit T-270**;

Nermin (Izet) Bešić

1. DNA report for Nermin (Izet) Bešić – **case number 9135135** – protocol number 12721/09 dated 23 December 2009, carried out upon the Order No: KTA-1/09-RZ from the sample SK-03/09-64 MHT, **Prosecution exhibit T-270**;
2. DNA report for Nermin (Izet) Bešić – **case number 9135620** – protocol number 12721/09r dated 21 January 2010, carried out upon the Order No: KTA-1/09-RZ from the sample SK-03/09-66 a/h-133-LFB, **Prosecution exhibit T-270**;
3. DNA report for Nermin (Izet) Bešić – **case number 9135153** – protocol number 12721/09r dated 27 January 2010, carried out upon the Order No: KTA-1/09-RZ from the sample SK-03/09-77 RTB-ex, **Prosecution exhibit T-270**;
4. DNA report for Nermin (Izet) Bešić – **case number 9134990** – protocol number 12721/09r dated 4 March 2010, carried out upon the Order No: KTA-1/09-RZ from the sample SK-03/09-66 a/h-15 LIN, **Prosecution exhibit T-270**;
5. DNA report for Nermin (Izet) Bešić – **case number 9135151** – protocol number 12721/09r dated 12 March 2010, carried out upon the Order No: KTA-1/09-RZ from the sample SK-03/09-76 RFM, **Prosecution exhibit T-270**;
6. DNA report for Nermin (Izet) Bešić – **case number 9136504** – protocol number 12721/09r dated 12 March 2010, carried out upon the Order No: KTA-1/09-RZ from the sample SK-03/09-66 A/H-101-MDT, **Prosecution exhibit T-270**;

Sead (Adem) Bešić

1. DNA report for Sead (Adem) Bešić – **case number 9135082** – protocol number 12762/09 dated 24 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-28 MDT, **Prosecution exhibit T-270**;
2. DNA report for Sead (Adem) Bešić – **case number 9135079** – protocol number 12762/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-26 LFM, **Prosecution exhibit T-270**;

Suvad (Mustafa) Bešlić

1. DNA report for Suvad (Mustafa) Bešliagić – **case number 9135085** – protocol number 12822/09 dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-30 LHM, **Prosecution exhibit T-270**;
2. DNA report for Suvad (Mustafa) Bešliagić – **case number 9135084** – protocol number 12822/09r dated 12 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-30 LFM, **Prosecution exhibit T-270**;
3. Death certificate number 04-202-1-429/2008 dated 12 August 2008, **Prosecution exhibit T-57**;

Šerif (Suljo) Blažević

1. Birth certificate number 04-202-1-458/2008 dated 12 August 2008, **Prosecution exhibit T-86**;
2. Decision proclaiming a missing person dead number R: 784/02 dated 20 August 2002, **Prosecution exhibit T-87**;
3. Record of the Basic Court in Prijedor number R: 784/02 dated 20 August 2002, **Prosecution exhibit T-88**;

Ahmet (Hamdija) Blažević

DNA report number 147 for Ahmet (Hamdija) Blažević – **case number 9108804** – protocol number 2783/03 dated 24 November 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-193**;

Fadil (Ibrahim) Blažević

1. DNA report for Fadil (Ibrahim) Blažević – **case number 9135070** – protocol number 12719/09 dated 23 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-16/19-17 MDT, **Prosecution exhibit T-270**;
2. DNA report for Fadil (Ibrahim) Blažević – **case number 9135067** – protocol number 12719/09r dated 14 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-16/19-14 MTX, **Prosecution exhibit T-270**;
3. DNA report for Fadil (Ibrahim) Blažević – **case number 9137855** – protocol number 12719/09r dated 18 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample 18-RP, **Prosecution exhibit T-270**;
4. Death certificate number 04-202-1-459/2008 dated 12 August 2008, **Prosecution exhibit T-89**;
5. Decision proclaiming a missing person dead number R: 290/02 dated 26 November 2002, **Prosecution exhibit T-90**;
6. Record of the Basic Court in Prijedor number R: 790/02 dated 6 August 2002, **Prosecution exhibit T-91**;

Fikret (Himzo) Blažević

1. DNA report for Fikret (Himzo) Blažević – **case number 9135020** – protocol number 12740/09 dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-1 LFM, **Prosecution exhibit T-270**;
2. DNA report for Fikret (Himzo) Blažević – **case number 9135022** – protocol number 12740/09r dated 12 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-1 MDT, **Prosecution exhibit T-270**;
3. DNA report for Fikret (Himzo) Blažević – **case number 9135021** – protocol number 12740/09r dated 12 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-1 LHM, **Prosecution exhibit T-270**;

Mustafa (Edhem) Blažević

DNA report number 76 for Mustafa (Edhem) Blažević – **case number 9108927** – protocol number 3289/03 dated 2 March 2004, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-194**;

Muharem (Šaban) Crljenković

1. DNA report for Muharem (Šaban) Crljenković – **case number 9134986** – protocol number 12705/09 dated 4 December 2009, carried out upon the Order No. KTA-1/09-RZ from the sample SK-03/09-66 A/H-11-lin, **Prosecution exhibit T-270**;
2. DNA report for Muharem (Šaban) Crljenković – **case number 9135003** – protocol number 12705/09r dated 14 January 2010, carried out upon the Order No. KTA-1/09-RZ from the sample SK-03/09-66 A/H-28-lfm, **Prosecution exhibit T-270**;
3. DNA report for Muharem (Šaban) Crljenković – **case number 9135536** – protocol number 12705/09r dated 27 January 2010, carried out upon the Order No. KTA-1/09-RZ from the sample SK-03/09-66 A/H-57-lhm, **Prosecution exhibit T-270**;
4. DNA report for Muharem (Šaban) Crljenković – **case number 9135595** – protocol number 12705/09r dated 18 February 2010, carried out upon the Order No. KTA-1/09-RZ from the sample SK-03/09-66 a/h-109-MDT, **Prosecution exhibit T-270**;
5. DNA report for Muharem (Šaban) Crljenković – **case number 9137870** – protocol number 12705/09r dated 2 September 2010, carried out upon the Order No. KTA-1/09-RZ from the sample 66a-h-155-LU-2, **Prosecution exhibit T-270**;

Zijad (Ibrahim) Čejvan

1. DNA report number 33 for Zijad (Ibrahim) Čejvan – **case number 9108547** – protocol number 2773/03 dated 14 November 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-195a**;
2. DNA report number 33 for Zijad (Ibrahim) Čejvan – **case number 9108767** – protocol number 2773/03 dated 13 November 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-195b**;
3. DNA report number 33 for Zijad (Ibrahim) Čejvan – **case number 9108755** – protocol number 2773/03 dated 8 December 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-195**;

Besim (Smail) Čaušević

1. DNA report for Besim (Smail) Čaušević – **case number 9135570** – protocol number 12792/09 dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-84-RTB, **Prosecution exhibit T-270**;
2. DNA report for Besim (Smail) Čaušević – **case number 9135163** – protocol number 12792/09r dated 4 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-84-RFM, **Prosecution exhibit T-270**;
3. DNA report for Besim (Smail) Čaušević – **case number 9135626** – protocol number 12792/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-139-LFB, **Prosecution exhibit T-270**;
4. Death certificate number 04-202-1-430/2008 dated 11 August 2008, **Prosecution exhibit T-58**;

Ismet (Mehmed) Ćustić

1. DNA report for Ismet (Mehmed) Ćustić – **case number 9135005** – protocol number 12820/09 dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-30-LFM, **Prosecution exhibit T-270**;
2. Death certificate number 04-202-1-433/2008 dated 12 August 2008, **Prosecution exhibit T-53**;

Hilmija (Mehmed) Ćustić

1. DNA report for Hilmija (Mehmed) Ćustić – **case number 9135562** – protocol number 12780/09 dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-79-RFM, **Prosecution exhibit T-270**;
2. Death certificate number 04-202-1-432/2008 dated 11 August 2008, **Prosecution exhibit T-60**;

Admir (Džemal) Dergić

1. DNA report for Admir (Džemal) Dergić – **case number 9135103** – protocol number 12723/09r dated 18 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-41/52 MDT, **Prosecution exhibit T-270**;
2. DNA report for Admir (Džemal) Dergić – **case number 9135102** – protocol number 12723/09r dated 4 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-42 LFM, **Prosecution exhibit T-270**;
3. DNA report for Admir (Džemal) Dergić – **case number 9135089** – protocol number 12723/09r dated 4 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-34 RTB, **Prosecution exhibit T-270**;
4. DNA report for Admir (Džemal) Dergić – **case number 9135106** – protocol number 12723/09 dated 28 May 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-43 MXT, **Prosecution exhibit T-270**;
5. DNA report for Admir (Džemal) Dergić – **case number 9137905** – protocol number 12723/09r dated 26 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample 41/52-LU, **Prosecution exhibit T-270**;
6. Death certificate number 04-202-1-401/2008 dated 8 August 2008, **Prosecution exhibit T-61**;

Fadil (Fehim) Duratović

1. DNA report for Fadil (Fehim) Duratović – **case number 9135098** – protocol number 12763/09 dated 14 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-39 MDT, **Prosecution exhibit T-270**;
2. DNA report for Fadil (Fehim) Duratović – **case number 9135093** – protocol number 12763/09r dated 4 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-35 LFM, **Prosecution exhibit T-270**;
3. DNA report for Fadil (Fehim) Duratović – **case number 9135037** – protocol number 12763/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-10 RPT, **Prosecution exhibit T-270**;

Šaban (Šerif) Elezović

1. DNA report for Šaban (Šerif) Elezović – **case number 9135000** – protocol number 12845/10 dated 12 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-25-LFM, **Prosecution exhibit T-270**;
2. DNA report for Šaban (Šerif) Elezović – **case number 9135016** – protocol number 12845/10r dated 12 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-43-LIN, **Prosecution exhibit T-270**;
3. DNA report for Šaban (Šerif) Elezović – **case number 9135639** – protocol number 12845/10r dated 15 April 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-152-RRD, **Prosecution exhibit T-270**;
4. DNA report for Šaban (Šerif) Elezović – **case number 9137860** – protocol number 12845/10r dated 2 September 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66a-h-62-LH-2, **Prosecution exhibit T-270**;

Fahrudin (Kasim) Elezović

Confirmed by witness Hakija Elezović;

Jasmin (Hajrudin) Elezović

DNA report number 39 for Hajrudin (Salih) Elezović – **case number 9108553** – protocol number 5608/05 dated 3 June 2005, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-197**;

Edin (Muharem) Elezović and Emir (Muharem) Elezović

1. DNA report number 46 for Edin (Muharem) Elezović or Emir (Muharem) Elezović – **case number 9108560** – protocol number 2594/03 dated 8 November 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-211**;

2. DNA report number 46 for Edin (Muharem) Elezović or Emir (Muharem) Elezović – **case number 9108757** – protocol number 2779/03 dated 31 March 2004, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-211a**;
3. Death certificate number 04-202-1-4506/2008 dated 7 August 2008 (for Edin Elezović), **Prosecution number T-61**;
4. Death certificate number 04-202-1-4507/2008 dated 7 August 2008 (for Emir Elezović), **Prosecution number T-63**;

Hajrudin (Salih) Elezović

1. DNA report number 92 for Hajrudin (Salih) Elezović – **case number 9108766** – protocol number 2780/03 dated 10 November 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-196**;
2. Death certificate number 04-202-1-398/2008 dated 8 August 2008, **Prosecution exhibit T-64**;

Jasmin (Ismet) Fazlić

Death certificate number 04-202-1-434/2008 dated 12 August 2008, **Prosecution exhibit T-65**;

Mirsad (Ismet) Fazlić

Birth certificate number 04-202-1-435/2008 dated 12 August 2008, **Prosecution exhibit T-66**;

Almir (Refik) Fazlić

1. Birth certificate number 04-202-1-4498/2008 dated 7 August 2008, **Prosecution exhibit T-92**;
2. Decision proclaiming a missing person dead number R: 157/2000 dated 26 March 2001, **Prosecution exhibit T-93**;
3. Record of the Basic Court in Prijedor number R 157/2000 dated 26 March 2001, **Prosecution exhibit T-94**;

Edin (Hilmija) Fazlić

Death certificate number 04-202-1-463/2008 dated 12 August 2008, **Prosecution exhibit T-96**;

Ismet (Derviš) Fazlić

1. DNA report for Ismet (Derviš) Fazlić – **case number 9134977** – protocol number 12699/09 dated 4 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-2-lin, **Prosecution exhibit T-270**;
2. DNA report for Ismet (Derviš) Fazlić – **case number 9134994** – protocol number 12699/09r dated 23 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-19-LFM, **Prosecution exhibit T-270**;
3. DNA report for Ismet (Derviš) Fazlić – **case number 9135529** – protocol number 12699/09r dated 14 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-50-LTB, **Prosecution exhibit T-270**;
4. DNA report for Ismet (Derviš) Fazlić – **case number 9135631** – protocol number 12699/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-144-LRD, **Prosecution exhibit T-270**;
5. DNA report for Ismet (Derviš) Fazlić – **case number 9135617** – protocol number 12699/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-131-LFB, **Prosecution exhibit T-270**;

Kemal (Hamdija) Garibović

1. DNA report for Kemal (Hamdija) Garibović – **case number 9135131** – protocol number 12796/09 dated 12 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-61 RFM, **Prosecution exhibit T-270**;
2. DNA report for Kemal (Hamdija) Garibović – **case number 9135122** – protocol number 12796/09r dated 15 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-53 LIN, **Prosecution exhibit T-270**;

3. Death certificate number 04-202-1-436/2008 dated 12 August 2008, **Prosecution exhibit T-67;**

Samir (Sadik) Garibović

Confirmed by witness A in his/her testimony before the Court;

Vasif (Atif) Garibović

1. DNA report for Vasif (Atif) Garibović – **case number 9135176** – protocol number 12735/09 dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-95 MXT, **Prosecution exhibit T-270;**
2. DNA report for Vasif (Atif) Garibović – **case number 9135582** – protocol number 12735/09r dated 4 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-96-LTB, **Prosecution exhibit T-270;**
3. DNA report for Vasif (Atif) Garibović – **case number 9135181** – protocol number 12735/09r dated 4 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-102 RHM, **Prosecution exhibit T-270;**
4. DNA report for Vasif (Atif) Garibović – **case number 9135576** – protocol number 12735/09r dated 4 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-90-LFM, **Prosecution exhibit T-270;**
5. DNA report for Vasif (Atif) Garibović – **case number 9135580** – protocol number 12735/09r dated 4 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-94-RTB, **Prosecution exhibit T-270;**
6. DNA report for Vasif (Atif) Garibović – **case number 9135182** – protocol number 12735/09r dated 4 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 102 RPT, **Prosecution exhibit T-270;**
7. DNA report for Vasif (Atif) Garibović – **case number 9137913** – protocol number 12735/09r dated 26 August 2010, carried out upon the Order number: KTA-1/09-RZ from the sample 66a-h-134-LFB-2, **Prosecution exhibit T-270;**

Muhamed (Abaz) Grabić

1. DNA report for Muhamed (Abaz) Grabić – **case number 9135171** – protocol number 12726/09 dated 17 December 2009, carried out upon the Order KTA-1/09-RZ from the sample SK-03/09-92 MXT, **Prosecution exhibit T-270;**
2. DNA report for Muhamed (Abaz) Grabić – **case number 9135040** – protocol number 12726/09r dated 23 December 2009, carried out upon the Order KTA-1/09-RZ from the sample SK-03/09-11 RFM, **Prosecution exhibit T-270;**
3. DNA report for Muhamed (Abaz) Grabić – **case number 9135172** – protocol number 12726/09r dated 11 January 2010, carried out upon the Order KTA-1/09-RZ from the sample SK-03/09-92 mdt, **Prosecution exhibit T-270;**
4. DNA report for Muhamed (Abaz) Grabić – **case number 9135036** – protocol number 12726/09r dated 21 January 2010, carried out upon the Order KTA-1/09-RZ from the sample SK-03/09-92 MXT, **Prosecution exhibit T-270;**
5. DNA report for Muhamed (Abaz) Grabić – **case number 9135174** – protocol number 12726/09r dated 27 January 2010, carried out upon the Order KTA-1/09-RZ from the sample SK-03/09-93 LFB, **Prosecution exhibit T-270;**
6. DNA report for Muhamed (Abaz) Grabić – **case number 9137915** – protocol number 12726/09r dated 18 August 2010, carried out upon the Order KTA-1/09-RZ from the sample 11-LF-1, **Prosecution exhibit T-270;**

Mirsad (Hasan) Gutić

DNA report number 95 for Mirsad (Hasan) Gutić – **case number 9108776** – protocol number 2765/03 dated 8 November 2003 carried out upon the Order number KRI-8/03, **Prosecution exhibit T-198;**

Husein (Salih) Hankić

1. DNA report for Husein (Salih) Hankić – **case number 9135148** – protocol number 12797/09 dated 12 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-72 LFM-1, **Prosecution exhibit T-270**;
2. DNA report for Husein (Salih) Hankić – **case number 9135146** – protocol number 12797/09r dated 12 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-72 LIN, **Prosecution exhibit T-270**;
3. DNA report for Husein (Salih) Hankić – **case number 9135618** – protocol number 12797/09r dated 4 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-98 RPR, **Prosecution exhibit T-270**;

Osman (Hasan) Hasanagić

1. DNA report for Osman (Hasan) Hasanagić – protocol number 12789/09r dated 25 February 2010 carried out upon the Order – **case number 9135126** – number KTA-1/09-RZ from the sample SK-03/09-56 RFM. **Prosecution exhibit T-270**;
2. DNA report for Osman (Hasan) Hasanagić – **case number 9135541** – protocol number 12789/09r dated 25 February 2010 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-62 RPT. **Prosecution exhibit T-270**;
3. DNA report for Osman (Hasan) Hasanagić – **case number 9135168** – protocol number 12789/09r dated 25 February 2010 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-89 RTB. **Prosecution exhibit T-270**;
4. DNA report for Osman (Hasan) Hasanagić – **case number 9135132** – protocol number 12789/09r dated 25 February 2010 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-62 LFM. **Prosecution exhibit T-270**;
5. DNA report for Osman (Hasan) Hasanagić – **case number 9134976** – protocol number 12789/09r dated 25 February 2010 carried out upon the Order number KTA-1/09-RZ from the sample SK 03/09-66 a/h-1-LIN. **Prosecution exhibit T-270**;
6. Death certificate number 04-202-1-437/2008 dated 12 August 2008, **Prosecution exhibit T-68**;

Ismet (Husein) Hirkić

Death certificate number 04-202-1-438/2008 dated 12 August 2008, **Prosecution exhibit T-69**;

Rifet (Husein) Hirkić

Death certificate number 04-202-1-399/2008 dated 8 August 2008, **Prosecution exhibit T-70**;

Šefik (Husein) Hirkić

DNA report number 124 for Šefik (Husein) Hirkić – **case number 9108780** – protocol number 2767/03 dated 26 November 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-199**;

Midhet (Fehim) Hodžić

Death certificate number 04-202-1-4590/2008 dated 11 August 2008, **Prosecution exhibit T-71**;

Ahmet (Husein) Hodžić

1. DNA report for Ahmet (Husein) Hodžić – **case number 9135524** – protocol number 12753/09 dated 24 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-45-LFM, **Prosecution exhibit T-270**;
2. DNA report for Ahmet (Husein) Hodžić – **case number 9135528** – protocol number 12753/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-49-LTB, **Prosecution exhibit T-270**;
3. DNA report for Ahmet (Husein) Hodžić – **case number 9135010** – protocol number 12753/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-36-LHM, **Prosecution exhibit T-270**;

4. DNA report for Ahmet (Husein) Hodžić – **case number 9135593** – protocol number 12753/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-107-LPT, **Prosecution exhibit T-270**;
5. DNA report for Ahmet (Husein) Hodžić – **case number 9135594** – protocol number 12753/09r dated 18 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-108-MXT, **Prosecution exhibit T-270**;
6. DNA report for Ahmet (Husein) Hodžić – **case number 9137923** – protocol number 12753/09r dated 18 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample 66a-h-146-RU, **Prosecution exhibit T-270**;
7. Death certificate number 04-202-1-4591/2008 dated 11 August 2008, **Prosecution exhibit T-72**

Mirsad (Hilmija) Hodžić

1. DNA report for Mirsad (Hilmija) Hodžić – **case number 9135121** – protocol number 12722/09 dated 23 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-52 MDT-2, **Prosecution exhibit T-270**;
2. DNA report for Mirsad (Hilmija) Hodžić – **case number 9135110** – protocol number 12722/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-46 LTB, **Prosecution exhibit T-270**;
3. DNA report for Mirsad (Hilmija) Hodžić – **case number 9135111** – protocol number 12722/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-47 LIN, **Prosecution exhibit T-270**;
4. DNA report for Mirsad (Hilmija) Hodžić – **case number 9135108** – protocol number 12722/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-44 LFM, **Prosecution exhibit T-270**;
5. DNA report for Mirsad (Hilmija) Hodžić – **case number 9137925** – protocol number 12722/09r dated 18 August 2010, carried out upon the Order number: KTA-1/09-RZ from the sample 45-RH, **Prosecution exhibit T-270**;

Said (Alija) Horozović and Emsud (Alija) Horozović

Confirmed by witness KO-7;

Mahmut (Sefer) Hrustić

1. DNA report for Mahmut (Sefer) Hrustić – **case number 9135142** – protocol number 12839/10 dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-69 LFM, **Prosecution exhibit T-270**;
2. DNA report for Mahmut (Sefer) Hrustić – **case number 9135145** – protocol number 12839/10 dated 12 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-71 LHM, **Prosecution exhibit T-270**;

Hajro (Husko) Ičić

Death certificate number 04-202-1-441/2008 dated 12 August 2008, **Prosecution exhibit T-73**;

Armin (Mustafa) Jakupović

Death certificate number 04-202-1-442/2008 dated 12 August 2008, **Prosecution exhibit T-74**;

Senad (Latif) Jusufagić

1. DNA report for Senad (Latif) Jusufagić – **case number 9134980** – protocol number 12704/09 dated 3 December 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-5-LIN, **Prosecution exhibit T-270**;
2. DNA report for Senad (Latif) Jusufagić – **case number 9135566** – protocol number 12704/09 dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 a/h-83-LFM, **Prosecution exhibit T-270**;

Zuhdija (Meho) Kadirić

DNA report number 42 for Zuhdija (Meho) Kadirić – **case number 9108556** – protocol number 4202/04 dated 14 September 2004, carried out by the Order number KRI-8/03, **Prosecution exhibit T-200;**

Mehmed (Sulejman) Kahrmanović

1. DNA report for Mehmed (Sulejman) Kahrmanović – **case number 9134984** – protocol number 12718/09 dated 17 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-9-LIN, **Prosecution exhibit T-270;**
2. DNA report for Mehmed (Sulejman) Kahrmanović – **case number 9135625** – protocol number 12718/09r dated 14 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-138-LFB, **Prosecution exhibit T-270;**
3. DNA report for Mehmed (Sulejman) Kahrmanović – **case number 9135558** – protocol number 12718/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-76-RFM, **Prosecution exhibit T-270;**
4. DNA report for Mehmed (Sulejman) Kahrmanović – **case number 9135662** – protocol number 12718/09r dated 18 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-175-LRD, **Prosecution exhibit T-270;**
5. DNA report for Mehmed (Sulejman) Kahrmanović – **case number 9134999** – protocol number 12718/09r dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-24-LFM, **Prosecution exhibit T-270;**
6. DNA report for Mehmed (Sulejman) Kahrmanović – **case number 9135539** – protocol number 12718/09r dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-60-LHM, **Prosecution exhibit T-270;**

Uzeir (Muharem) Kahrmanović

1. DNA report for Uzeir (Muharem) Kahrmanović – **case number 9135034** – protocol number 12732/09 dated 23 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-7 LFM, **Prosecution exhibit T-270;**
2. DNA report for Uzeir (Muharem) Kahrmanović – **case number 9135031** – protocol number 12732/09r dated 14 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-7 MD, **Prosecution exhibit T-270;**
3. DNA report for Uzeir (Muharem) Kahrmanović – **case number 9135032** – protocol number 12732/09r dated 14 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-7 OCC, **Prosecution exhibit T-270;**
4. DNA report for Uzeir (Muharem) Kahrmanović – **case number 9135628** – protocol number 12732/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-a/h-141-RFB, **Prosecution exhibit T-270;**
5. DNA report for Uzeir (Muharem) Kahrmanović – **case number 9135033** – protocol number 12732/09r dated 11 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-7 LHM, **Prosecution exhibit T-270;**

Derviš (Osman) Karabašić

1. DNA report for Derviš (Osman) Karabašić – **case number 9135118** – protocol number 12766/09 dated 24 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-51 MDT, **Prosecution exhibit T-270;**
2. DNA report for Derviš (Osman) Karabašić – **case number 9135615** – protocol number 12766/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 a/h-129-RFB, **Prosecution exhibit T-270;**
3. DNA report for Derviš (Osman) Karabašić – **case number 9135116** – protocol number 12766/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-51 LIN, **Prosecution exhibit T-270;**
4. DNA report for Derviš (Osman) Karabašić – **case number 9135115** – protocol number 12766/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-50 LFM, **Prosecution exhibit T-270;**

5. DNA report for Derviš (Osman) Karabašić – **case number 9135130** – protocol number 12766/09r dated 25 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-60 RTB, **Prosecution exhibit T-270**;
6. DNA report for Derviš (Osman) Karabašić – **case number 9135117** – protocol number 12766/09r dated 7 April 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-51 LHM, **Prosecution exhibit T-270**;

Osman (Derviš) Karabašić

1. DNA report for Osman (Derviš) Karabašić – **case number 9135149** – protocol number 12791/09r dated 27 April 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-73 LFM, **Prosecution exhibit T-270**;
2. DNA report for Osman (Derviš) Karabašić – **case number 9135141** – protocol number 12791/09r dated 27 April 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-69 RFM-ex, **Prosecution exhibit T-270**;
3. DNA report for Osman (Derviš) Karabašić – **case number 9135569** – protocol number 12791/09r dated 27 April 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-84-LHM-2, **Prosecution exhibit T-270**;
4. DNA report for Osman (Derviš) Karabašić – **case number 9137898** – protocol number 12791/09r dated 2 September 2010, carried out upon the Order number: KTA-1/09-RZ from the sample 66a-h-163-LU, **Prosecution exhibit T-270**;

Elvir (Kadir) Kararić

1. DNA report for Elvir (Kadir) Kararić – **case number 9135616** – protocol number 12746/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-130-LFB, **Prosecution exhibit T-270**;
2. DNA report for Elvir (Kadir) Kararić – **case number 9134995** – protocol number 12746/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-20-LFM, **Prosecution exhibit T-270**;
3. DNA report for Elvir (Kadir) Kararić – **case number 9134991** – protocol number 12746/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-16-LIN, **Prosecution exhibit T-270**;
4. DNA report for Elvir (Kadir) Kararić – **case number 9135643** – protocol number 12746/09r dated 18 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-156-lui, **Prosecution exhibit T-270**;
5. DNA report for Elvir (Kadir) Kararić – **case number 9135597** – protocol number 12746/09r dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-111-MXT, **Prosecution exhibit T-270**;
6. DNA report for Elvir (Kadir) Kararić – **case number 9135017** – protocol number 12746/09r dated 4 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-44-LTB, **Prosecution exhibit T-270**;
7. DNA report for Elvir (Kadir) Kararić – **case number 9135637** – protocol number 12746/09r dated 4 March 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-150-LRD, **Prosecution exhibit T-270**;
8. DNA report for Elvir (Kadir) Kararić – **case number 9137845** – protocol number 12746/09r dated 18 August 2010, carried out upon the Order number: KTA-1/09-RZ from the sample 66a-h-32-RH, **Prosecution exhibit T-270**;

Kadir (Husein) Kararić

1. DNA report for Kadir (Husein) Kararić – **case number 9135178** – protocol number 12734/09 dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-97 MXT, **Prosecution exhibit T-270**;
2. DNA report for Kadir (Husein) Kararić – **case number 9135175** – protocol number 12734/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-94 RFM, **Prosecution exhibit T-270**;

3. DNA report for Kadir (Husein) Kararić – **case number 9135179** – protocol number 12734/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-98 MDT, **Prosecution exhibit T-270**;
4. DNA report for Kadir (Husein) Kararić – **case number 9135180** – protocol number 12734/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-100 RTB, **Prosecution exhibit T-270**;
5. DNA report for Kadir (Husein) Kararić – **case number 9137844** – protocol number 12734/09r dated 18 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample 96-RH, **Prosecution exhibit T-270**;

Elvin (Mehmed) Kauković

Death certificate number 04-202-1-651/2008, **Prosecution exhibit T-97**;

Meho (Ahmet) Kljajić

DNA report for Meho (Ahmet) Kljajić – **case number 9135564** – protocol number 12790/09 dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK 03/09-66 A/H-81-RFM, **Prosecution exhibit T-270**;

Ahmet (Salih) Krkić

Death certificate number 04-202-1-649/2008 dated 8 December 2008, **Prosecution exhibit T-98**;

Abaz (Omer) Kulašić

1. DNA report number 12 for Abaz (Omer) Kulašić – **case number 9108532** – protocol number 2592/03 dated 24 November 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-201**;
2. DNA report number 12 for Abaz (Omer) Kulašić – **case number 9108536** – protocol number 2592/03 dated 8 November 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-201a**;
3. DNA report number 12 for Abaz (Omer) Kulašić – **case number 9108543** – protocol number 2592/03 dated 8 November 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-201b**;
4. DNA report number 12 for Abaz (Omer) Kulašić – **case number 9108551** – protocol number 2592/03 dated 8 November 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-201c**;
5. DNA report number 12 for Abaz (Omer) Kulašić – **case number 9108772** – protocol number 2592/03 dated 8 March 2004, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-201d**;

Sakib (Ahmet) Kljajić

1. DNA report for Sakib (Ahmet) Kljajić – **case number 9135065** – protocol number 12724/09 dated 23 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-16/19-12 MXT, **Prosecution exhibit T-270**;
2. DNA report for Sakib (Ahmet) Kljajić – **case number 9135107** – protocol number 12724/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-43 LHM, **Prosecution exhibit T-270**;
3. DNA report for Sakib (Ahmet) Kljajić – **case number 9135087** – protocol number 12724/09r dated 27 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-33 RTB, **Prosecution exhibit T-270**;
4. DNA report for Sakib (Ahmet) Kljajić – **case number 9135101** – protocol number 12724/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-42 RIN-EX, **Prosecution exhibit T-270**;
5. DNA report for Sakib (Ahmet) Kljajić – **case number 9135100** – protocol number 12724/09r dated 25 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-41 LFM, **Prosecution exhibit T-270**;
6. Death certificate number 04-202-1-4513/2008 dated 7 August 2008, **Prosecution exhibit T-75**;

Velid (Ramo) Marošlić

1. DNA report for Velid (Ramo) Marošlić – **case number 9135630** – protocol number 12823/10r dated 18 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-143-RFB, **Prosecution exhibit T-270**;
2. DNA report for Velid (Ramo) Marošlić – **case number 9135561**– protocol number 12823/10r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-78-RFM, **Prosecution exhibit T-270**;
3. DNA report for Velid (Ramo) Marošlić – **case number 9135573** – protocol number 12823/10 dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-87-LFM, **Prosecution exhibit T-270**;

Himzo (Redžo) Marošlić

1. DNA report No 26 for Himzo (Redžo) Marošlić – **case number 9108540** – protocol number 2732/03 dated 6 May 2004, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-202**;
2. DNA report No 26 for Himzo (Redžo) Marošlić – **case number 9108799** – protocol number 2732/03 dated 5 December 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-202a**;
3. DNA report No 26 for Himzo (Redžo) Marošlić – **case number 9108788** – protocol number 2732/03 dated 8 March 2004, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-202b**;
4. DNA report No 26 for Himzo (Redžo) Marošlić – **case number 9108788** – protocol number 2732/03 dated 8 December 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-202c**;
5. Death certificate number 04-202-1-405/2008 dated 8 August 2008, **Prosecution exhibit T-76**;

Ejub (Abaz) Medić

Death certificate number 04-202-1-482/2008 dated 12 August 2008, **Prosecution exhibit T-77**;

Alija (Bećo) Mehmedagić

1. DNA report number 43 for Alija (Bećo) Mehmedagić – **case number 9108754** – protocol number 3162/03 dated 8 December 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-203**;
2. DNA report number 43 for Alija (Bećo) Mehmedagić – **case number 9108754** – protocol number 3162/03 dated 8 December 2003, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-203a**;

Osman (Husein) Mehmedagić

1. DNA report for Osman (Husein) Mehmedagić – **case number 9135035** – protocol number 12733/09 dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-8 RIN, **Prosecution exhibit T-270**;
2. DNA report for Osman (Husein) Mehmedagić – **case number 9135048** – protocol number 12733/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-15 RFM, **Prosecution exhibit T-270**;
3. DNA report for Osman (Husein) Mehmedagić – **case number 9135123** – protocol number 12733/09r dated 12 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-54 LFM, **Prosecution exhibit T-270**;

Asmir (Mehmed) Memić

1. DNA report for Asmir (Mehmed) Memić – **case number 9135579** – protocol number 12793/09 dated 27 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-93-LTB, **Prosecution exhibit T-270**;
2. DNA report for Asmir (Mehmed) Memić – **case number 9135598** – protocol number 12793/09r dated 25 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-112-MDT, **Prosecution exhibit T-270**;

3. DNA report for Asmir (Mehmed) Memić – **case number 9137912** – protocol number 12793/09r dated 26 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample 66a-h-148-LR-2, **Prosecution exhibit T-270**;
4. Death certificate number 04-202-1-413/2008 dated 8 August 2008, **Prosecution exhibit T-78**;

Himzo (Omer) Mrkalj

1. DNA report number 142 for Himzo (Omer) Mrkalj – **case number 9108754** – protocol number 3302/03 dated 13 February 2004, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-204**;
2. DNA report number 142 for Himzo (Omer) Mrkalj – **case number 9108805** – protocol number 3302/03 dated 16 April 2004, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-204a**;

Idriz (Haso) Muretčehajić

1. DNA report for number 113 for Idriz (Haso) Muretčehajić – **case number 9108792** – protocol number 2785/03 dated 6 May 2004, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-205**;
2. Death certificate number 04-202-1-404/2008 dated 8 August 2008, **Prosecution exhibit T-79**;

Edin (Osman) Mujkanović

1. DNA report for Edin (Osman) Mujkanović – **case number 9135531** – protocol number 12754/09 dated 11 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-52-LTB, **Prosecution exhibit T-270**;
2. DNA report for Edin (Osman) Mujkanović – **case number 9135645** – protocol number 12754/09r dated 14 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-158-LUI, **Prosecution exhibit T-270**;
3. DNA report for Edin (Osman) Mujkanović – **case number 9135659** – protocol number 12754/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-172-LRD, **Prosecution exhibit T-270**;
4. DNA report for Edin (Osman) Mujkanović – **case number 9135591** – protocol number 12754/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-105-MXT, **Prosecution exhibit T-270**;
5. DNA report for Edin (Osman) Mujkanović – **case number 9135607** – protocol number 12754/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-121-MDT, **Prosecution exhibit T-270**;
6. DNA report for Edin (Osman) Mujkanović – **case number 9135158** – protocol number 12754/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-79-LFM, **Prosecution exhibit T-270**;
7. DNA report for Edin (Osman) Mujkanović – **case number 9135125** – protocol number 12754/09r dated 4 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-55 LPT, **Prosecution exhibit T-270**;
8. DNA report for Edin (Osman) Mujkanović – **case number 9135159** – protocol number 12754/09r dated 12 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-80 LTB, **Prosecution exhibit T-270**;
9. DNA report for Edin (Osman) Mujkanović – **case number 9135629** – protocol number 12754/09r dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-142-RFB, **Prosecution exhibit T-270**;
10. DNA report for Edin (Osman) Mujkanović – **case number 9135547** – protocol number 12754/09r dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-66-LHM, **Prosecution exhibit T-270**;
11. DNA report for Edin (Osman) Mujkanović – **case number 9135136** – protocol number 12754/09r dated 25 February 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-65 LIN, **Prosecution exhibit T-270**;

12. DNA report for Edin (Osman) Mujkanović – **case number 9137920** – protocol number 12754/09r dated 18 August 2010, carried out upon the Order number: KTA-1/09-RZ from the sample 52-LT-2, **Prosecution exhibit T-270**;
13. DNA report for Edin (Osman) Mujkanović – **case number 9137851** – protocol number 12754/09r dated 18 August 2010, carried out upon the Order number: KTA-1/09-RZ from the sample 66a-h-56-RH, **Prosecution exhibit T-270**;

Husein (Hamdija) Mujkanović

1. DNA report for Husein (Hamdija) Mujkanović – **case number 9134992** – protocol number 12745/09 dated 18 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-17-LIN, **Prosecution exhibit T-270**;
2. DNA report for Husein (Hamdija) Mujkanović – **case number 9135571** – protocol number 12745/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-85-LFM, **Prosecution exhibit T-270**;
3. DNA report for Husein (Hamdija) Mujkanović – **case number 9135160** – protocol number 12745/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-81 LTB, **Prosecution exhibit T-270**;
4. Death certificate number 04-202-1-446/2008 dated 12 August 2008, **Prosecution exhibit T-81**;

Refik (Rasim) Mujkanović

1. DNA report for Refik (Rasim) Mujkanović – **case number 9135004** – protocol number 12309/09 dated 14 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-29-RFM, **Prosecution exhibit T-270**;
2. DNA report for Refik (Rasim) Mujkanović – **case number 9135648** – protocol number 12309/09r dated 29 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-161 RUI, **Prosecution exhibit T-270**;
3. DNA report for Refik (Rasim) Mujkanović – **case number 9137862** – protocol number 12309/09r dated 26 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample 66a-h-12 RP, **Prosecution exhibit T-270**;

Vasif (Mahmut) Mujkanović

1. DNA report for Vasif (Mahmut) Mujkanović – **case number 9135550** – protocol number 12818/09 dated 21 April 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-69-RHM, **Prosecution exhibit T-270**;

Nihad (Sulejman) Memić

Death certificate number 04-202-1-445/2008 dated 12 August 2008, **Prosecution exhibit T-80**;

Senad (Esad) Mujkanović

Death certificate number 04-202-1-447/2008 dated 12 August 2008, **Prosecution exhibit T-82**;

Fuad (Derviš) Muretčehajić

DNA report for Fuad (Derviš) Muretčehajić – **case number 9135557** – protocol number 12775/09 dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-75-RFM, **Prosecution exhibit T-270**;

Mehmed (Derviš) Muretčehajić

1. DNA report for Mehmed (Derviš) Muretčehajić – **case number 9135563** – protocol number 12749/09 dated 11 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-80-RFM, **Prosecution exhibit T-270**;
2. DNA report for Mehmed (Derviš) Muretčehajić – **case number 9135577** – protocol number 12749/09r dated 14 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-91 LFM, **Prosecution exhibit T-270**;
3. DNA report for Mehmed (Derviš) Muretčehajić – **case number 9135624** – protocol number 12749/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-137-LFB, **Prosecution exhibit T-270**;

4. DNA report for Mehmed (Derviš) Muretčehajić – **case number 9135624** – protocol number 12749/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-95-LTB, **Prosecution exhibit T-270**;
5. DNA report for Mehmed (Derviš) Muretčehajić – **case number 9135581** – protocol number 12749/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-186-LIN, **Prosecution exhibit T-270**;
6. Death certificate number 04-202-1-449/2008 dated 12 August 2008, **Prosecution exhibit T-83**;

Faik (Osman) Rizvančević

1. DNA report for Faik (Osman) Rizvančević – **case number 9135156** – protocol number 12814/09 dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-77 RFM, **Prosecution exhibit T-270**;
2. DNA report for Faik (Osman) Rizvančević – **case number 9135603** – protocol number 12814/09r dated 15 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-117-MXT, **Prosecution exhibit T-270**;
3. DNA report for Faik (Osman) Rizvančević – **case number 9135154** – protocol number 12814/09r dated 25 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-77 RIN, **Prosecution exhibit T-270**;
4. DNA report for Faik (Osman) Rizvančević – **case number 9136505** – protocol number 12814/09r dated 1 April 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-114-MDT, **Prosecution exhibit T-270**;
5. DNA report for Faik (Osman) Rizvančević – **case number 9135152** – protocol number 12814/09r dated 7 April 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-77 LFM, **Prosecution exhibit T-270**;

Nail (Džemal) Sadić

1. DNA report for Nail (Džemal) Sadić – **case number 9135019** – protocol number 12741/09 dated 17 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66-g-1-MXT, **Prosecution exhibit T-270**;
2. DNA report for Nail (Džemal) Sadić – **case number 9135606** – protocol number 12741/09r dated 11 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66-A/H-120-RPT, **Prosecution exhibit T-270**;
3. DNA report for Nail (Džemal) Sadić – **case number 9135578** – protocol number 12741/09r dated 14 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66-A/H-92-LHM, **Prosecution exhibit T-270**;
4. DNA report for Nail (Džemal) Sadić – **case number 9135619** – protocol number 12741/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66-A/H-132-LFB, **Prosecution exhibit T-270**;
5. DNA report for Nail (Džemal) Sadić – **case number 9135545** – protocol number 12741/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-64-RTB, **Prosecution exhibit T-270**;
6. DNA report for Nail (Džemal) Sadić – **case number 9135667** – protocol number 12741/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-180-RUI, **Prosecution exhibit T-270**;
7. DNA report for Nail (Džemal) Sadić – **case number 9135538** – protocol number 12741/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-59-RHM, **Prosecution exhibit T-270**;
8. DNA report for Nail (Džemal) Sadić – **case number 9135129** – protocol number 12741/09r dated 12 April 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-59-RIN, **Prosecution exhibit T-270**;
9. DNA report for Nail (Džemal) Sadić – **case number 9137840** – protocol number 12741/09r dated 18 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample 77-LT-2, **Prosecution exhibit T-270**;

Bajazid (Hamza) Saldumović

1. DNA report for Bajazid (Hamza) Saldumović – **case number 9135574** – protocol number 12799/09 dated 15 April 2010 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-88-LFM, **Prosecution exhibit T-270**;
2. Death certificate number 04-202-1-450/2008 dated 12 August 2008, **Prosecution exhibit T-84**;

Jasmin (Mehmed) Saldumović

1. DNA report for Jasmin (Mehmed) Saldumović – **case number 9134996** – protocol number 12778/09 dated 24 December 2009 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-21-LFM, **Prosecution exhibit T-270**;
2. DNA report for Jasmin (Mehmed) Saldumović – **case number 9135627** – protocol number 12778/09r dated 24 December 2009 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-140-RFB, **Prosecution exhibit T-270**;
3. DNA report for Jasmin (Mehmed) Saldumović – **case number 9135532** – protocol number 12778/09r dated 24 December 2009 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-53-RTB, **Prosecution exhibit T-270**;
4. DNA report for Jasmin (Mehmed) Saldumović – **case number 9135661** – protocol number 12778/09r dated 21 January 2010 carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-174-LRD, **Prosecution exhibit T-270**;
5. DNA report for Jasmin (Mehmed) Saldumović – **case number 9137902** – protocol number 12778/09r dated 18 August 2010 carried out upon the Order number KTA-1/09-RZ from the sample 66a-h-14-rp, **Prosecution exhibit T-270**;

Kasim (Šefik) Sivac

1. DNA report number 96 for Kasim (Šefik) Sivac – **case number 9108797** – protocol number 5121/05 dated 11 February 2005, carried out upon the Order number: KRI-8/03, **Prosecution exhibit T-207**;
2. DNA report number 96 for Kasim (Šefik) Sivac – **case number 9108782** – protocol number 5121/05r dated 11 February 2005, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-207a**;

Merzuk (Ibrahim) Sivac

1. DNA report number 109 for Merzuk (Ibrahim) Sivac – **case number 9108797** – protocol number 2876/03 dated 21 January 2004 carried out upon the Order KRI-8/03, **Prosecution exhibit T-206**;
2. DNA report number 109 for Merzuk (Ibrahim) Sivac – **case number 9108795** – protocol number 2876/03 dated 21 January 2004 carried out upon the Order KRI-8/03, **Prosecution exhibit T-206a**;
3. DNA report number 109 for Merzuk (Ibrahim) Sivac – **case number 9108803** – protocol number 2876/03 dated 17 March 2004 carried out upon the Order KRI-8/03, **Prosecution exhibit T-206b**;

Edin (Munib) Sivac and Nedžad (Munib) Sivac

1. DNA report number 91 for Edin (Munib) Sivac or Nedžad (Munib) Sivac – **case number 9108749** – protocol number 2596/03 dated 6 May 2004 carried out upon the Order number KRI-8/03, **Prosecution exhibit T-212**;
2. DNA report number 91 for Edin (Munib) Sivac or Nedžad (Munib) Sivac – **case number 9108790** – protocol number 2596/03 dated 8 November 2003 carried out upon the Order number KRI-8/03, **Prosecution exhibit T-212a**;

Omer (Halil) Šljivar

DNA report number 7 for Omer (Halil) Šljivar – **case number 9108529** – protocol number 2731/03 dated 8 November 2003 carried out upon the Order number KRI-8/03, **Prosecution exhibit T-208**;

Zilhad (Huska) Selimović

1. DNA report for Zilhad (Huska) Selimović – **case number 9135013** – protocol number 12750/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-39-LTB, **Prosecution exhibit T-270**;
2. DNA report for Zilhad (Huska) Selimović – **case number 9135609** – protocol number 12750/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-123-LFB, **Prosecution exhibit T-270**;
3. DNA report for Zilhad (Huska) Selimović – **case number 9134981** – protocol number 12750/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-6-LIN, **Prosecution exhibit T-270**;

Mehmedalija (Ibrahim) Talić

1. DNA report for Mehmedalija (Ibrahim) Talić – **case number 9134983** – protocol number 12697/09 dated 10 December 2009, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-8-LIN, **Prosecution exhibit T-270**;
2. DNA report for Mehmedalija (Ibrahim) Talić – **case number 9135553** – protocol number 12697/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-71-RHM, **Prosecution exhibit T-270**;
3. DNA report for Mehmedalija (Ibrahim) Talić – **case number 9135127** – protocol number 12697/09r dated 21 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-57-LTB, **Prosecution exhibit T-270**;
4. DNA report for Mehmedalija (Ibrahim) Talić – **case number 9135565** – protocol number 12697/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-82-LFM, **Prosecution exhibit T-270**;
5. DNA report for Mehmedalija (Ibrahim) Talić – **case number 9135646** – protocol number 12697/09r dated 27 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-66 A/H-195-RUI, **Prosecution exhibit T-270**;
6. DNA report for Mehmedalija (Ibrahim) Talić – **case number 9135138** – protocol number 12697/09r dated 29 January 2010, carried out upon the Order number: KTA-1/09-RZ from the sample SK-03/09-67-RTB, **Prosecution exhibit T-270**;

Sakib (Bejdo) Trnjanin

DNA report number 40 for Sakib (Bejdo) Trnjanin – case number 9108554 – protocol number 5039/04 dated 11 February 2005, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-209**;

Seid (Miralem) Vehabović

Death certificate number 04-202-1-650/2008 dated 8 December 2008, **Prosecution exhibit T-95**;

Fadil (Ramo) Velić

1. DNA report for Fadil (Ramo) Velić – **case number 9134985** – protocol number 12755/09r dated 11 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-10-LIN, **Prosecution exhibit T-270**;
2. DNA report for Fadil (Ramo) Velić – **case number 9135523** – protocol number 12755/09 dated 14 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-40-LTB, **Prosecution exhibit T-270**;
3. DNA report for Fadil (Ramo) Velić – **case number 9135614** – protocol number 12755/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-128-RFB, **Prosecution exhibit T-270**;
4. DNA report for Fadil (Ramo) Velić – **case number 9135150** – protocol number 12755/09r dated 4 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-75-RFM, **Prosecution exhibit T-270**;

Ekrem (Zuhdija) Velić

1. DNA report for Ekrem (Zuhdija) Velić or Enes (Zuhdija) Velić – **case number 9135024** – protocol number 12777/09 dated 11 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-3-RPT, **Prosecution exhibit T-270**;

2. DNA report for Ekrem (Zuhdija) Velić or Enes (Zuhdija) Velić – **case number 9135520** – protocol number 12777/09r dated 11 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-11 a-LVT, **Prosecution exhibit T-270;**
3. DNA report for Ekrem (Zuhdija) Velić or Enes (Zuhdija) Velić – **case number 9135043** – protocol number 12777/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-11 a-LVT, **Prosecution exhibit T-270;**

Ziko (Husein) Zahirović

1. DNA report for Ziko (Husein) Zahirović – **case number 9135002** – protocol number 12747/09r dated 18 December 2009, carried out upon the Order No KTA-1/09-RZ from the sample SK-03/09-66 A/H-27-LFM, **Prosecution exhibit T-270;**
2. DNA report for Ziko (Husein) Zahirović – **case number 9134988** – protocol number 12747/09r dated 18 December 2009, carried out upon the Order No KTA-1/09-RZ from the sample SK-03/09-66 A/H-13-LIN, **Prosecution exhibit T-270;**
3. DNA report for Ziko (Husein) Zahirović – **case number 9135548** – protocol number 12747/09r dated 21 January 2010, carried out upon the Order No KTA-1/09-RZ from the sample SK-03/09-66 A/H-67-LHM, **Prosecution exhibit T-270;**
4. DNA report for Ziko (Husein) Zahirović – **case number 9135589** – protocol number 12747/09r dated 21 January 2010, carried out upon the Order No KTA-1/09-RZ from the sample SK-03/09-66 A/H-103 MDT, **Prosecution exhibit T-270;**
5. DNA report for Ziko (Husein) Zahirović – **case number 9135590** – protocol number 12747/09r dated 25 February 2010, carried out upon the Order No KTA-1/09-RZ from the sample SK-03/09-66 A/H-104-MDT **Prosecution exhibit T-270;**
6. DNA report for Ziko (Husein) Zahirović – **case number 9135657** – protocol number 12747/09r dated 12 March 2010, carried out upon the Order No KTA-1/09-RZ from the sample SK-03/09-66 A/H-170-LUI, **Prosecution exhibit T-270;**

Nedžad (Latif) Zulić

1. DNA report number 115 for Nedžad (Latif) Zulić – **case number 9108800** – protocol number 2867/03 dated 11 December 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-210;**
2. DNA report number 115 for Nedžad (Latif) Zulić – **case number 9108800** – protocol number 2867/03 dated 2 December 2003, carried out upon the Order number KRI-8/03, **Prosecution exhibit T-210;**
3. Death certificate number 04-202-1-454/2008 dated 12 August 2008, **Prosecution exhibit T-85;**

Ferid (Karanfil) Žerić

1. DNA report for Ferid (Karanfil) Žerić – **case number 9135029** – protocol number 12698/09 dated 10 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-5 MDT, **Prosecution exhibit T-270;**
2. DNA report for Ferid (Karanfil) Žerić – **case number 9135027** – protocol number 12698/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-4-RFM, **Prosecution exhibit T-270;**
3. DNA report for Ferid (Karanfil) Žerić – **case number 9135023** – protocol number 12698/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-2-RPT, **Prosecution exhibit T-270;**

Sakib (Idriz) Žerić

1. DNA report for Sakib (Idriz) Žerić – **case number 9134997** – protocol number 12744/09 dated 23 December 2009, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-22-LFM, **Prosecution exhibit T-270;**
2. DNA report for Sakib (Idriz) Žerić – **case number 9135530** – protocol number 12744/09r dated 11 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-51-RTB, **Prosecution exhibit T-270;**

3. DNA report for Sakib (Idriz) Žerić – **case number 9135072** – protocol number 12744/09r dated 11 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-19 LIN, **Prosecution exhibit T-270**;
4. DNA report for Sakib (Idriz) Žerić – **case number 9135592** – protocol number 12744/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-106-MDT, **Prosecution exhibit T-270**;
5. DNA report for Sakib (Idriz) Žerić – **case number 9135623** – protocol number 12744/09r dated 21 January 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-136-LFB, **Prosecution exhibit T-270**;
6. DNA report for Sakib (Idriz) Žerić – **case number 9135604** – protocol number 12744/09r dated 25 February 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-118-MDT, **Prosecution exhibit T-270**;
7. DNA report for Sakib (Idriz) Žerić – **case number 9135586** – protocol number 12744/09r dated 4 March 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66 A/H-100-MXT, **Prosecution exhibit T-270**;
8. DNA report for Sakib (Idriz) Žerić – **case number 9137859** – protocol number 12744/09r dated 18 August 2010, carried out upon the Order number KTA-1/09-RZ from the sample SK-03/09-66a-h-61-rh-2, **Prosecution exhibit T-270**;

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